VILLAGE OF GREENPORT
ZONING BOARD OF APPEALS

REGULAR MEETING AGENDA
August 21, 2013
5:00 p.m.

Meeting held at the Greenport Firehouse
236 Third Street, Greenport, New York 11944

APPEARANCES:
Douglas Moore - Chairman
Charles Benjamin
David Corwin
Ellen Neff
Denise Rathbun
Joseph Prokop - Village Attorney
David Abatelli - Village Administrator
Eileen Wingate - Village Building Inspector
(Not Present)
CHAIRMAN MOORE: I'd like to call the meeting to order. This is a Regular Session of the Greenport Zoning Board of Appeals.

It's 5:15. I apologize for the delay.

There's a lot of papers shuffling tonight to keep track of all the information.

Tonight we have two Public Hearings before the regular agenda, and the first one is a public hearing for an application for a use variance for Margaret and Anthony McDonald, 629 Main Street, Suffolk County Tax Map 1001-2-6-50, located in the R-2 District.

The Applicants seek a building permit to construct a second residential unit in the R-2 District.

Article IV, Section 150-8A(2), One and Two-Family Residential District, states:

In a Two-Family Residential District, no building or premises shall be used and no building or part of the building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose, except a two-family dwelling.

This public hearing was appropriately noticed in the Suffolk Times, and the adjacent
property owners were notified. I'll read
those as best I can as to their location.
Joseph Filasky, and, unfortunately, it's Post
Office Box 342, Aquebogue; Stanley Corwin, 634
First Street; Margaret McDonald, again, that's
the property owner; Greenport United Methodist
Church, 624 First Street; David Corwin, 639
Main Street; Karen and Jack Pollack, 630 First
Street. And that should be the people that
were notified by mail.

And does the applicant -- do you have
the mail receipts that would indicate those
were appropriately sent? I should also
mention that the placard on the property, I
believe, was properly placed before --

MR. ABATELLI: This is the --

CHAIRMAN MOORE: Okay, thank you. Thank
you very much. So, with that in mind, I can
indicate that we had one piece of
 correspondence regarding the property, and I
can read that into the record.

Are the Pollacks here, as far as --

MS. POLLACK: That's me.

CHAIRMAN MOORE: Did you wish to speak
personally?
MS. POLLACK: Yes.

CHAIRMAN MOORE: You could do that, and then we could -- if you cover the details in the letter, we'll just file this with the application --

MS. POLLACK: That's fine.

CHAIRMAN MOORE: -- if you'd like to do that.

MR. CORWIN: I would ask that the letter, please, be read.

CHAIRMAN MOORE: To be read, okay, and we'll do that as well. But I might, before you speak, ask the Applicant just to come up and indicate what they're requesting to do, if you would like to do so. Otherwise, we can just go ahead with the public comments.

MS. MC DONALD: Hi. I'm Margaret McDonald, 629 Main Street in Greenport. We intend to destroy or knock down an existing structure that has been used as a seasonal rental by the previous owners, because the building is in extremely bad disrepair, rotting, and sinking and everything else. We plan to knock it down and reconstruct another unit, reconstruct another
building that would be for a seasonal rental
for rental purposes. It would, hopefully,
meet -- we would make it code and the property
would be maintained.

We plan to make the property, the whole
piece of property, look acceptable to the
Village, since the Village really wants to
keep an historic area where we live, in
keeping with the other structures in the
District and we plan to do that.

CHAIRMAN MOORE: Okay. So any members
of the public -- why don't I read the letter,
and if you'd like to make any additional
comments, then I'll do that.

And this is a letter to the Zoning Board
of Appeals regarding the proposed use variance
at 629 Main Street.

"I live at 630 First Street, located
west and adjacent to the above-referenced
property. After meeting with Ms. Wingate this
afternoon, I understand the following." This
is dated August 21st.

"Under the current Zoning Code, on a lot
in a Two-Family District, I would not be
permitted to build a separate structure to be
used as a residence, even if an existing
structure is only single-family. If I wanted
to use my property as a two-family, both
residences would need to be in a single
structure sharing a common wall.

I was advised that the existing
structure in question, the guest cottage, has
a Certificate of Occupancy as a garage/studio,
and, thusly, doesn't qualify as a legal
residence.

Ms. Wingate indicated that the proposed
construction is meant to replace the existing
building, as it is currently in the state of
disrepair. As backyard neighbors sharing a
fence, I strenuously accept" -- "object to the
proposal.

First, what exists is not a building
that is a legal dwelling. Replacement of the
existing structure could be accurately
described as building another non-dwelling
garage studio. Further, I was told that this
would not be permitted. If this is the case,
how can it be fair to allow a separate
structure to be built that would include legal
occupancy, enabling the property owner to rent
it out?

If the owner wishes to use the property as two-family, don't they have the option to convert the large existing home to a two-family, either by renovation or addition?

By building a second house on a lot approximately one-quarter acre would adversely affect the enjoyment of my own property.

I respectfully request that the proposed use variance be denied. Thank you for your consideration." And it's signed by Karen Pollack.

Would you like to comment as well?

MRS. POLLACK: Please.

CHAIRMAN MOORE: Come to the microphone. Just give your name and address, if you would.

MRS. POLLACK: Okay. Please, excuse me, I'm kind of nervous. I feel like I might have a stroke. I'm Karen. I'm Peg and Anthony's neighbor. I'm at 6 -- Karen Pollack, 630 First Street in Greenport. My backyard abuts the McDonalds' backyard. And I just wanted to comment on -- you just heard my letter, but I wanted to comment about what Peg said, that the existing cottage was used as a seasonal
rental by the previous owners.

Now, I've been here since the Year 2000. I'm not sure what year the McDonalds bought the property, but since May, I believe I closed on the house, in the Year 2000, that structure has never been used as a dwelling.

Now, I don't think it's -- I understand that Peg and Anthony want to make a lovely property and rent it out, but just having a property in a Two-Family Zoned District doesn't mean you can build a second house on the lot. I was told that if there's an existing house, it doesn't matter if it's only being used as a one-family house, you still can't build another house on the lot; that a two-family means one structure, one house; that they have to share a common wall, and that's what two-family means.

The current building that's there, apparently, it had been originally -- I understand that it had been originally built as a barn. It was clearly an out-building, an accessory structure, and not even originally designed as any kind of dwelling.

The current CO, which I heard from
Eileen, is that it's not zoned for people to
inhabit and live in, it's a garage/studio.
And so, although, if it's in disrepair and it
needs to be demolished, and they wish to
rebuild a structure, well, then rebuild
another garage/studio, but I don't feel it's
fair that they should be able to build a
house.

Also, I just wanted to add that if this
area in the Village, in the Historic Village
of Greenport, if we were looking at zoning,
which was two-acre zoning, five-acre zoning,
and there's all kinds of space to spread out
and tons of privacy, I might feel differently,
but it's not, these are small lots.

Now, already there's -- you know, Peg
and Anthony have built a big garage, which is
only, I believe, like five feet off my
property line. That's a pretty big structure,
but, apparently, that was in compliance,
there's nothing wrong with that. To build
another -- to build a brand new structure
again very close to my property line, I just
feel that it's just unfair.

Having the existence in an old historic
neighborhood of having some sort of
out-building, a carriage house, a guest
cottage, a barn, a studio, and then using that
as the means to build another house I just
don't think is fair.

And, with all due respect to Peg and
Anthony, because they're very nice neighbors,
I don't mean to be negative, but it would
greatly affect my privacy and my property. On
a few occasions when people did stay in that
structure, I felt -- really felt like I was in
a fishbowl. And if a rental -- if a seasonal
or year-round rental is what's -- is what the
McDonald's are looking for, they have a big
house. They have a big house. By looking at
it, it easily could be a two-family on its
own. And so I just would wonder, why a
separate house?

You know, an engineer, an architect
could surely design something where they could
make it a two-family and have an income
property with their existing house. I
understand why they wouldn't want to, because
they're living in their house as a single
family. It's like, "Oh, we don't want to
share," you know, "share our own house, we
want the rental back by Karen's yard." And
I'm afraid, I just don't feel it's fair.
    Thank you for listening to me, and good
night.

    MR. CORWIN: Thank you.
    CHAIRMAN MOORE: Thank you. Are there
any other members of the public that would
like to speak regarding the McDonald
application? If not, would the Board be
amenable to closing the public hearing?
    MR. CORWIN: I think I would just give
some of my personal knowledge of that
structure, as I have been a neighbor of that
structure for quite a while, and I now own a
piece of property that abuts it.

    And when I was I have kid, Fred Langdon
Corwin owned the property, no relation, and I
can remember playing upstairs, and the
upstairs, there was a barn, that's what it
was. I don't know if Mr. Corwin used it as a
garage or not, but it was a barn. Maybe
somebody used it as a garage later. Then,
about 15, 16, 17 years ago, it was converted
into an accessory structure, an accessory
dwelling structure.

I don't know if there was a Certificate of Occupancy issued at that time. There shouldn't have been if there was, because there is no provision under the Building Code for accessory dwelling structures. Thank you.

CHAIRMAN MOORE: Okay. Thank you, David.

MR. PROKOP: Can I just mention one thing?

CHAIRMAN MOORE: Yes.

MR. PROKOP: I just wanted to mention, since it's on the agenda, I think there's a misprint here. I pointed this out when this application was first noticed, but it says that the -- in a Two-Family Residential District, no building or premises shall be used and no building or part of a building shall be erected" -- "in whole or in part for any purpose except a two-family dwelling."

That's not correct. I pointed that out once before.

Actually, what's allowed in a Two-Family District is either a one-family dwelling or a two-family dwelling. The problem with this
building is that it's the second one-family
dwelling on the property, so you cannot -- you
cannot have two one-family dwellings on a
property. But that being said, the -- it's
just not -- it's just not technically correct,
because --

CHAIRMAN MOORE: In other words, that's
not a direct quote from the Code.

MR. PROKOP: Yeah. It's not correct
that the only thing that's allowed on an R-2
is a two-family dwelling. What's allowed in
R-2 --

CHAIRMAN MOORE: I see.

MR. PROKOP: -- is a one-family dwelling
and a two-family dwelling. It's just that you
cannot have two one-family dwellings on the
same property, that's the problem.

CHAIRMAN MOORE: That's right. I
believe The code indicates that in the R-2
District, that all of the allowances in the
R-1 District apply.

MR. PROKOP: Right.

CHAIRMAN MOORE: And the second item is
two-family dwelling. So, in the long section
of the R-1 District, it does indicate a
one-family dwelling, so we understand that

correction.

I should also -- perhaps I'll wait until
public comment is closed. Would the Board
then be willing to close the public hearing?
We have a new arrival.

MR. CORWIN: I think I'd like to make
one more comment.

CHAIRMAN MOORE: Yes.

MR. CORWIN: And that is we received a
survey with the existing -- what I would refer
to as a barn on it. And then we received a
plan for a structure that is quite a few
square feet larger. We did not receive any
site plan or survey that shows where the
proposed structure would be located on the
property.

CHAIRMAN MOORE: Okay. Thank you. The
gentleman that just arrived, are you
Mr. McDonald?

MR. MC DONALD: Yes.

CHAIRMAN MOORE: Okay. I didn't know if
you wished to make any comments while the
public hearing was still open. We have heard
testimony from one neighbor, and your wife
indicated what the project entailed. I didn't
know if you chose to make any comments
yourself, because I was prepared to close the
hearing at this point. We'll have the
opportunity to talk with you as the Applicant
directly, have questions and answers, and I'm
sure there'll be some.

MR. MC DONALD: Well, they had said That
there was no plan. We submitted a survey.

CHAIRMAN MOORE: Can you come up to the
microphone, please?

MR. MC DONALD: Yeah. We submitted
surveys, and diagrams and dimensions. The
building is not that much bigger than the
other one. As a matter of fact, it doesn't
have to be bigger than the other one at all.
About the same size as the other one would be
fine, but that was all on there.

All we're looking to do is replace
something that's already there. This is not a
new structure, a new idea. The usage, nothing
is new here, everything is the same that we
proposed, except the building is decrepit.
We'd like to replace it with something solid
and good looking, instead of the old one
that's there

CHAIRMAN MOORE: Yes, I understand. I think Mr. Corwin was indicating that the survey that's provided shows the old structure, which is identified as a garage.

MR. MC DONALD: Yeah.

CHAIRMAN MOORE: But that the new structure, while there were some pictures, some schematics of a cottage that would be potentially one that you would construct, it didn't show where it was sited on the property and what setbacks there would be, and that's normally necessary if the process is moving forward.

MR. MC DONALD: I thought we had done that. The side -- the setback is five feet, isn't it? Isn't that a standard figure for that?

CHAIRMAN MOORE: That's the minimum setback, but what -- I think the point was that the plan doesn't specifically show anything, and I don't know if the other Board Members have seen anything to support that.

MR. MC DONALD: We had hired a surveyor, and I thought we put a picture in there what
the new one was going to be; basically the
same spot. The only reason it's a little bit
bigger is because we're looking to go with a
cottage that's already -- plans are submitted
for the -- they call it Katrina cottages,
actually, originally planned down in
Louisiana, but it will be one story instead of
two stories. The current one, the building
there now is two stories.

CHAIRMAN MOORE: Understood.

MR. MC DONALD: So I would be perfectly
happy to get it down to one story, but I would
need a few more square feet, put into it what
we have in two stories. But I can go with
what's there. I mean, it doesn't matter to
me. I can just replace what's there the same
way it is, same dimension, same height,
everything. But the newer idea is easier and
it would look better, and it meets a little
more with the height requirements that are
already here in town.

CHAIRMAN MOORE: Yes. The only concern
is, without a specific application, and I'm
not sure whether the building permit had that
on it, that the siting of the building could
be quite important as to the impact, as far as
its effect on the property. And without
specifying that, we're kind of hanging without
any information. It perhaps would be better
if you could do that.

We could proceed on the terms of the
general principle of the replacement. I think
one of the main difficulties that is going to
be is that the Code does not allow a
replacement of a nonconforming structure, and
that would be the allowance that would be
given for the property.

And there has been an issue about R-2
District, two separate dwellings on a single
property as strictly not being permitted, and
we've been following that lead very strictly.
And you're proposing to actually demolish and
reconstruct a nonconforming structure that is
strictly prohibited by that part of the code.

MR. MC DONALD: Well, The Village knew
about this five or six years before we bought
the house, so this is nothing new here. I
could understand going through some sort of
rigmarole here if we were applying for
something brand new that wasn't there. I
could live with that if you said, all right, the Village doesn't want -- why you wouldn't want them anymore, I don't know, since this is a tourist village and it seemed to make sense. But, if we were applying for something that wasn't there, I could see the point here. But what baffles me here is the lack of common sense.

I find it hard dealing with this kind of thing. It's there. It's there, it was rented five or six years before we got there. We bought it under those circumstances. We have the ad, and we bought it with the idea it was a rental cottage. Otherwise, we have no use for the place. If it wasn't for a B and B and a rental cottage, and all that, I don't need 3100 square feet of house. You know, we bought it with that in mind.

CHAIRMAN MOORE: Okay.

MR. MC DONALD: We put a lot of money into it, fixed it up, it looks pretty good. The cottage in the back looks like hell. What I'd like to do is knock it down, put a brand new one up nice and solid, match the paint work to the house and the workshop in the back
so it looks nice. I would think that you'd be interested in that; maybe I'm wrong. But why you wouldn't be, I don't know, but I would think that the Village would be interested in that.

Nothing is changing. This is what baffles me about this whole thing. Nothing is changing, it's only going to get better. I mean, I could leave it there. I don't have -- I mean, I'm not going to starve without it. I could leave it there and let it fall down, and if it does, I'm not going to do anything with it. I'll just leave it there and let it fall down in a heap, and then it will really look bad. You know, I could play this game, too. I don't -- I feel I'm doing us a favor and that it's our -- it's for us that I'm doing this. Needless to say, I'm not going to blow smoke at you and say I'm doing this for the Village of Greenport, but it's not going to hurt the Village of Greenport either. It's going to look a lot better.

It is a tourist village. There's hundreds of thousands of people coming here every year looking for space. There's the
vineyards and a thousand other things here to
attract them. That's why we bought this
place. Otherwise, I could do fine with a
bungalow, I don't need a big Victorian house.
We bought it to put a B and B in it. The
rental bungalow was there already. It looks
lousy. We were going to make it look right,
unless we meet enough resistance here, then I
could leave it the way it is.

CHAIRMAN MOORE: Okay. Thank you.

We'll have the opportunity to continue
discussions, because we're -- at this point,
we're looking for public input such as
neighbors and other people, and we may have
had that at this point. So, if you
wouldn't -- we'll re-engage you after we close
the public hearing, and we'll have the
opportunity to actually continue talking.

MR. MC DONALD: Yeah. Even That, like I
said, it's there already. So, if I choose to
do nothing, then what's the public input going
to do? Then we're just going to leave it
there, and everybody in the public around us
is going to look at the same old decrepit
cottage, so I don't see the point in that
CHAIRMAN MOORE: Well, the point of the public input is that it's part of the process. It gives the neighbors and any interested parties the opportunity to make their feelings felt, and that is what we're doing. So we'll proceed with that.

MR. MC DONALD: I think it's a little late for that, it's already there. If we were going to build a new one, I could understand, but it's a little late for that.

CHAIRMAN MOORE: Sir, I'm not arguing with you as to whether the cottage -- the garage is still there. I'm talking to you about we're doing as far as the process, and we'll try and proceed with that now, if we may.

MR. MC DONALD: Okay, very good. Thank you.

CHAIRMAN MOORE: So, with that in mind, since the Board does have the opportunity -- ah, yes, ma'am.

MS. POLLACK: May I speak again, or no?

CHAIRMAN MOORE: Yes, you may.

MS. POLLACK: Okay, thank you. I'm
Karen Pollack again. I still live at 630 First Street. I just wanted to rebut a few comments that Anthony made.

Yes, the structure is there, but the structure, since the Year 2000, when I bought my house, has never been rented. And my understanding is that with the current occupancy for the structure, it's not legal to rent it. It's not a residence, it's not a dwelling, it's an out-building. And so I just wanted to clarify that I don't -- I disagree with what Anthony is saying, that it's always been rented, because it hasn't since the Year 2000, it's 13 years ago.

And, currently, the zoning -- the certificate of -- the CO for the structure is the CO for the structure. That's what's legal for it to be used as. And the fact that it might look better, it might improve the property is not -- I don't think is germane here. I think what is is that you're not supposed to build a second house, two separate dwellings. Even if it is two-family, that is zoned two-family, that that is -- that two-family means one building.
And so I think that the fact that there's a -- what used to be a barn on the property shouldn't be the entryway into getting a second house built. There's too many -- there's too many cottages, barns, garages, studios, that that -- that this would set a dangerous precedent to -- for the construction of additional residences in two-family, multi-family zoning. Thank you.

CHAIRMAN MOORE: Okay. Thank you.

Okay. With the Board's understanding that we'll have adequate opportunity to talk with the Applicants, may I suggest that we entertain a motion to close the public hearing?

MS. RATHBUN: So moved.

MS. NEFF: Second.

CHAIRMAN MOORE: Second --

MR. CORWIN: Question before we close the public hearing.

CHAIRMAN MOORE: Any discussion?

MR. CORWIN: Should we have a site plan prior to the public hearing, that somebody might or might not want to comment on, in light of the fact we didn't have a site plan?
CHAIRMAN MOORE: My consideration at this point is that the owner was amenable to an appropriate placement of a structure. And it seems that the main discussion is going to going revolve around the permissibility of reestablishing a nonconforming structure. And if we get to that point, I don't know if it would require reopening the hearing if a site plan was prepared showing a placement of the house, which is understood to be essentially where it is now.

MR. PROKOP: Well, you could request the -- you certainly could request a survey showing the proposed location of the new structure.

You know, one of the things that's going on here is the -- the only thing that's before us now is the use variance to have this second structure. But, you know, one of the things that's going on here is that, as you said before, this is a nonconforming structure. And if it's totally demolished, then they're going to lose any nonconformity, that they have any right to nonconformity. So it certainly -- you know, so for that reason,
number one, it's, you know, often done that
you would request to see the location.

The second thing is, as you had said,
and I agree 100%, it's the only way that we
can judge the impact on the neighbors and the
neighborhood, is to see where the location of
the structure is going to be.

CHAIRMAN MOORE: And would you suggest
that that has bearing on keeping the public
hearing open, then? Would you say that we'd
request a site plan?

MR. PROKOP: It would only be my
recommendation, but I think that, yes, to get
proper input from the public, it's, you
know --

CHAIRMAN MOORE: So that would be --

MR. PROKOP: Because the public doesn't
really know what to comment on if they haven't
seen anything.

CHAIRMAN MOORE: That would be the
course, then, if the Board would be agreeable
to follow, that we would request a more
detailed site plan with the placement and size
of the structure that would presumably replace
the existing structure, and we would then be
able to hear any additional public comments,
if they arose, at the next meeting. May I
make that motion to the Board?

MR. CORWIN: Point of order.

CHAIRMAN MOORE: Yes.

MR. CORWIN: There's a motion on the
table that has to be voted on first.

CHAIRMAN MOORE: Thank you. Okay. And
what is it? Where are we with that?

MS. NEFF: It was seconded.

MR. CORWIN: Roll call vote, please.

CHAIRMAN MOORE: What is the motion?

MR. CORWIN: The motion was --

MS. NEFF: To close.

MR. CORWIN: -- to close the public
hearing.

CHAIRMAN MOORE: Oh, okay. Thank you.
To close the public hearing, so may I have a
vote, please? Ms. Rathbun, whether you want
to close the hearing or leave it open, pending
submission of a site plan.

MS. RATHBUN: Well, under those
circumstances, I'll prefer to leaving the
meeting open.

CHAIRMAN MOORE: So you would say?
MR. CORWIN: That would be a yes vote, right?

MS. RATHBUN: Thank you.

CHAIRMAN MOORE: A yes is to close the public hearing?

MR. CORWIN: So it would be a no vote.

Sorry.

CHAIRMAN MOORE: So it would be a vote.

No?

MS. RATHBUN: No vote.

CHAIRMAN MOORE: And Mr. Corwin?

MR. CORWIN: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

MR. BENJAMIN: No.

CHAIRMAN MOORE: Then I vote no. So we are leaving the public hearing open at this point. And what we will --

MR. CORWIN: Now we need a motion to adjourn it and leave it open.

CHAIRMAN MOORE: Okay. So I would then make a motion that we adjourn the public hearing, keeping it open, pending submission of a site plan depicting the location and size of the proposed structure. And we will hear
any additional testimony after that submission
at presumably the next meeting. So I so move.
Second, please.

    MS. NEFF: Second.

    CHAIRMAN MOORE: Any other discussion?
    All in favor?
    MR. CORWIN: Aye.

    MS. NEFF: Aye.

    MS. RATHBUN: Aye.

    MR. BENJAMIN: Aye.

    CHAIRMAN MOORE: Aye.

So that's where we are with that. And
we will perhaps see you next month. And if
you would talk with the Building Inspector
about the requirements for the site plan.

    MR. CORWIN: Let me just say one more
thing. The Attorney said a survey. I don't
know that a survey is needed, but a site plan
drawn to an accurate scale I think is needed.

    MR. MC DONALD: Can I draw this in
myself?

    MR. CORWIN: In my thinking, if it's
drawn to an accurate scale, yes.

    CHAIRMAN MOORE: And I would also
suggest that you formalize the structure as to
what it would actually be. And if the one
already proposed is what you would like to go
with, then that would be acceptable. But the
footprint, you know, is an important issue as
far as how big it would be and where it will
be. Okay. Thank you.

MR. PROKOP: Check on those setbacks,
you know, because -- you know, I want to say
the McDonald's have been speaking to the
Village for several months. You know, they've
been very cooperative, even prior to coming to
this Board. But check -- make sure you get
the setbacks straight with what you want to
do, you know, so you don't have to keep coming
back. If you're going to locate the building,
great, but make sure you get the setbacks
fixed, you know, as far as what's required and
what you want to do, so we can, you know, deal
with it, please.

CHAIRMAN MOORE: Okay. So we'll move on
to the second item, which is a public hearing
for an application for an area variance. The
Applicant, James Olinkiewicz, is seeking
Planning Board approval of a subdivision which
requires ZBA variances for a property located
at 221 Fifth Avenue, Greenport, New York,
Suffolk County Tax Map 1001-4-4-29.
The Applicants seeks to subdivide the
property into two new lots and construct a new
two-family residence on one new lot requiring
area variances as follows:
Lot Number 1: The proposed subdivision
creates Lot Number 1, which is 6,587 square
feet, where Section 150-12(A) requires a
minimum lot size of 7500 square feet,
requiring a variance of 913 square feet.
The proposed lot width is 47.82 feet,
where Section 150-12(A) requires a minimum lot
width of 60 feet, requiring a variance of
12.18 feet.
The combined side yard setback for the
proposed new construction is 22 feet,
requiring a three-foot combined side yard
set -- area variance. Section 150-12(A) of
the Village of Greenport Code requires a
25-foot combined side yard setback.
Lot 2: The proposed lot width is 52.35
feet, where Section 150-12(A) requires a
minimum lot width of 60 feet, requiring a
variance of 7.65 feet.
The proposed combined side yard is 17.9 feet, where Section 150-12(A) requires a combined side yard setback of 25 feet, requiring a variance of 7.1 feet.

That is the application. This, again, was noticed in the Suffolk Times, and I should have here the notifications. There were quite a few. In consideration of comments in the previous public hearings, we notified the entire block, I believe, and we've had a good turnout.

There's an extensive list of properties that were notified, approximately 20. Would it be permissible to just submit the document --

MR. PROKOP: Yes.

CHAIRMAN MOORE: -- for the recorder to do that?

MR. PROKOP: Yes.

CHAIRMAN MOORE: Because it would take quite a while to read these. But they -- we have all of the receipts, and I believe a good number of the people who were notified did come.

(Whereupon, the following neighbors were
notified:

Olinkiewicz, James, 5 Dickerson Drive, P.O. Box 591, Shelter Island, NY 11965.

Misak Management LLC, 141-18 Booth Memorial Avenue, Flushing, NY 11355.

Jester, Amanda, 253 Fifth Avenue, Greenport, NY 11944.

Ruther, Ronald, 239 Fifth Avenue, Greenport, NY 11944.

Garris, Roberta & Weiskott, Jack, 229 Fifth Avenue, Greenport, NY 11944

Tamin, Kenneth & Raymond, Jennifer, 222 Sixth Avenue, Greenport, NY 11944.

Kogelschatz, Stuart & Kogelschatz, Therese, 502 Front Street, Greenport, NY 11944.

Mijan Corporation, 700 Snug Harbor Road, Greenport, NY 11944.

Martin, Patricia & Martin, Luciene, 327 Fifth Avenue, Greenport, NY 11944.

Tamin, Carolyn, 307 Fifth Avenue, Greenport, NY 11944.

Kruszeski, Jean, 251 Fifth Avenue, Greenport, NY 11944.

Merrins, Brian, 237 Fifth Avenue, Greenport, NY 11944.
1 Walters, Joseph & Walters, Doreen, 232 Sixth Avenue, Greenport, NY 11944.
2 Wilder, Carol, P.O. Box 7, Greenport, NY 11944.
3 Murray, David & Murray, James, 332 Fifth Avenue, Greenport, NY 11944.
4 Donahue, William & Billera, Brenda, 312 Fifth Avenue, Greenport, NY 11944.
5 Wager, Lisa & Liff, Robert, 400 Riverside Drive, New York, NY 10025.
6 White, Robert & White Wf, P.O. Box 103, Greenport, NY 11944.
7 Finne, Marie, 245 Fifth Avenue, P.O. Box 232, Greenport, NY 11944.
8 Goldsmith, Michael, 231 Fifth Avenue, Greenport, NY 11944.
9 Peterson, Robert & Peterson, Diane, 228 Sixth Avenue, Greenport, NY 11944.
10 Kogelschatz, Stuart, 502 Front Street, Greenport, NY 11944.
11 Paillot, Celine, 324 Fifth Avenue, Greenport, NY 11944.
12 Gagen, Theresa, 304 Fifth Avenue, Greenport, NY 11944.
13 Tamkin, Carolyn, 307 Fifth Avenue, Greenport,
Logsdon, Kelly & Reardon, John, 512 Front Street, Greenport, NY 11944.
Strzesak, Lukasz, 212 Fifth Avenue, Greenport, NY 11944.
Jaeger, William & Jaeger, Mary Ann, 430 Front Street, Greenport, NY 11944.

MR. CORWIN: Can I just see the outline of things that we'll --

CHAIRMAN MOORE: Yes.

MR. CORWIN: Thank you.

CHAIRMAN MOORE: And I think it may cover properties on the back street as well.

MR. CORWIN: That's what I'm looking for.

CHAIRMAN MOORE: Yes.

MR. CORWIN: That these people on Sixth Avenue were notified, too.

CHAIRMAN MOORE: Some of the backdoor neighbors also, the backyard neighbors have been notified. Very good.

AUDIENCE MEMBER: Everybody's here.

CHAIRMAN MOORE: Good. So, with that, perhaps the Applicant or his representative would like to make a comment.
I should point out that this has become a more complicated process because it is before both the Planning Board and the Zoning Board of Appeals, because this subdivision does require a variance before the Planning Board can examine the application for subdivision.

We're on new ground because this is the first time this new Code, which has been added to the Village Code, is being used. So we may have some false steps along the way, and we may have to try and work out the way that we can coordinate the activities of the Planning Board and the Zoning Board.

So, with that, if you'd like to speak.

MS. REA: Thank you. Happily, the Planning Board has met.

MR. CORWIN: Ma'am, your name and address, please.

MS. REA: I'm sorry. Kimberlea Rea, Westervelt & Rea, on behalf of the Applicant, James Olinkiewicz.

Apropos of what the Chairman was saying, the Planning Board has recently met and considered this application. I believe at its
August 1st meeting, it considered it and discussed it at some length. And although the minutes are not yet available for you, at least as of this afternoon, it's my understanding that the Planning Board essentially endorsed the subdivision, and submitted only some discussion about the location of the driveways. I'll come back to that momentarily, because that came up during the site inspection previously today.

As the Chairman said, this application has been under consideration for several months now, because it was submitted last year. And at about the time that the public hearing was on the verge of closing before the ZBA, the moratorium took place and we were asked to -- it was tabled, so we're now back.

But what we're asking for here is what I submit is a modest variance, or series of variances, both in size and proportions. These are variances which are typical of -- in terms of lot size, side yard setbacks and lot widths, typical with the other properties in the neighborhood.

We previously prepared a chart. This
was last year, so I'm going to pass out another chart now. They're copies of the same ones that we previously submitted.

Mr. Chairman, may I distribute these?

The application centers upon a lot that was depicted historically in Greenport maps as a double lot. At some point, the lot became single again, and we're basically seeking to reestablish the old lines, or lines that are close to them.

On one lot exists a large two-story framed dwelling from the late 1800s. It's a two-family dwelling in accordance with the Zoning Code, and this being in an R-2 District.

The Applicant has also proposed constructing another two-story dwelling. It's a dwelling that has -- would follow architectural plans and designs from a house that he built at 510 Madison, which is a very pleasing -- I think very pleasing frame house that would be consistent with the other houses in this neighborhood at 221 Fifth Avenue.

If you refer to the handout that I just distributed, which is in some form in the
record previously, but I think it would be
good to go over it again, I mentioned earlier
that many of the lots in the neighborhood are
much smaller than what are required of the
Zoning Code today. And I said that the
variances that we are requesting are modest in
size and proportion.

(Whereupon, Denise Rathbun left the
public hearing.)

MS. REA: I can just wait.

CHAIRMAN MOORE: That's okay, I'm
listening.

MS. REA: This, of course, is in the R-2
District, and if you'll notice on the front
page of the handout, there are six two-story
family dwellings here. Actually, one is being
proposed on my client's property, but there is
one existing.

MS. NEFF: I didn't hear the last thing
you said. There are six -- after that.

MS. REA: There are six two-family
dwellings in this neighborhood, and there's
one eight-family dwelling on the same street,
Fifth Avenue. Of course, this is consistent
with the R-2 zoning.
The variances that we're seeking here
are modest, as I said, in that one of the lots
would not require any relief. It's 5,000 --
excuse me, 7,610 square feet. The other lot
would require a minor variance, because we are
seeking to -- a new lot size of 6,587 square
feet. So that's 913 square feet of variance
for lot size.

The new lot widths that have been
proposed are, rather than the 60 required by
the code, 47.82 feet and 53.35 feet, the first
being a variance of 12.18 feet, the second
being a variance of 7.65.

And the side yard setbacks that have
been proposed are based now upon the most
recent submission that is before you. That
centers upon a driveway for each dwelling;
that is moving the present driveway on the
present existing frame house over to the left,
the south side, and then using the existing --
the area of the existing driveway for the
driveway for the newly proposed building.
That would require, under that scenario, a
three-foot variance for Lot 1, and a 7.10-foot
variance for Lot 2.
I mentioned earlier that the Planning Board had had some discussion about whether it would be desirable to essentially combine the driveways, or have both driveways in the same location, that is in the middle of the property, which would allow for the green buffer on either side adjoining the neighbors' property to remain there. There's adequate parking in the back. Given the proposal, each building would have to have -- excuse me. Each dwelling would have to have three parking spaces. My client is going to put in four parking spaces for each, all of those being off-street parking. There's adequate room for that. I think that was demonstrated I think on our site plan.

CHAIRMAN MOORE: Could you repeat the number again? I'm sorry, I didn't hear.

MS. REA: Three parking spaces are required. He has agreed to put in four. There's room for four parking spaces.

CHAIRMAN MOORE: Per property.

MS. REA: Yes.

CHAIRMAN MOORE: Yes.

MS. REA: So, if you refer back to the
handout that I just handed out, if you look at
Page 2 of that handout, you can see that,
relatively speaking, the variances that we're
speaking -- seeking here, the spacial
variances, are completely consistent with what
would have to be obtained today if the people
living there today came before this Board. In
order to come into compliance, 71% would need
variances. Seventeen out of 24 neighboring
lots would need relief from the square footage
lot requirements, if homes were -- if these
homes were to be built today.

The Applicant is open to suggestions,
continues to be, from the Planning Board and
from this Board as well in terms of the
driveway location. We don't believe that the
impact to the neighborhood, given these
particular variances that we are seeking, are
substantial or improper. They are consistent
with two-family dwellings in this Village and
in this neighborhood. We believe that it will
bring much needed rental property to the
Village of Greenport. And we believe,
finally, that the benefit of these variances
is substantially greater than any real or
measurable impact on the neighborhood, looking
at the sizes of these variances and the
permissible uses in the neighborhood.

I understand that the neighbors have
some comments. There is a fairly strong
turnout today. And I would like to reserve
comments, if that would be acceptable to the
Chairman, because if something comes up,
perhaps we could address those.

CHAIRMAN MOORE: Yeah, we'll have an
adequate opportunity to discuss further with
you, as a representative.

MS. REA: Thank you.

CHAIRMAN MOORE: Thank you.

MS. REA: And I'll also reserve on some
other comments on variances, these sort of
variances. Thank you very much.

CHAIRMAN MOORE: Thank you. So now we
can open. I don't believe we had any formal
letters sent, new letters, regarding this
application. And so I will open it up for
members of the public, who are mostly
neighbors in the neighborhood, to comment, if
you would. And just remember, state your name
and address. It would help to say where you
are in connection with the Applicant's
property.

MR. WEISKOTT: My name is Jack Weiskott.

I live at 229 Fifth Avenue.

MS. NEFF: Could I ask you to stop for a
minute?

MR. WEISKOTT: Sure.

MS. NEFF: Do you know the noise, the
hum, what -- is that our mics? What is that?

AUDIENCE MEMBER: That's the AC.

MS. NEFF: The AC that's not working?

AUDIENCE MEMBER: Yeah.

MS. NEFF: Yeah. Why don't we turn the
AC that's not working off?

(Whereupon, the Fire Department Siren
Sounded.)

MS. NEFF: It's hard to hear. I'm
sorry.

CHAIRMAN MOORE: If you could just --

MR. WEISKOTT: I'll speak louder.

MR. BENJAMIN: Yes.

MS. NEFF: Maybe raise it.

CHAIRMAN MOORE: I think we'll be able
to hear you.

MS. NEFF: Lift it up.
CHAIRMAN MOORE: Yep, great. Yes.

MR. WEISKOTT: Is this better?

CHAIRMAN MOORE: Yes.

MR. WEISKOTT: Okay. Our property is contiguous with the proposed subdivision, we're directly to the north. We do have a letter that was signed by quite a few residents. If I could read them out to you, I guess would be the way for you to hear it. This is a letter to the Greenport Village Zoning Board of Appeals.

"The undersigned residents of Fifth Avenue and environs strongly object to the proposed subdivision of 221 Fifth Avenue, which would lead to the creation of two severely substandard lots and the construction of another house."

To paraphrase Mr. Bob White, a lifetime Village resident and former proprietor of White's Hardware, "Fifth Avenue is saturated already with vehicles and people."

The Whites can't be here tonight, they're too informed, but they did sign this letter. And Mr. White has stated that now that he's older and he doesn't sleep very well
at night, no matter what time of night he
wakes up, there's a car coming down the block,
one way or the other. It's a high traffic
area right now without an additional house
being built.

And I mention that it is currently
almost impossible to drive down the street
without one vehicle needing to pull to the
side to let another pass, because there are a
lot of cars parked in the street at all times,
and there's so much traffic going back and
forth.

Greenport is a Village composed of local
homeowners, renters and weekend residences --
residents. It would be a serious change in
character if more and more properties are
converted or constructed for high density
housing. Please weigh carefully the effects
of the quality of life of local residents as
you consider the application."

That's the letter we circulated. I can
give it to you. There's about 19 or so
signatures on it of people who live there.

I do have a few other comments, but I
also want you to know, we have letters from
the Petersons. They couldn't be here, they're
bringing their child to college today.

And a letter from Brian Merrins, who
lives at 237 Fifth Avenue, and he couldn't be
here either. In his letter, he says they have
a family issue, that they couldn't make it.
But they did make copies for each of you, if
you would like. Can I give them to you?

CHAIRMAN MOORE: Yes, you could submit
them and we'll enter them in the record.

MR. WEISKOTT: Possibly, if you'd like
to read them out. This is one of each.

CHAIRMAN MOORE: Okay.

MR. WEISKOTT: This is a copy of that.

CHAIRMAN MOORE: Is this the community
letter?

MR. WEISKOTT: No, that's --

CHAIRMAN MOORE: Oh, no, okay. I see,
it's multiple copies, yes.

MR. WEISKOTT: That I could give you,
too, with signatures. I'm sorry. This is the
community letter.

CHAIRMAN MOORE: Oh, good. I'd like a
copy of that, if I may.

MR. WEISKOTT: And these are the
signatures. I didn't make copies of this.

CHAIRMAN MOORE: Yeah, I'll take that, since you've read it.

MS. REA: Excuse me. Could we have a copy? Could we have a copy?

MR. WEISKOTT: They'll have to -- I only made one copy, the one that we got the signatures on.

MS. REA: Okay.

MR. WEISKOTT: I didn't think of making a copy for everybody. I guess, before you --

CHAIRMAN MOORE: Yes, go ahead.

MR. WEISKOTT: -- read those, I just have a couple of more comments.

Informally, I drove down our street, just for my own personal knowledge. Our street, on the east side of our street, there are seven houses occupied by residents, and there are eight houses that are rental units. Only one of those rental units has a local landlord that lives on the street, the rest are absentee landlords.

CHAIRMAN MOORE: Can you repeat those numbers just --

MR. WEISKOTT: Yes. Seven on the east
CHAIRMAN MOORE: Structures, yeah.
MR. WEISKOTT: Houses that are --
CHAIRMAN MOORE: Houses.
AUDIENCE MEMBER: Homeowner homes.
MR. WEISKOTT: Homeowners.
CHAIRMAN MOORE: Okay.
MR. WEISKOTT: Eight on that side are rental units, and only one of which is a local Greenport Village resident. On the west side, which is the -- where this proposed subdivision is located, there are 11 homeowner residences and four rental units, but one of those rental units is the one previously mentioned that has eight units in it.
And I guess my point in this is to further indicate, like this street that is saturated with people, more people than were intended to live on this street, because each of these houses, as rented, has more than the allotted number of people that should be in the house. There's a tremendous amount of car traffic and a tremendous amount of people on the street already.
And I guess I just have a few questions.
Is there a limit to the number of people who can live in the rental house, whether one-story -- one-family or two-family, because there doesn't seem to be any limit.

MR. PROKOP: There is a limit under New York State Code of the number of people that can live in a house. It depends on the square footage of the bedroom. There's a number -- there's a minimum square footage of a bedroom area for each occupant, so that that's the answer. So, if you have -- you know, it goes by -- it doesn't go by the biggest --

MR. WEISKOTT: Depending the size, square footage.

MR. PROKOP: Right. You could have a 4,000 square foot house, but it -- or a 2,000 square foot house, or a 1,000 square foot house, it doesn't matter. It matters by the square footage of the bedroom -- bedrooms.

MR. WEISKOTT: Well, I would consider that to be an important issue in any new construction or an existing construction to make the houses on the street more neighborhood.

And I was wondering if there was any
limit to how many rental units there can be in our Village. Do you want it to be all rental units, or would we like there to be some homeowners, majority of homeowners, half and half? I don't know.

And I do have a comment. It sounds to me like the Planning Board is sort of leaning towards making a common driveway for each of these two houses, and that doesn't logically make sense to me. If it's a subdivision, how do you have two separate properties sharing a common driveway? What if someone sells? Can you sell one property without a driveway? Is there a covenant in there that the driveways will always be maintained as common? Because, I mean, at this point, it would be one owner who would own both properties, but what if in the future, for one reason or another, he wanted to sell one off, where would the driveway be, and whose driveway would that driveway be?

Besides the point, which I will mention, three to four parking spaces for each of these houses would be inadequate by about three four spaces. There's always six cars parked on the
property right now, sometimes more. So that's
six cars in the one two-family house. How
many cars would there be in two two-family
houses, would there be 12 cars? I think
that's too many.

Literally, it's like living next door to
a parking lot. There's cars going in and out
of that driveway about every half hour, every
15 minutes, constantly, especially at the end
of the day when work is over.

So I just think we're too dense there.
It's not enough parking for the area, or a
boarding house area, it's a residential area.
So that's my feeling on the matter anyway.
Thank you for listening.

CHAIRMAN MOORE: Thank you.
MS. NEFF: Thank you.
MR. REED: My name is Michael Reed, 430
Front Street. My parents were Bill and Mary
Jaeger. My father passed away two months ago.
Dave knows my family.
Let's go back. I got a couple of issues
with her, with the Lawyer saying that the size
of the stuff, to a point. When those things
were built, they were built in the 1800s.
There was no Zoning Board, like Bob White said a couple of months ago. The Village Board and Zoning Board didn't come until what, the late '70s?

MR. CORWIN: I think it was after World War II.

MR. REED: Okay. So you're comparing oranges to apples. I mean, yes, there's a lot of two-feet, one-foot variances -- not variances, but property lines. I mean, that's kind of a moot point.

Number two is, are we whoring our neighborhood out for more and more rentals?

How much is enough? I mean, I've had to go over there a couple of times. I've called the police. Mr. Goldsmith has called the police. I just brought my father home, he's dying of cancer, and I had to go over there and confront some people. The next day, some dirt bag keyed my son's brand new Challenger. This is the type of thing I don't want in the neighborhood. Down the road, Mike -- what's the other guy? Mike's -- I don't know the other landlord. He had this guy evicted. You got trash on the street.
My family has been there almost 200 years on that corner; before it was Brown. There was a lot next door that my grandmother bought. I had to have the house torn down. The only things left of the house is that little garage. My Aunt and my Dad own the parcel adjacent. You got garbage thrown all over, people honking the horns and playing with their remotes.

What's enough? Would you like it in your neighborhood? Let's be real. I've lived out -- born and raised here. My family's here. My son's going college for a Lawyer, my daughter is going for a Doctor. I want them to come back, but not to this.

Another thing, I talked to Skrezec. They're substandard on their plumbing. So you're going to add another waste, and you got bad plumbing from Fifth Avenue all the way down to where my sister is on -- what's that, West? By Dave. What's that?

MR. CORWIN: South.

MR. REED: Southwest, by your place.

That was about as far as he did for the plumbing. You know that.
So, I mean, what's enough? You know what, we've lived here, my family's lived here, we own a lot here, but, you know what, at what point? You look at those things. I mean, how much does any one person need? There's no hardship here. You put these rules and regulations in for a guidance line, they put what should and what shouldn't be. That's a minimum, and on 1,000 square feet off of one, you know, that should be right there, so you know.

It's called quality of life, too. You know what, pursuit of happiness, quality of life. You've lived here. I've lived here my whole life. I have my business here. My Grandparents owned Jaeger's Department Store. You know what, right is right. You wouldn't want it in your neighborhood. So I'm just asking you guys, look in your hearts and see if this is right and what you would want to be -- move next to you.

The other thing, then we're just going to have to go to litigation. Thank you.

MR. GOLDSMITH: My name is Michael Goldsmith. I live at 231 Fifth Avenue.
I think our block is saturated to a point where it's ridiculous. If I can trust Mr. Olinkiewicz's word, that he would rent to just a family upstairs, is one thing. But there's an upstairs apartment with a minimum at times of 16 people living in there. I witnessed it, I counted them. I've actually sat out there at six o'clock in the morning and watched them leave for work. There's a minimum of six cars per day in that car (sic).

It always amazes me, when there's a meeting of the Board, or somebody has to go over there and witness it, the cars disappear and people disappear. There's one tenant downstairs that's handicapped with a son; one vehicle. The rest of the vehicles are upstairs, and there's anywhere between six to 10 at any time during the week. They're coming in all hours of the night, speeding down the road. We've slowed them down many a nights.

Not only that, I have another one right across the street from me that I've been dealing with the landlord there. We finally got one family evicted up there. They had a
husband, a wife, four kids -- or three kids, excuse me. And then there was eight other men that were coming home drunk every single night. And the reason they got thrown out is because they missed their rent. It wasn't because they were defecating on the front lawn, or urinating on the front lawn, which we've confronted the Mexicans about, and everything else. I don't care if you're black, white, Chinese, whatever, take care of the property, maintain it.

I'm spending money on my property. My next door neighbor is dumping about $200,000 into his property, trying to make it a family home so he can bring his kid back here and raise him. I just had another couple that's moving back into the old Blues (phonetic) house that want to raise their kid out here, because he wants -- he doesn't want the New York City life for his kid. He wants to be able to throw a ball on the street with his kid. Unfortunately, he can't without being almost run down by everybody coming down the street.

If you walk down that street any time of
the day or night, and I'm going to tell you
right now, last night, it was midnight I was
out there, with people from the tenant across
the street, which are not even legal tenants
there. There's a Section 8 gentleman living
there and he has his grandkids and some other
kids there squatting there because they got
evicted from a place in Mattituck. I
confronted them. I said, "Who's paying
for" -- "Oh, no, Section 8 is paying for it."
We're paying for him to live there, not the
six other people who live there. Yet, at
midnight, they're having a party up and down
the street, screaming and yelling. Then you
got no control over it. Then the alarm system
starts going off all hours of the night.

There comes a chance where we're paying
taxes, we want some respect out of this
Village. We demand some respect out of this
Village. I'm at a point right now where I
don't care about Mr. Olinkiewicz building the
Village up. I've been here when Greenport was
a slum, and I seen it being regenerated into a
nice vibrant community. You're bringing it
back to the way it was prior to the '70s. If
that's what you're going to do, then let it happen, because I'm going to put my house up for sale, my neighbors will do it, because this is what you're inviting. You're inviting -- I hate to say the trash is coming here, but I deal with it on a daily basis from the urinating, the defecating. And if you don't believe me, ask the landlord when he evicted, because one of the painters was in the backyard working and he steps all in it. That's not dog, it's human waste, and this is what we're living with.

We're trying to revitalize our block. We're trying to bring it back to a family-oriented street, and what we're getting is trash. And getting 12 to 15 people per room so that you can make a check does not benefit me or anybody else in this Village. All it does is make it into a slum, and I'm tired of living on the block that is considered a slum. Thank you.

CHAIRMAN MOORE: Could I ask one question just to clarify something? You had indicated about occupancy in a particular house. Were you referring to the Applicant's
MR. GOLDSMITH: Yes, his applicancy, the one directly across the street from me and the ones down the block. I mean, we are saturated with residency. This is not like this is all, oh, there's a little bit of residency, there's one family. Every one that's renting out there has a minimum of four to six to eight people, and they're not related, they're not family, they're -- I would love to see -- there's a couple downstairs, there's a Mexican family. They're hard-working people with family. They go to Greenport School, love -- they're quiet, they're well maintained.

Yeah, each one of those has four to six cars. We have a problem -- as a matter of fact, I remember you putting little stickers on their cars, a little thing, in Spanish and English. It got to a point, don't put them on there, tow the damn car.

I have to plow my own street with a snow blower because the Village of Greenport can't do their job. And then when we finally get them to move it, then we can't get them back to plow it. Why do I pay taxes? That's what
I want to know. Not only that, it's getting
to the point where you can't come down your
street. I can't come home for lunch to park
my car in my own driveway because they got my
roads blocked off.

There's six to seven vehicles in each
vehicle -- apartment building. And if he says
there's only four vehicles in his property,
you better come down there a lot more often,
because there's a hell of a lot more. There
my be four now, but there's a hell of a lot
more than that during the regular week.

And I'm getting tired of the music
blasting at one, two o'clock in the morning.
I've called the cops many a times. Beer
bottles we're picking up, the trash we're
picking up.

We're trying to make this into a
residential neighborhood, back to the way it
was years ago. We got good neighbors, clean
neighbors. We want to respect our
neighborhood. We're not here just because
somebody wants to fill their pocket with 20
other people in there making rentals.
Enough's enough. Thank you.
CHAIRMAN MOORE: Thank you. Does someone else wish to speak?

MR. KEHL: I'm Robert Kehl, 242 Fifth Avenue. It's K-E-H-L.

All right. Well, I'll start. I live on 242 Fifth Avenue. I used to live at 237 Fifth Avenue, where Mr. Merrins lives. And while I was building my house, the house next to me, 238 Fifth Avenue, one of the guys there got into a fight with one of the boys down the road, MS-13, and stabbed him in my driveway on Christmas night. That was like eight years ago. And this stuff has been going on.

Then the house next me, finally got that thing closed down, because the plumbing gave out, the electric gave out. It's kind of -- it's a real hell hole right now. It looks like -- it looks bad. And they used to have 39 people living in there, between the two apartments and the garage. And only one guy would park in the driveway, so no one else could get in there.

But then they used to park all down the road. It was so bad one year, I had to bring my machine down, because, like Mike said, the
Village doesn't come back when these people pull out every day. Once it's been plowed down the road, there was only enough to get one car down the middle of the road, and this road -- and I took all the snow and I plowed it with my machine and got it off the road.

This is not a hardship for this.

AUDIENCE MEMBER: Far from it.

MR. KEHL: He's not living in this house for himself, so there's no reason why it has to be. Just because he wants to line his pockets, it's fine. Why doesn't he do it on Shelter Island? Because they wouldn't allow it over there.

And then one big house there isn't a two-family house. Just because he calls it a two-family house, it's not a legal two-family house. There's six to eight cars parked there right now, every day. And I know -- you said you're going to put three -- three or four cars for each house, and he's going to put another house in there? Then the road's going to be filled up again. We'll never get it. They never tow. They never -- when the snow is there, they never tow. It's useless.
putting those stickers out there.

For years and years I've called. I used
to call down there and never get a -- I'd
leave messages asking them to call back;
wouldn't even get a response. That's what we
pay all our taxes for, I guess.

This is just ridiculous. I mean, we're
just to a point where we've had it. I'm glad
the people -- I tried to sell my house when I
first built it and I couldn't sell it, because
there's eight Mexicans sitting on the wall out
front drinking in the middle of the day.
People pull up and say, "What the hell kind of
crap is this?" What can I say? It's just
blatant. Nothing would be done. Police don't
do anything about it. I just had enough.

Thank you.

CHAIRMAN MOORE: Thank you. Would
someone else from the public wish to speak
regarding the application?

(No Response)

If not, I think we need to ask a few
questions of the Attorney, who stepped out for
a moment.

In the meantime, would there be any
comments from the Board? No, no, I'm talking
about the Village Attorney. I'm Sorry.

MS. NEFF: Oh, the Village Attorney,
right. Here he is.

CHAIRMAN MOORE: He's coming back.

MR. OLINKIEWICZ: No, no. I was
wondering if I can address.

CHAIRMAN MOORE: Yes, you may. You can
certainly speak.

MS. REA: We have -- I have some more
comments, too.

MR. OLINKIEWICZ: I am James
Olinkiewicz. I own 221 Fifth Street, the
property in question. Yes, I am applying to
try to subdivide the property into a -- two
lots to build another two-family house.

The neighbors, I understand the
neighbors have passion for the neighborhood.
I understand that they have desire and love
for the neighborhood. I understand that
they've watched out, and that at times there
probably are six or eight cars in the driveway
at that house. I can't answer the question on
whether every one of those cars runs and is on
the road, or if one person occupies one or
two, or owns one or two, I can't answer that

question.

I am the only proponent, that I am for

the rental law in Greenport. I spoke to -- at

the Town Board meeting. I spoke to the

Planning Board about it. I have spoken to

whoever comes into the office. I talked to

Dave Abatelli about it. I am the only

landlord that is for that law, for the law of

the Building Inspector or a private board

coming in and inspecting the houses once a

year or twice a year, whatever they want. I

have nothing to hide with that. They can come

in and they inspect, make sure it's not

over -- too much density, not -- make sure

that the smoke alarms, fire alarms, everything

that is there is there.

There's a lot of opposition about me

building a two-family house on the lot. There

is -- that's not to say that any one of the

neighbors down the block that have a

one-family at any time can apply and make

their house a two-family house. There's no

law that stops them from doing that. So, as

for --
MS. NEFF: Could I point out, there are restrictions about square footage, etcetera, etcetera.

MR. OLINKIEWICZ: Sure, sure, lot coverage, right.

MS. NEFF: It's not any easy thing to do.

MR. OLINKIEWICZ: Well, if you meet setback requirements?

MS. NEFF: No. I'm talking about square footage.

MR. OLINKIEWICZ: Well, it's lot coverage that you have to deal with.

MS. NEFF: I'm talking about in the interior built space, anything is not a two-family house.

MR. OLINKIEWICZ: Correct, but it's -- they could also add on a two-family -- a second family unit by an adjoining wall, just as easily as renovating the house.

MS. REA: Jim, may I just -- I'm sorry to interject, but I think Ms. Neff is raising a point that was raised earlier today. Are you referring to the square footage and bedroom requirement?
MS. NEFF: Required for -- no. If you want to have a two-family house, there are square footage requirements of the units, the size of the units.

MR. OLINKIEWICZ: Sure, for bedrooms and unit size, and everything else.

MS. NEFF: The whole unit. The whole unit.

MR. OLINKIEWICZ: Right, correct. But there's nothing in the law to stop them from putting an addition on to their house and then adding another unit in the R-2 District, as long as they meet the lot coverage setbacks and some of the laws. They'd have to come between -- before the Board, as well as I have to come before the Board, or in front of the Planning Board. So --

MR. PROKOP: Maybe you -- well, I'm sorry. I just want -- maybe, since the public is here tonight, they might have been here at prior meetings. Am I correct in saying that this is an application where one time you agreed to limit this to a one-family house?

AUDIENCE MEMBER: Yes, that was my question.
MR. OLINKIEWICZ: We had talked about that.

MR. PROKOP: I just to make sure, because there's people that have --

AUDIENCE MEMBER: And now it says two-family.

MR. GOLDSMITH: That's when it was first approached to us, a two-family house.

MR. PROKOP: At one time you sent a letter to the --

MR. OLINKIEWICZ: It was the first approach that we would apply for --

CHAIRMAN MOORE: Excuse me, excuse me.

MR. OLINKIEWICZ: I'm sorry.

CHAIRMAN MOORE: Yeah. Just to clarify things, that was a discussion at the previous cycle of meetings. And subsequent to that, there was a letter from the Applicant, which is in the file --

MS. REA: That's right.

CHAIRMAN MOORE: Not agreeing to the --

MR. PROKOP: Right. I was going to say that next. I just want to make sure that --

CHAIRMAN MOORE: -- to the single-family dwelling.
MR. PROKOP: I'm not saying one thing or the other, I just want to make sure, because --

MR. GOLDSMITH: Well, at the first meeting, that's when we were here, that's what was discussed.

CHAIRMAN MOORE: I'm sorry.

MR. GOLDSMITH: It was not discussed for that.

CHAIRMAN MOORE: We'll go one at a time here. But just to make if clear, the Applicant has re-advocated the construction --

MR. OLINKIEWICZ: To apply for a two-family.

CHAIRMAN MOORE: -- of a two-family house.

MR. OLINKIEWICZ: Correct.

CHAIRMAN MOORE: Not a one-family house on the proposed subdivision.

MR. OLINKIEWICZ: And with -- depending on the Boards discussion and public discussion, and what we'll talk about, we will consider other options, and we will talk about it with the Board. But then that goes to the question, if my property is subdivided and
it's bigger than 50% of the other lots that
have a one-family house on it, and I'm forced
to build a one-family and they could make
theirs into a two-family, how is that?

MS. NEFF: Excuse me. Again, the idea
that people can make their one-family house
into a two-family house, and to put that into
this discussion without a detailed -- I mean,
that is --

MR. GOLDSMITH: It's a hypothetical.

MS. NEFF: That is statement that's
beyond the scope of what you're asking, or our
consideration of very specific things, which
are very detailed and not --

MR. OLINKIEWICZ: Okay. I am just
quoting the Village rule, that it's an R-2
District, so there is a potential for that to
happen, not to say that it will, not to say --

MS. NEFF: Feasible or not, but
possible, possible.

MR. OLINKIEWICZ: But there's the
potential, right. So that was my -- that was
my only statement with that.

I've already scheduled with Eileen
Wingate for an inspection of the upper
apartment for Monday morning, 9 a.m., so you can see if the crowding is an issue or what the problem is, and see if that's, in fact -- and Eileen can come back as many times as deemed necessary.

I mean, all I could say is that I have good standings with the Village Housing Authority, with the -- I have no violations from the Building Department, as of now. I try to maintain the properties. I fixed up houses that were boarded up and dilapidated and repaired. I built two brand new beautiful houses for people to rent to help with the overpopulation of rental people.

What happens is, is that you sell a house in the Village that was a two-family, it gets converted back to a one-family, now you've displaced all of the people, and so you have overcrowding. So it's not -- I'm not the only one that sees that there is a need for more housing in the Village, that's just a fact. How it comes, I don't know. Am I -- do I build them? Do I make a profit? Yes. There's no doubt that I build these, I rent them, I try to give people good affordable
rents, rental houses, and that's their -- I
have a 26-family waiting list for rental
housing, so that tells me the shortage is
here.

MR. GOLDSMITH: And they'll all be in
that one apartment, too, like they are now.

MR. OLINKIEWICZ: So, I mean, that's
just -- that's just it. I understand that
there's frustration with people with other
landlords as well.

MR. GOLDSMITH: It's not others, we're
talking about you tonight.

MR. OLINKIEWICZ: Okay.

CHAIRMAN MOORE: Please, just let's not
have comments from the audience.

MR. OLINKIEWICZ: You know, there was
also comments about road traffic. I
understand that. And also comments about
people parking on the road, but it's not just
people from the rental houses. I mean,
everybody in my house parks off the street
now, so all that road parking is from other
rentals, as well as private homeowners that
park their cars on the street, rather than
parking in their driveway.
So that's what I have to say. Thank you.

CHAIRMAN MOORE: Thank you.

MR. PROKOP: Can I just ask a question?

CHAIRMAN MOORE: Yes.

MR. PROKOP: I just -- I don't want to get involved in this discussion during this point, but I just -- I had the benefit of being at the Planning Board meeting --

CHAIRMAN MOORE: Yes.

MR. PROKOP: -- which nobody else was.

So I just wanted to mention one other thing that has to be explained to the Bord. What is the barn on the property, what is the use? You're going to leave the barn on the property?

MR. OLINKIEWICZ: The barn. The barn is just for storage.

MR. PROKOP: The same way that -- you spent a lot of time at the Planning Board meeting explaining the use of the barn. And we don't have the minutes of the Planning Board meeting available, so could you just --

MR. OLINKIEWICZ: The Planning Board asked about the barn and what I was using the
barn for, and I told them that, right now, I
have some -- I have an antique company, so it
has antiques in there, and dressers and stuff
for me to take out for my next antique show,
which is Brimfield, Massachusetts. But that I
also use the red shed that stores the lawn
mowers and the equipment that's needed to
maintain the properties, and do the edging,
and clean the streets, and the ladders, and
the extra toilets, if we need it, or whatever
is needed, if you're a landlord, for emergency
repairs. Everything is not readily available
all the time. So that's where -- and that's
what the barn would stay used for, is for my
own private use and for those items.

MR. CORWIN: Could you say that again?
The barn is for your own private use of
storage of antiques?

MR. OLINKIEWICZ: Yes, for antiques.

MR. CORWIN: Thank you.

MR. OLINKIEWICZ: Yup, I store some
antiques and some items there. I mean, if the
Board wants me to not use that property and
use the barn and leave it for the renters, I'm
fine with that also, I have no problem. I
have properties on Shelter Island that I can
put my antiques and stuff.

CHAIRMAN MOORE: I think one of the
issues that's come up in a past case was a
landlord was using or proposing a structure on
a rented property as part of his business
operation. So the question then arises as to
whether this extends to being a business use
of the property, as well as a residential use.

MR. OLINKIEWICZ: And if that's an
issue, I'll gladly take everything out, and
leave the barn and the shed to the tenants.

CHAIRMAN MOORE: It would certainly have
impact on the density and how much --

MR. OLINKIEWICZ: Right, right.

CHAIRMAN MOORE: -- activity is
occurring on the site.

MR. OLINKIEWICZ: Right. If I go in
there once a week to put something there or
take something out, yes; there is an extra car
going in and out, yes. So, if that's an
issue, I have no problem turning it back to
the tenants. Thank you.

CHAIRMAN MOORE: Okay. Thank you. I
guess, barring any additional public comment,
1. I do have the two letters, which I think I should probably read into the record.

   MR. CORWIN: The Attorney wants to speak again.

   CHAIRMAN MOORE: Oh. And if the Attorney would like to make a brief comment, then we can move on.

   MS. REA: If you don't mind, thank you. I just wanted to respond to some of the things that have been said this evening.

   Several of the comments here were about, I believe, tenants. It was unclear, because there were comments that appeared to extend to tenants other than my client's. I can assure you that my client goes and collects the rent monthly. He inspects the properties. He's unaware of the comments that were --

   MR. GOLDSMITH: Let's live in reality, please.

   CHAIRMAN MOORE: Shh, shh. Please, let --

   MS. REA: That were made to him tonight in the site inspection. He mentioned that he has an inspection scheduled with Eileen Wingate on Monday. He will continue to
monitor this.

Apropos to the comments about the number of tenants allowable under the New York State Building Code, vis-à-vis the square footage of bedroom requirements, we believe that he is in conformance with that. To his knowledge, he's in conformance with that. He's done everything that he can as a landlord, albeit, as has been rather negatively implied an absentee landlord, to ensure that his tenants are complying with the law.

He does live elsewhere than Greenport, but landlords, property owners, residents have Constitutional rights, and, in this case, we're talking about an R-2 District. So I believe that, with great respect, that the comments that were proffered tonight really are appropriately made to the Village Board. Village Board has seen fit to zone this property multi-family, and multi-family is --

MR. CORWIN: Not multi-family, R-2.

MS. REA: R-2.

MR. CORWIN: There's a difference in our code.

MS. REA: R-2, which is what my client
is seeking here. So in terms of one
allegation that's been made here is that he's
proposing two severely substandard lots. I
just would like to point out that in the last
decade, within the R-2 District, there have
been nine applications for variances granted
in the R-2 District.

MR. OLINKIEWICZ: Kimberlea, for
subdivisions.

MS. REA: Excuse me, for subdivisions,
right. Several of them with variances
significantly larger than the variances that
we're seeking here. I actually have a
compilation of those -- of those several
variances, or, rather, the Subdivisions that
were granted that required variances. I'll
hand them out.

And I note here that I'm only doing this
in response to one of the members of the
public who characterized this request or the
variances that we're seeking as severely
substandard. I don't believe that that's the
case. I think that --

MR. REED: What year were these done?

MS. REA: They were done from 2003 to
2013, if you count this one. This would make Number 10.

MR. KEHL: How many were for people who were actually going to live on the property?

MS. REA: You'd have to go look at them. And if you look at the variances, they're actually almost the standard. And if you look at the variances, the area variances on this handout and compare them with the variances that we are seeking here, you will see that ours are well within the parameters of variances that have been previously granted.

And, again, these are in the R-2 District, solely in the R-2 District.

MS. NEFF: All of these variances are in the R-2 District?

MS. REA: Yes, ma'am.

MS. NEFF: On Fourth Street?

MS. REA: The addresses are listed under the address section. There's this property on Fifth -- 314 Center Street, 519 First, 143 Sixth.

MS. NEFF: I see the address.

MS. REA: See that? And those provide the area variances that were sought, and in
every case they were all granted. And, again, this is simply to show that the area variances that we are seeking, the numeric area variances, are well within what has been granted by this Board for the last decade. So we don't believe that this will be a severely substandard lot, either of them will be severely substandard.

I think that the comments with respect to the fact that there are rentals, rental units on Fifth Avenue, simply address the fact that there are rental units on Fifth Avenue.

They're --

MR. REED: Saturated.

MS. REA: They're required or, rather, they're allowed. Whether you think they're saturated or not, I don't believe is --

MR. REED: Then you live there.

CHAIRMAN MOORE: Shh, please, please.

MS. REA: I believe that that is an inquiry that the Town -- I mean, rather, the Village Board needs to take up. I don't -- I just don't think that that is or should be something that is considered by the ZBA, because I think that in every other respect,
our application fits within the parameters of
a reasonable request for a variance within the
R-2 Zone.

CHAIRMAN MOORE: I appreciate this
information.

MS. REA: You're welcome.

CHAIRMAN MOORE: I would like to take
the opportunity to study it a bit. Just on a
quick scan --

MS. REA: Of course.

CHAIRMAN MOORE: -- there are some
inconsistencies, because I am aware of -- you
know, these may have been applications, but
they were not necessarily granted and --

MS. REA: Mr. Moore, I believe that they
were, but I guess -- you know, I stand --

CHAIRMAN MOORE: Well, Mr. Tuthill was
turned down for a subdivision. And
Mr. Monsell, I believe, withdrew and reversed
a subdivision that was originally granted.
But we'll take it into the record.

MS. REA: Okay, very well. These came
from FOIL requests from the Village, so -- and
I have to say that I did not recall seeing a
Decision Document, so I --
CHAIRMAN MOORE: Well, I appreciate the data. It's something we can work on digesting.

MS. REA: Yes, thank you.

CHAIRMAN MOORE: So what I will do, if anybody has a comment that's new or adds something to what's already been said --

MS. GARRIS: I just have a question.

CHAIRMAN MOORE: -- and is someone who hasn't yet spoken, is welcome to come up. Then what I will do is go ahead and read the two letters.

MS. GARRIS: Can I ask a question?

CHAIRMAN MOORE: You may and -- come to the microphone. This is kind of like Jeopardy, where you are actually expected to make statements as far as your feelings.

MS. GARRIS: Roberta Garris, 229 Fifth Avenue.

My question is, apparently, it's gone before the Planning Board, but none of us knew that. So is it going to continue to go forward through the Planning Board or through the -- this forum?

CHAIRMAN MOORE: If I may, I can explain
the process. And this is brand new. This is
the first cycle of the new code.

Subdivision approvals in the past were
only required for a variance from the Zoning
Board of Appeals, if such a variance was
required, but there was no formal process to
review and approve a subdivision. That new
code has been added and resides with the
Planning Board.

Now, the issue originally, when
Mr. Olinkiewicz applied, was only before the
Zoning Board.

MS. GARRIS: Right.

CHAIRMAN MOORE: And that still exists,
because he is still seeking a variance that
would allow that go forward. So the Planning
Board may not proceed until we consider his
request for a variance.

We're going to have to talk, a little
discussion with the Attorney, about how we can
proceed to make this work smoothly, because we
were interested at the last meeting, regarding
this application, in getting some input from
the Planning Board. While they cannot make a
decision, they can certainly bring to our
attention issues based on planning that they
may have, and --

MS. GARRIS: But I think earlier
tonight, she said they are making a decision.

CHAIRMAN MOORE: At this point, we have
a --

MS. REA: I don't know. They
considered -- they just considered it.

CHAIRMAN MOORE: We have an email sent
from the Chairperson that did not indicate
much, other than that they were generally
prepared to move ahead with the application,
and it's somewhat disappointing. We thought
we might get a little more detail from them,
but we're still trying to work out the
process.

At our last meeting, we were discussing
the process of how we were proceeding, and
that the Planning Board had not yet formally
rejected their application to send it to the
ZBA. And I'm not certain, having not attended
their meetings that they've subsequently had,
whether they, in fact, made such a motion and
officially forwarded it to us. So we're
getting into a bit of a technical discussion
about whether or not we can proceed, and
whether they have formally rejected it. So
it's frustrating for everybody, but we're
trying to work that process through.

MS. GARRIS: I think the bottom line of
my question, though, is if things are further
discussed at the Planning Board, will we be
informed?

CHAIRMAN MOORE: Oh, yes, they would for
any -- I'm thinking of the wordage. They do
need to notice for public hearings for -- is
it conditional uses or new processes?

MR. PROKOP: Well, no. For a
subdivision, they would be required to --

CHAIRMAN MOORE: Okay.

MR. PROKOP: -- post a notice. I mean,
I don't personally check whether the property
is posted or not. I thought that it had been,
but we'll look into it. Nothing has happened
at the Planning Board substantively. If it
comes up again before the Planning Board, you
will definitely have notice.

MS. GARRIS: For me tonight, the two
surprises were that it, you know, was already
talked about at the Planning Board, and the
second surprise is that it's back to a
two-family house. I thought we had resolved
that last year as a one-family house. But,
ultimately, as a neighbor, I think it's
somewhat irrelevant, the size we make the
house. It would be a lot of people.

CHAIRMAN MOORE: Yes. The --
MS. GARRIS: Whatever you call that.

CHAIRMAN MOORE: The original
deliberations, I believe, were delayed about
10 months during a moratorium, when the
Village Board was considering and enacting a
new subdivision code, which is now part of
Greenport's Official Code

MS. GARRIS: Right. Well, I think when
that moratorium lifted, we weren't aware.

CHAIRMAN MOORE: It's a matter of what's
going on with the Village process.

MS. GARRIS: But I'm just hoping that
that will not be the case from now on.

CHAIRMAN MOORE: No. I'm sure that the
notifications -- the placarding is required
and the public notices all are in
accordance --

MS. GARRIS: Thank you.
CHAIRMAN MOORE: -- with the regular

notifications.

MS. GARRIS: I appreciate that.

MS. MC ENTEE: Excuse me. May I go

next?

CHAIRMAN MOORE: Yes, you may. Just the

regular process of identifying. Could I have

your name also? I didn't record it.

MS. GARRIS: Oh, Roberta Garris, 229

Fifth Avenue.

CHAIRMAN MOORE: Yes, ma'am.

MS. MC ENTEE: I'm Joanne McEntee at 242

Fifth Avenue.

I just -- I understand there's going to

be an inspection on Monday, but would I -- and

that's at nine o'clock. These people are gone

by nine o'clock. I would suggest for the

Board members, anybody else, to go there at

midnight and see how many cars are there.

Check out what -- where the people are, and go

in there and do your inspection then. I know

that that's what you may not do, but, please,

do drive by at midnight.

I also just wanted for the record, that

at 242 Fifth Avenue, my name, Joanne McEntee,
and Robert Kehl, we did not get notification of it, any of this. So I hope that is on your list, please.

I'm not a formal speaker, so bear with me a little bit.

As far as, you know, the renters, I'm really concerned about all the renters in the neighborhood. I'm concerned about their children with these intrants, people that could come and go. As, you know, they're there night and day. There are people that have trouble with the police. We've had police on our block many a time. I worry about the safety of my children. I worry about the safety of the young children and the people that cannot protect themselves. It is -- to me, it is something that we all should be aware of. We all have children, or most of us do. And especially with the new people coming in, we don't know where they're from.

I don't have a problem of people that are staying there, two, three, four years. My family's been here for about a hundred years. I've lived here for many years, I moved out of
town, came back. I love Greenport,
Greenport's a wonderful town, but I'd like to
keep it a safe place, or feel that you guys
are doing your job of keeping it safe as well.
Thank you.

MR. CORWIN: Thank you.

CHAIRMAN MOORE: Okay. What I will next
do, then, is read the two letters. One I
think is fairly readable, the other is a bit
longer.

The first is from Amiee -- Brian
Amiee -- or Amiee Brian and Frederick Merrins,
and they are at 237 Fifth Avenue. And they
have lived there, "With my wife and
two-year-old son since 2007. We have grown
close to our neighbors on all sides and enjoy
the neighborhood feeling that comes with
living on a residential block in a small rural
village. We know many of the renters of all
ethnicities on our and the neighboring blocks,
and enjoy that our son gets to learn about
diversity firsthand. I, myself, grew up in
Freeport and went to a public school that was
93% minority, and count many of those
classmates as friends today.
We also enjoy sitting on our front porch and playing out in front of our house, occasionally throwing the ball around with our neighbor directly across the street. Unfortunately, since the house two doors down, 221 Fifth Avenue, was sold to Mr. Olinkiewicz last year, we have had nothing but problems with cars driving at excessive speeds down our block to and from the house, a driveway and yard packed with more than 10 cars at a time parked in it and along the street, and repeated calls to the police, because my son couldn't sleep as a result of the excessive music late at night, including during the week.

My neighbor, Mike Goldsmith, has also been forced to call the police regarding issues at 221 Fifth Avenue on numerous occasions.

I have made every effort to improve my home for the benefit of my family and our neighbors, and adding density" -- it says, "Density to a family-oriented block simply for the financial benefit of someone who does not even live in Greenport is not in the best
interest of the Village and those who love it.

We have plenty of housing on our block and the surrounding blocks. Another apartment or multi-family property built on an inappropriately small piece of land by an absentee landlord does nothing but create problems for those who live in its proximity.

We have rules to protect homeowners and renters for a reason, and changing them for one person's benefit is unfair to those of us who have to raise our families with the consequences of these actions."

And there's a P.S. "I have the financial means, energy, desire and willingness to do everything within my power to do what is best for my family and neighbors with respect to this issue."

I have an additional letter from Robert and Diane Peterson, 228 Sixth Avenue. It's to the ZBA Members.

"We received a letter from Westervelt & Rea LLP stating that the Zoning Board of Appeals was holding a site inspection on Wednesday, August 21st, 2013, at 221 Fifth Avenue, Greenport, New York. Unfortunately,
we cannot attend this inspection and
subsequent meeting due to a family matter that
will keep us from attending at the time
scheduled.

As stated in the letter presented to the
Board last year when the process began, we are
strongly opposed to the substandard
subdivision of 221 Fifth Avenue, Greenport.
We feel that subdividing this property and
building another house on the substandard lot
would be a bad decision and should not be
approved. Several of our reasons are listed
below.

The law in place does not provide for
this type of substandard subdividing of
property within the Village limits. There is
a good cause for this and we feel strongly
that the Board not go against the regulations
that are in place on this matter and approved
subdivision of this property, over-density of
an area already overbuilt and straining with
vehicular traffic it cannot handle presently.
The Village does not need another housing unit
owned by an absentee landlord.

The present house currently houses more
than two families, as is evident by the amount
of at least six cars and numerous bicycles of
its residents that are strewn about the yard
on a daily basis.

Also, buildings on the property are
placed in a position too close to neighboring
borders currently. This poses a threat to the
safety of the neighboring homes in the event
of a fire. The Zoning Board need not set
dangerous precedent" -- "set a dangerous
precedent in the Village for this to be able
to happen again; additional strain on an aging
utility system, lack of Village personnel to
adequately monitor and adjudicate the zoning
rules in place currently, especially in
dealing with absentee landlords and problems
that arise.

The owner of the property,
Mr. Olinkiewicz, just recently moved an
illegally placed structure to a different
location on the property, even when he was
informed over a year ago to remove it from the
location he had placed it in the Spring of
2012," in paren, "the red barn. A year went
by with nothing being done until it was time
to reopen the hearing.

    There has been a definite decline in the
nature of the neighborhood due to the
excessive number of people living in the
current structure. The increased vehicular
traffic and the loud noisy activities that
take place on a weekly, sometimes daily,
basis, large gathering of occupants drinking,
loud playing of music, many automobile work
sessions, where several cars appear so that
they can be worked on in the yard. Most of
these activities take place in the evening and
on weekends, so the neighboring residents find
it difficult to enjoy their own yards. This
is with one house on the property. Adding an
additional house and occupants will only add
to the growing busy nature of the block.

    Please note that I am not opposed to a
family enjoying the summer weather, but just
by the fact that the quantity of people living
in the residence, or at least staying there on
a regular basis with those who are officially
renting, makes for a lot of traffic and
activity on what was once a residential
street."
And that was the two letters that will
be entered into the record.

MR. BENJAMIN: The other side.

MS. GARRIS: There's another side.

CHAIRMAN MOORE: Oh, sorry.

"I am sure, though, that you will find a
decreased number of vehicles on your visit, as
happened last year, when those that generally
live or stay at the existing house move their
vehicles to other properties within the
Village.

The Village is currently grappling with
how best to deal with the issue of
overpopulated rentals. Please do not add to
the list of places already in existence with
yet another structure that cannot and will not
be monitored.

Lastly, I would like to add that at a
previous meeting on this matter, the owner
stated his major concern was to be able to
recoup on his investment in this property by
subdividing it, since he could only obtain a
construction loan at a high interest rate to
buy the property and repair the existing
house. Financially, he needed to subdivide
and build an additional house to add to the
rental income and be able to refinance his
loan. Truly, why should the Village be put in
a position to bail out someone, private
contractors who make poor investment
decisions? A lot of time placed on this one
issue, and it is time for the Zoning Board to
make a final decision to rule against the
substandard subdivision at 221 Fifth Avenue.

Thank you." And that's Mr. And Mrs. Robert
Peterson, 228 Sixth Avenue.

Thank you for pointing out the back
side.

Well, so where shall we proceed from
here? Time is certainly elapsing. Perhaps I
could recommend keeping the public hearing
open, that we adjourn the hearing.

MR. CORWIN: I would like to make one
note on the record --

CHAIRMAN MOORE: Yes.

MR. CORWIN: -- before you adjourn the
public hearing, and that is Village of
Greenport variances sought and variances
granted, and that has to be researched.

MS. REA: And, certainly, any
corrections we'll make.

MR. CORWIN: You submitted it without
doing your homework.

MS. REA: Actually --

MR. CORWIN: And let me speak, please.

MS. REA: Sure.

MR. CORWIN: And that I've been on the
ZBA for, I guess, about two years. So granted
in 2011 was 314 Center Street, and that was a
three-to-two vote, with myself and Ms. Neff
voting no.

And then I'd like to go back to Hugh
Prestwood, which was 519 First Street, and
that created two lots on Second Street, and it
was a mistake. I'm sorry I voted. I voted
yes. And the applicants came in and they
represented to us that they were staying there
for the rest of their lives and that was their
retirement home. Mr. Prestwood carries a gun.

Mr. Prestwood attacked me here. I'm
embarrassed to say I let him intimidate me.

It was a mistake voting yes on 519 First
Street, because the first thing that happened,
somebody bought a lot and he came in here and
asked for a variance. So I don't put a lot of
store in Village of Greenport variances
sought.

CHAIRMAN MOORE: Okay. Thank you. I think, with the time passing, and that we need to digest quite a lot of information, I'd like to ask Village Attorney if there is some way we can clarify where we are in the process between the Planning Board and ourselves?

We had come to a general agreement at our meeting to ask for an opinion from the Planning Board. I had offered it as a motion, but we got sidelined in the discussion and never actually voted that. I did send a letter to the Planning Board asking for their input, and we have on hand a fairly brief and noncommittal kind of statement from the Planning Board.

MR. CORWIN: I would like to discuss that.

CHAIRMAN MOORE: So just let me just finish where we are with this.

Do we need to clarify the procedural issues that relate to us working with the Planning Board?

MR. PROKOP: Yes. I think what I would
do is I would ask that the Planning Board clarify by your next meeting the exact status of the application with the Planning Board. I don't think that that was made clear to this Board.

CHAIRMAN MOORE: And could we ask officially, more officially, for their input in more detail, or what can we do?

MR. PROKOP: I think, based on what I -- the discussion and what you received, I think what I would do is ask for any planning considerations that they may have.

CHAIRMAN MOORE: That I thought is what I did, but it wasn't much of a response.

MR. PROKOP: Yes.

CHAIRMAN MOORE: Yeah. So Mr. Corwin would like to comment.

MR. CORWIN: I would suggest that we close -- adjourn the public hearing, so that anybody interested can submit letters, anybody we may have missed. Open it next month, hopefully finish it then, and then I would like to discuss this thing from the Planning Board.

CHAIRMAN MOORE: Okay. Shall we proceed
with that first, then? Now, when you say
you'd like to discuss it now, or you would
like to --

MR. CORWIN: Well, I was saying after.
I don't know if it's germane to the public
hearing, but if you want --

CHAIRMAN MOORE: Okay.

MR. CORWIN: -- to discuss it now, we
certainly can.

CHAIRMAN MOORE: What I'll do is I'll
suggest that -- I'll make a motion that we
adjourn -- keep the public hearing open and
adjourn it to our meeting in September,
pending a clarification with the Planning
Board as far as their input. So moved. May I
have a second?

MS. NEFF: Can I just say --

CHAIRMAN MOORE: Yes.

MS. NEFF: -- before? I mean, we have
here a response from the Planning Board. We
don't have what we asked of them, but there's
-- it's not specific. It seems to me that
they're really talking about matters that are
our province. We don't really know, at least
I don't know, exactly what is their overview
in this matter; you know, clarify. I don't
know that we're going to get any further by
September, unless we kind of try to spell that
out, or meet jointly, or something like that.
CHAIRMAN MOORE: So what would you
suggest the process be?
MS. NEFF: I don't know. I'm like how
are we going to get -- I think that -- I don't
have in front of me what you requested, but I
thought it was very clear, whereas this
response is not clear, but, actually, almost
tells us to just go ahead and say okay, almost
says that.
MR. GOLDSMITH: Could I ask a question?
MS. NEFF: Yes.
MR. GOLDSMITH: What is the reason for
the 29th meeting of the Planning Board if they
already made a decision to go ahead with this?
I thought --
MS. NEFF: We don't know that they made
a decision.
MR. GOLDSMITH: Well, based on what
you've been hearing and innuendos, they
basically rubber-stamped this. That's what
they're driving at.
CHAIRMAN MOORE: Well, we would like to hear from the Planning Board. We have not --
MR. GOLDSMITH: Well, so would we. We'd like to have it before they pass it.
CHAIRMAN MOORE: You know, perhaps by --
MR. GOLDSMITH: The 29th was supposed to be their meeting, and now what we're hearing is they're basically rubber-stamping it, and they're just waiting for you to go through the process, and they're just going to stamp it "yes" with no input from us, except they're already making the decision on the 29th. Why should we show up on the 29th?
MR. CORWIN: If we close the public hearing, I think we should discussed this, not necessarily in the public hearing.
CHAIRMAN MOORE: Okay.
MR. CORWIN: I made the motion the public hearing be adjourned.
CHAIRMAN MOORE: Okay.
MR. CORWIN: And any additional letters or comments may be sent to the ZBA for the next regularly scheduled meeting.
CHAIRMAN MOORE: May I have a second on that?
MS. NEFF: Second.

CHAIRMAN MOORE: And all in favor?

MR. CORWIN: Aye.

MS. NEFF: Aye.

MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye.

Okay. So we're pushing back for a month. And now, the relationship --

MR. CORWIN: Now I would like to address what you were just discussing with the Planning Board.

CHAIRMAN MOORE: Yes.

MR. CORWIN: And the way this came about at our last meeting was Mr. Moore said something to the effect of input from the Planning Board, and suggested a motion. And,

"CHAIRMAN MOORE: Great. So," blah, blah, blah. "Making a motion to provisionally set the application for an area variance, and that we will wait for the official notification of the Planning Board, and then modify the adjoining and nearby neighbors" -- "notify the adjoining and nearby neighbors with a radius that would encompass."

Now, to me, that didn't ask for anything
from the Planning Board. Mr. Moore interpreted it that he was asking something. I don't see that in that motion. I voted yes. I was surprised to get this from the Planning Board, and I think perhaps -- well, I shouldn't even say that, I don't know how it came about, an email from Linn Atkinson-Loveless, who's the Chairman of the Planning Board.

And I have to say, the Planning Board are all new people, they were all draftees. They really don't have their feet yet -- wet yet, so we have to give them a little leeway.

And she says, "We understand the ZBA would appreciate input from the Planning Board before taking action on the variances in connection with the proposed subdivision lot on Fifth Street.

The Planning Board has discussed the proposed subdivision in general terms. In spite of our concerns about aesthetics, increased density and loss of yard and vegetation, we are generally in favor of allowing this project to go forward. We feel the project is consistent with the
neighborhood as a whole, and would not have a
detrimental impact. If the project does go
forward and we are given a site plan, we may
request modifications and impose conditions in
light of our concerns."

I don't see that as what was asked for.
But my big question is how can the Planning
Board make a determination such as this -- a
determination, without holding a public
hearing? How can the public hearing -- the
Planning Board not have these people and these
people sitting there saying what they think,
because that makes a big difference in how you
vote or think about a project, without a
public hearing?

So I consider that the ZBA should just
throw this out.

AUDIENCE MEMBER: Thank you.

(Applause)

CHAIRMAN MOORE: How could we proceed
with this sort of catch 22, that the Planning
Board cannot move forward unless a variance is
granted? Otherwise, they wouldn't move
forward at all. Is there any way of jointly
meeting to collect public comments on the
overall issue?

MR. PROKOP: Yes, that's happened as a precedent in the past. Yes, there's been joint meetings of these two Boards on prior applications. It's something that can be done, yes.

CHAIRMAN MOORE: Because I can see this bouncing back and forth. At the last minute, I do acknowledge that after we had your advice, that we could seek the input in general from the Planning Board. I started to offer that motion. We got in a complex discussion about what exactly we were asking for and we never voted. So, in a way, we haven't officially asked the Planning Board for input.

So I would suggest that we -- that we could make a motion to seek a joint meeting with the Planning Board to discuss the application, allow a public hearing for everyone's input into the planning process, and then the Zoning Board would have to first deliberate and decide. And then the Planning Board, having had a hearing, could move forward, if a variance had been granted, with
their process. Is that agreeable to the
Board?

MR. CORWIN: I don't particularly want a
joint meeting, but I will vote no. I think
the Planning Board needs to have a public
hearing.

CHAIRMAN MOORE: That's what I was
suggesting, that that would be noticed, and
that a joint meeting would be held, which
would include a public hearing. Would that be
agreeable to the Board?

MR. CORWIN: Yes.

CHAIRMAN MOORE: Yes. So I will then
make the motion that we seek a joint meeting
with the Planning Board to schedule a public
hearing that will satisfy the Planning Board
requirement, that we may have discussions in
joint with the Planning Board to discuss the
merits of the application, and then the Zoning
Board could proceed with its decision process,
followed by the Planning Board, should we
approve the variance. So moved.

MR. CORWIN: I object to a discussion
with the Planning Board. I don't object to a
public hearing in which both Boards attend. I
think discussion with the Planning Board would be futile.

CHAIRMAN MOORE: So we could just suggest a joint meeting.

MR. PROKOP: Well, there's a motion.

Isn't there a motion?

CHAIRMAN MOORE: Yes.

MR. PROKOP: Did anybody second?

CHAIRMAN MOORE: Okay. Let's -- why don't we proceed with that, then?

MR. PROKOP: Well, we need Mr. -- with all due respect, I believe Mr. Corwin's discussion on the motion should come after a second. What he's saying is basically discussion on the motion --

CHAIRMAN MOORE: Okay.

MR. PROKOP: -- which comes after. So, right now, you have a motion on the table with no second.

CHAIRMAN MOORE: All right. So let's ask for a second

MS. NEFF: Could we repeat that motion?

CHAIRMAN MOORE: The motion was to seek a joint meeting with the Planning Board, that they may schedule a public hearing to satisfy
their planning requirements, and that we, and
this is the contentious issue, have a joint
meeting and discuss the overall merits of the
application with the Planning Board. And that
was the motion. So moved. And seeking a
second on that motion so that we may vote it
up or down.

MS. NEFF: Second.

CHAIRMAN MOORE: And any discussion
further?

MR. CORWIN: I would like to include my
previous statement, with no second, into the
motion with a second.

CHAIRMAN MOORE: I don't understand.

MR. CORWIN: Neither do I.

(Laughter)

CHAIRMAN MOORE: Okay. I think the
technicality is that Mr. Corwin would not
like --

MR. CORWIN: I don't want to discuss
this with the Planning Board. I want to have
a --

CHAIRMAN MOORE: A common discussion in
point.

MR. CORWIN: -- public hearing where
everybody can talk or express their opinion.
And the information that's been presented here	onight can be presented to the Planning
Board, and then we close that particular
public hearing and reopen our ZBA public
hearing after that.

MR. GOLDSMITH: That's the way it should
be.

CHAIRMAN MOORE: Do you see that as
permissible, Dave?

MR. GOLDSMITH: That's fair.

MS. REA: Excuse me. Administratively,
I think -- I don't believe that that's
appropriate.

MR. CORWIN: You can't get up in the
middle of the meeting.

CHAIRMAN MOORE: Okay.

MR. CORWIN: Sit down.

CHAIRMAN MOORE: You're bringing a point
up. I'm asking the Attorney the same
question. Is that something we procedurally
can do with our variance application pending,
is ask for --

MR. PROKOP: The way you treat -- if
what you're talking about is having a two-part
meeting, where basically the first part of the
meeting is a ZBA hearing and a Planning Board
meeting, because -- so, in other words -- and
we've done this before. On matters of public
interest, we've done this before, significant
public interest. But what you could do is
have the first part of the session be a ZBA
hearing and a Planning Board meeting.

CHAIRMAN MOORE: Right.

MR. PROKOP: You know, that's
technically what would be going on.

CHAIRMAN MOORE: So they would join in.

MR. PROKOP: But they would be here.

They would either be here at the table or at
some place approximately.

CHAIRMAN MOORE: Yes. So they would be
present.

MR. CORWIN: No, I'm not for that.

CHAIRMAN MOORE: Okay.

MR. CORWIN: Well, let's take a vote.

CHAIRMAN MOORE: Okay. So we are
proposing to continue the public hearing of
the ZBA next month, with the Planning Board in
attendance, so that they may gain information
regarding this appeal to the Zoning Board of
Appeals. So moved. And may I have a second?
I think --

MR. BENJAMIN: On discussion, I agree with David, yes. The Planning Board should do their thing. Let these people speak at the Planning Board, because I think this is a serious matter. It's not so much a serious matter because Mr. Olinkiewicz is causing it, it's already there, the problem's already there. Mr. Olinkiewicz hasn't built anything. So what I'm saying is that these people have to speak to somebody that can do something about their problem.

CHAIRMAN MOORE: Can the Planning Board, Mr. Prokop, can they have a meeting with a public hearing regarding the application prior to our decision?

MR. PROKOP: No, they have no jurisdiction to do that.

CHAIRMAN MOORE: They cannot do that.

MR. PROKOP: They can have a public meeting -- excuse me for one second. I'm sorry. They can have a public meeting and a hearing on your request, but it would be your request for planning comments, not a hearing.
on the application.

    CHAIRMAN MOORE: In other words, it can't be a Planning Board hearing, it has to --

    MR. PROKOP: It would be a Planning Board hearing, but it would be a Planning Board hearing on your request for comments, it would not be a Planning Board hearing to do anything with the application.

    CHAIRMAN MOORE: I see.

    MR. CORWIN: So then the Planning Board cannot make a recommendation to us without having a public hearing and letting these people speak.

    MR. PROKOP: I didn't say that. But what you could do this time -- maybe the way to get into this directly is to -- what you might -- what you could do this time is request the Planning Board to give you planning comments that are a result of a public hearing, but that have the benefit of a public hearing by the Planning Board. So that way they can get the comments from the public to include in their planning comments to this -- recommendations to this Board.
CHAIRMAN MOORE: So we would be requesting the Planning Board to schedule a public hearing for input regarding Planning Board comments back to the Zoning Board?

MR. PROKOP: Yes.

MR. CORWIN: And time-wise, that does not work out for our next meeting.

CHAIRMAN MOORE: Probably not. It would have to be --

MR. PROKOP: Or it may.

CHAIRMAN MOORE: Their next regular meeting is the 1st. They wouldn't be able to notice in time, probably. The first meeting is the beginning of September.

MR. GOLDSMITH: Well, what's the 29th? There's supposed to be the Planning Board meeting the 29th.

CHAIRMAN MOORE: It's a work session?

MR. PROKOP: It's a work session?

CHAIRMAN MOORE: Work session, so that wouldn't be a public hearing meeting.

MR. PROKOP: No. The next meeting is --

CHAIRMAN MOORE: They're talking about current.

MR. GOLDSMITH: Well, I'm only reading
1 what's on the sign of the property.
2 CHAIRMAN MOORE: Right, yeah.
3 MS. NEFF: There is a sign on the
4 property that talks about a meeting on the
5 29th?
6 MS. GARRIS: It was first posted as the
7 29th, then we all got the letters that it was
8 21st. Then my husband called and they put a
9 sticker --
10 CHAIRMAN MOORE: Oh, that was
11 probably --
12 MS. GARRIS: -- over one of the 29ths
13 and not the other, but we assumed that the
14 inspection --
15 CHAIRMAN MOORE: I think that was the
16 posting for the Zoning Board of Appeals and
17 was probably incorrectly dated.
18 MS. GARRIS: It was this meeting.
19 CHAIRMAN MOORE: Yes.
20 MS. GARRIS: We think, we're guessing.
21 CHAIRMAN MOORE: So that's not the
22 Planning Board issue. But the thing I'm
23 bringing up is that their regular meeting is
24 September -- first Thursday in September. And
25 there's a requirement for public notice that
needs to be done at a certain time ahead of
the meeting, and it might not make it, so we
may have to push back and wait for --

MR. GOLDSMITH: Well, I think that we
should have some input in the Planning Board.

CHAIRMAN MOORE: But we agree.

MR. GOLDSMITH: But they already made
their decision, from what I hear.

CHAIRMAN MOORE: We agree, we agree.

And they're not making a decision, but they
would have a public hearing for input so they
could make recommendations.

MR. GOLDSMITH: According to that email
from Ms. Loveless, they practically said they
would accept it.

CHAIRMAN MOORE: Well, perhaps they
didn't have all the information, not having a
public hearing.

MR. GOLDSMITH: Well, that's why we'd
like to put input into it.

CHAIRMAN MOORE: So is that agreeable?

MS. NEFF: Could I ask a question?

CHAIRMAN MOORE: Yes.

MS. NEFF: I won't ask the question
until you're finished.
1 The Planning Board is involved because
2 there's a possible subdivision; is that right?
3 MR. PROKOP: Yes.
4 MS. NEFF: For that reason and that
5 reason only?
6 MR. PROKOP: Yes.
7 MS. NEFF: Okay. But the matter of the
8 subdivision is at this --
9 MR. PROKOP: Right.
10 MS. NEFF: Okay.
11 MR. ABATELLI: I don't think they're
12 planning on dealing with this.
13 MR. PROKOP: They're not done. They're
14 not done.
15 MR. ABATELLI: I mean, until the Zoning
16 Board is done. I think they're not going to
17 continue discussing this application until the
18 Zoning Board makes a decision.
19 MS. NEFF: There is an application in
20 front of them.
21 MR. ABATELLI: But they turned it over
22 to you because they can't act on it. They
23 probably went too far in this letter.
24 CHAIRMAN MOORE: I'm not sure if they
25 voted to do that.
MR. ABATELLI: I don't want to speak for them, but I was there. They spoke for a long time, and I think where they were -- I don't really -- I don't want to speak for them.

CHAIRMAN MOORE: Well, you know what, I think I'll suggest -- you know, we have just received the minutes, and I don't know if the minutes reveal that they have officially denied the applicant and forward it to us, so we may -- you know, we may still be needing to wait for that.

I'm just going to recommend we simply adjourn the public hearing, pending more input next month to the Zoning Board of Appeals. We will try and work with the Planning Board to see if some administratively appropriate process can occur, so that they may receive public comment and make a recommendation to us on their planning issues.

At worst, we will come back next month with the public hearing open, with perhaps the Planning Board won't have any input, and we'll proceed without them. That could happen.

And is anything just pertinent to the process?
MR. REED: Yes. What is the pecking order? Is it the Zoning Board or the Planning Board who has like, you know --

CHAIRMAN MOORE: Only with regard to the fact the Planning Board may not proceed without a positive response from us. So it's resting on our shoulders at this point.

MR. REED: Well, they kind of put the cart before the horse --

CHAIRMAN MOORE: Yes.

MR. REED: -- sort of, with that email.

CHAIRMAN MOORE: And we're trying to get some of their input relative to our deliberations, which may not be possible.

MR. REED: We're looking to clarify.

CHAIRMAN MOORE: So we're going to try and work on that this month.

So I will move that we adjourn the public hearing, leaving it open until next month, pending further discussions on procedural processes with the Planning Board.

So moved. May I have a second?

MS. NEFF: Second.

CHAIRMAN MOORE: And all in favor?

MR. CORWIN: Aye.
MS. NEFF: Aye.

MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye.

So that's where we are now. I'm sorry for all of the delays.

MR. GOLDSMITH: Thank you very much.

MR. REED: We appreciate it.

CHAIRMAN MOORE: But we're trying to work it out.

MR. CORWIN: I would like to make a motion.

CHAIRMAN MOORE: Yes.

MR. CORWIN: I would like to move that the Zoning Board of Appeals request that the Planning Board withdraw Linn Atkinson-Loveless' email, dated August 21st, 2013, Proposed Subdivision at 221 Fifth Street, in light of the fact they had no public hearing and no public input.

CHAIRMAN MOORE: That motion is accepted. I'll make a second on that. All in favor?

MR. CORWIN: Aye.

MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye.
MS. NEFF: Aye.

CHAIRMAN MOORE: So that's done. Now, as far as the agenda is concerned, we could probably work our way through here.

We have Determination Documents for our past --

AUDIENCE MEMBER: Thank you.

CHAIRMAN MOORE: Thank you. Our past meeting, there are three of them. And I will -- yes, sir.

MR. ABATELLI: The guy over there.

CHAIRMAN MOORE: Yes.

MR. ABATELLI: He's been here over two hours.

CHAIRMAN MOORE: Oh, yes.

MR. ABATELLI: He just is the sign guy for the Hospital.

MS. NEFF: Okay.

CHAIRMAN MOORE: Let's move to that point. Okay.

MR. PROKOP: Can you do me favor, while we're doing this?

CHAIRMAN MOORE: Yes.

MR. PROKOP: Can I have copies? Can I have copies of the decisions to review?
CHAIRMAN MOORE: Yes. I only have one copy.

MR. PROKOP: Can I just look at them?

CHAIRMAN MOORE: But I can give you the final -- the final copies, yes.

MR. PROKOP: Whatever you have think is what we're going to vote on, can I just see that for a second?

CHAIRMAN MOORE: Yes, absolutely.

MS. NEFF: This is the Costello one.

MR. PROKOP: Thanks.

MS. NEFF: That's the only one I have.

All right.

CHAIRMAN MOORE: All right. I'm going to make a suggestion that we move to Item #6. So I'd appreciate that. We're going to move to Item #6, and it may involve you, sir.

And this is a motion to accept an application for a variance, schedule a site visit, and schedule a public hearing for Eastern Long Island Hospital, 201 Manor Place, Suffolk County Tax Map 1001-2-3-2. The property is located in the Waterfront Commercial District.

The Applicant seeks a building permit to
construct detached and illuminated Hospital
signs. And I'll just read what the
application is requesting.

Section 150-15G(2) of the Village Code
prohibits directly lighted signs. The
proposed new signs are to be directly
illuminated.

Section 150-15I(1) limits the size of
detached and ground signs. Detached and
ground signs shall not exceed a total area of
24 square feet.

Proposed Signs G2-01 and G2-02 are 24.36
square feet each. The combined total of the
two signs is 48.72 square feet. And the pair
of these signs each represent one leg of an
"L" shaped sign, and, therefore, have been
calculated as a single sign.

Proposed sign G1-01 is 36.54 square feet.
Collectively, these signs represent
85.26 square feet, requiring a variance of
61.26 square feet.

Just as a point, the Hospital apparently
has a Phase I of a larger resigning program
for the entire property. And, as everyone
knows, this is a large property, and because
it is a public institution, there are many
directional signs on the property for
different parts of the property.
So what they are doing is bringing to us
an application for a variance for the signs
that they are most immediately going to build.
There's a gentleman here that represents
the company that's apparently designing and
constructing --

MR. BORSELLA: Manufacturing.
CHAIRMAN MOORE: Manufacturing the
signs. There's no public or no testimony
tonight. We're simply accepting the
application, and we may wish to ask for a few
things along the way just to clarify it, so we
don't lose time next month.

MR. BORSELLA: Okay.
CHAIRMAN MOORE: So I will offer that
motion to accept the application and schedule
a site visit and public hearing. May I have a
second?

MR. CORWIN: Second
MS. NEFF: Second
CHAIRMAN MOORE: And all in favor?
MR. CORWIN: Aye.
MS. NEFF: Aye.
MR. BENJAMIN: Aye.
CHAIRMAN MOORE: And Aye.
MR. CORWIN: Set the time for this, please.
CHAIRMAN MOORE: Pardon?
MR. CORWIN: Set the time for this, please.
CHAIRMAN MOORE: Set the time. It's the
only site visit we would have, so I suppose we
are going to walk around the property a bit.
Maybe 4:30 would be acceptable.
MR. CORWIN: Yes.
MS. NEFF: Okay.
CHAIRMAN MOORE: And the meeting will be
September 18th, which is a Wednesday, and --
MR. BORSELLA: Do I have to be there?
Excuse me.
CHAIRMAN MOORE: Well, some
representative. Mr. Ebley (phonetic),
perhaps, would be there representing the
Hospital. I'm not sure.
MR. BORSELLA: September 18th, 4:30?
CHAIRMAN MOORE: At 4:30 at the
Hospital. We generally will do a walk-around
at the site to look at the conditions. We
have pretty detailed plans.
MR. BORSELLA: Yeah.

CHAIRMAN MOORE: One thing that would be helpful, since this is described as Phase I, is that if there are Phase II, and whatever, additionally, that there be some description of that.

MR. BORSELLA: I have it.

CHAIRMAN MOORE: And --

MR. BORSELLA: So you want me to bring that along?

CHAIRMAN MOORE: Yes, that would be helpful. And I believe there were some diagrams that depicted a site plan or a sign plan for the facility.

MR. BORSELLA: That was included, where we were going to place them all.

CHAIRMAN MOORE: Yes. That would be helpful, if there was any additional input for that.

One thing that the Building Department may need to research is there are already some signs. I believe the Building Inspector has taken some pictures. On the rear of the building, there is an especially prominent lighted sign already, for which I'm not sure a
variance exists. We may ask that the Hospital
package with their application any missing
variances for already inappropriately lit
signs.

It's understandable that at such a large
facility and large property that there are
going to be numerous signs. And our goal is
to reduce as much the impact of those signs on
the general public, but still serve the need
to direct people into the facility. So that
that will be what we're looking at.

MR. BORSELLA: Sure. I'd like to -- is
there any question about the construction of
it or how it's working? Like most illuminated
signs -- I just want to just make one point
here -- it's just a box, and it's a Plexiglass
face with lettering, the whole thing's
illuminated kind of bright. These are all
just aluminum signs routed, and the only thing
that would illuminate is only the letters.

CHAIRMAN MOORE: Right. That will be
helpful to have some detailed descriptions.

MR. BORSELLA: It's on it. It's on it.

CHAIRMAN MOORE: Because --

MR. BORSELLA: It's on the -- it's in
CHAIRMAN MOORE: Yeah.

MR. CORWIN: Do you have a sample of a sign like that?

MR. BORSELLA: On me, no, but I could take photographs and get -- bring that. Would you like me to bring like what something --

CHAIRMAN MOORE: Yes, that would be nice. It looks like from the plan that it's sort of an indirect lighting, where only the outline of the letters shows up.

MR. BORSELLA: Yes, some are of outlines. But you're still going to see like the word "emergency" is stained red, you can see it red.

CHAIRMAN MOORE: Right.

MR. BORSELLA: But the outline is white.

CHAIRMAN MOORE: Yes. And I think, in light of the fact that some of the current directly illuminated signs may be quite objectionable, that there might be some suggestions that there be changes to that. So I'm sure that will come up in the discussions.

MR. BORSELLA: Well, that's in the plan with the other signs.
CHAIRMAN MOORE: Right. Well, that was why it would be nice to have the whole plan.

MR. BORSELLA: I submitted that originally, but they said --

CHAIRMAN MOORE: Okay.

MR. BORSELLA: I was told to do two, three at a time.

CHAIRMAN MOORE: Well, even if it's not detailed, we need to know the scope, because --

MR. BORSELLA: Yeah.

CHAIRMAN MOORE: -- the surprise of Phase II might be something that would have prevented us from agreeing to Phase I.

MR. BORSELLA: I'll bring it.

CHAIRMAN MOORE: This is a pretty major --

MR. BORSELLA: Yeah.

CHAIRMAN MOORE: -- installation.

MR. CORWIN: Question. Who told you to do two or three at a time?

MR. BORSELLA: The Hospital.

MR. CORWIN: We want everything at one time on one sheet, a site plan, or certainly I'll speak for myself, I do, and before the
field inspection. So, please, submit it to
the Building Department so we can look at it
before the inspection.

CHAIRMAN MOORE: And it could be simpler
for yourself and the Hospital, because we
could give an approval for the project, or at
least, you know, understand the stages.

MR. BORSELLA: I think it's funded and
budgeted for this project of these three
signs. I don't know what submitting other
applications or -- because that may never
happen.

CHAIRMAN MOORE: Right. An approval
could include a construction schedule, and it
would just simplify it. And, as Mr. Corwin
says, we want to know what the whole thing is,
because the rest of it might not be
appropriate, in our opinion, and that would
link to the beginning.

MR. BORSELLA: And if the Hospital only
wants me to submit these three, am I still
able to do that? Maybe I shouldn't have -- I
mean, there is a plan, but that doesn't mean
any of that's going to happen.

CHAIRMAN MOORE: The rest of the plan
could perhaps be less detailed, but should
certainly explain the entire scope.

MR. BORSELLA: Yeah.

CHAIRMAN MOORE: That's, I think, what
we're looking for.

MR. CORWIN: Yes.

MR. ABATELLI: And, certainly, I mean, a
Hospital representative should be certainly at
the hearing, because it's unfair to you to
answer those questions.

MR. BORSELLA: Yeah.

MR. ABATELLI: And also, I guess, if any
signs are being removed, it would be useful to
know that.

MR. BORSELLA: Okay. So -- but I will
submit everything on the 18th at 4:30. I will
be there and submit everything you ask for.

CHAIRMAN MOORE: Excellent.

MS. NEFF: Then you'll come to the
meeting here after?

MR. BORSELLA: Then I'll it be at the
meeting.

MR. ABATELLI: With the Hospital
representative.

MR. BORSELLA: With the Hospital
representative.

CHAIRMAN MOORE: And that would be very helpful, yes.

Okay. So we have done that. We did approve and schedule that. And what I would do, then, is just go over these three Decision Documents. We have approved those variances.

The first is Item #3, which is approve the Findings, Determination and Decision Document approving a variance for Arden Scott at 301 Atlantic Avenue, Suffolk County Tax Map 1001-2-2-14.

I would just like to indicate that the draft was circulated to the Board, and on review, there were a number of corrections, which I will just quickly review.

Other than punctuation, I will just mention that in the Determinations on Page 3, under B, "The benefit sought by the applicant could be achieved by some method feasible for the applicant to pursue." So the "not" was deleted, and that is according to the way we voted.

In the Conditions on Page 4, the number two is that "No commercial activity or use of
the garage and property, including" -- no, I'm sorry. Yes. "No commercial activity or use of the garage and property, including use as a commercial gallery, would be permitted, including no commercial storage or storage of any equipment that is not related to the use of the property." That was that we also specifically said that it could be a studio, but not a commercial gallery.

And then the number four, that, "In the event that the title of the property is transferred or the property is sold, the garage may continue to be used as a garage and as an artist studio, or another use that is in compliance with the R-1 District." We also specifically stated that the artist studio use could carry on.

With that, I have made a new document which incorporates those changes, and I would make a motion to offer that for approval to the Zoning Board of Appeals.

MR. CORWIN: Second.

CHAIRMAN MOORE: And any discussion?

(No Response)

All in favor?
MR. CORWIN: Aye.

MS. NEFF: Aye.

MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye.

So that motion carries, and the Document is approved.

The second one is -- again, the draft document was circulated, and it's for John Costello at 102 Broad Street for the reconstruction of a garage with an artist studio.

There was a correction in the property number. It's Suffolk County Tax Map 1001-02-05-029. And I've -- on the first page, the side yard setback, there is a redundancy. "The installation of an exterior stairway to the second floor of the garage" is deleted, it's unnecessary.

In Page 2, that said he had decided to remove the existing garage building and build a new garage building. I have added "on a new foundation," which was the reason for that.

There was a -- on the Findings, the first line, "The subject premises is located," the "located" is deleted. It is improved by a
three-family house with a garage. That "located" apparently carried from another
document.

And then the stipulations, I believe, are correct, except at the very last page,
Page 5, "Motion by Chairman Moore, seconded by Ellen Neff, to conditionally grant the
requested variance of the maximum height limitation," and I add, "In side yard setback,
subject to the stated conditions." That was left out.

So, with those corrections in mind, they've been incorporated into the final
document, I would offer that document, as corrected, for approval; and a second, please.

MS. NEFF: Second.
CHAIRMAN MOORE: Any discussion? All in favor?

MS. NEFF: Aye.
MR. BENJAMIN: Aye.
CHAIRMAN MOORE: Aye.

And Mr. Corwin is abstaining, as he had from the deliberations.

And the last is an application from Richard Ward for the Holy Trinity Episcopal
Church. In that case, the "Episcopalian" has just been corrected to "Episcopal."

On Page 2, the correction is, "The premises is occupied as a single-family residence," not, "By a single-family residence."

And the granting on Page 3 of the requested use variance, not area variance.

And, lastly, the Question C on Page 4, the correct question is, "The variance will not alter the essential character of the neighborhood, as is required by the use variance." So that has been replaced with that question.

And with those corrections understood in the final Document, I would make a motion to approve the Findings, Determination and Decision Document. May I have a second?

MR. BENJAMIN: Second.

MS. NEFF: Second.

CHAIRMAN MOORE: Okay. And Mr. Benjamin seconded. And any discussion?

(No Response)

If not, all in favor?

MR. CORWIN: Aye.
1. MS. NEFF: Aye.
2. MR. BENJAMIN: Aye.
3. CHAIRMAN MOORE: Aye.
4. That Document is approved. And we have done 3, 4 and 5. And we move to #7, which is a motion to accept the ZBA minutes for July 17, 2013. So moved.
5. MS. NEFF: Second.
6. CHAIRMAN MOORE: All in favor?
7. MS. NEFF: Aye.
8. MR. CORWIN: Question.
10. MR. CORWIN: The minutes for July, first I'll say the PDF file seems to be locked, so you can't copy text. So can we get a file that's not locked that you can copy text, or a doc file rather than a docx, because I'm way behind the times?
11. CHAIRMAN MOORE: Okay, yes. And one other comment, too, while we're discussing it. The signature, the witness and signature of the document, while the hearing occurred on July 17th, it's said to be signed and attested to on the 23rd of June, 2013. So you need to
correct that date. Anyway, it needs to be the
proper date.

And with that in mind, we had a second
and the discussion. So all in favor?

MR. CORWIN: Well --

CHAIRMAN MOORE: Whoops.

MR. CORWIN: -- I'm still trying to
discuss this.

At Page 39, Line 10, Mr. Kapell says,
"The installation of a fence." Now, I don't
know that that's incorrect. The same thing
comes up on Page 52, Line 17, Mr. Kapell calls
that fence replacement. In my understanding
of the discussion and what I originally said
on the minutes was the removal of the fence,
and I think Mr. Kapell didn't understand or he
misspoke.

Originally, the Applicant had
represented she was going to dismantle the
chain-link fence, and it turned into the
minutes into replacement of the chain -- of
the existing fence. So I don't know that
those minutes were incorrect, but they did not
convey my understanding of what we were voting
on. So perhaps the Attorney can give me some
guidance, or us some guidance, of a situation
like that.

MR. PROKOP: I mean, the problem with
the minutes, changes in the minutes, is taken
by a Court Reporter or Stenographer. I mean,
you're suggesting that what was said was
different from what was reflected in the
minutes; is that correct?

MR. CORWIN: No, I'm saying --
MR. PROKOP: Of what was intended?
MR. CORWIN: Yes.
MR. PROKOP: Okay. You could change --
you know, require a vote of the Board to amend
the minutes, basically, if you think that
something else was said. It's not -- you
can't change the minutes to insert an
explanation, but if -- or additional language.
But, if you think that there's a word or two
that were not reflected correctly, then, by
the vote of the Board, the minutes could be
changed.

You know, what was said was said. The
problem with -- excuse me, not the problem.
Excuse me. The situation that we have, which
is we're fortunate for because the Village
pays for this, is that we have a verbatim
transcript done. So, if the intention of what
somebody said is different from the words that
came out of their mouth, unfortunately, those
words were spoken.

Am I addressing your point? I'm sorry.

MR. CORWIN: Yes, you are.

CHAIRMAN MOORE: So, do we understand
it's to be replaced, the fence?

MR. CORWIN: Well, the Attorney says we
can't replace it, and I'm not saying the
minutes were necessarily wrong. I'm saying
because of what Mr. Kapell said, it turned it
from the applications -- Applicant's original
statement at the inspection, that she was
removing the chain-link fence, to the
replacement of the fence.

MR. PROKOP: Okay. So now is your -- is
this comment germane to the decision that was
made? Are you looking for something else in
the decision based on what was --

CHAIRMAN MOORE: The decision --

MR. CORWIN: Not necessarily.

CHAIRMAN MOORE: The decision says the
fence is to be replaced, and that's my -- when
I said "replaced," I meant the fence, not the words in the document. Is that our understanding, the fence will be replaced?

MR. CORWIN: My understanding was it was going to be removed.

CHAIRMAN MOORE: I suppose we could inquire.

MR. PROKOP: That has to be changed. I mean, the Board has to make -- the way to handle this, if you have -- you cannot change the language of the minutes, but you can append a comment. All right. So, if you think, as a Board Member, that for some reason the minutes do not accurately reflect an intention, where you want something else, you know, an explanation for some reason, you can append that as a comment to the minutes. You can do that.

What we're talking about here is something more substantive, where you're thinking that what was really discussed was removing the fence --

MR. CORWIN: Yes.

MR. PROKOP: -- rather than replacing the fence. That's substantive. And even if
that's not exactly reflected in the minutes, you could make that -- you could amend the decision to -- well, the problem is now we already voted on the decision to this.

CHAIRMAN MOORE: Okay. May I just read from the minutes from last month? On Page 52, Line 11:

"Yes, and the Certificate of Occupancy would be withheld, pending, of course, completion of construction and cleanup of the property.

MR. PROKOP: Including the fence removal. Is the fence -- " And then, "MR. KAPEL: Replacement. 

MR. PROKOP: Replacement.

CHAIRMAN MOORE: Replacing the fence. With that proposed, I so move. Second, please." And we proceeded to vote. So we approved replacement of the fence. And if that's agreeable, that's what this document has as one of its stipulations.

MR. CORWIN: Okay. I won't make a federal case out of it.

CHAIRMAN MOORE: Okay.

MR. CORWIN: But my understanding was
different.

CHAIRMAN MOORE: Okay. Is that agreeable with the Board?

MS. NEFF: Sure.

CHAIRMAN MOORE: Okay. So the document has already been approved, so we're good with that.

And have we voted to accept the minutes?

I don't recall if we all said --

MR. CORWIN: We did not vote.

CHAIRMAN MOORE: Did not vote. So may I have the vote, please, to accept? So may I have a vote, please, just a verbal vote?

MR. CORWIN: Aye.

MS. NEFF: Aye.

MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye.

So the motion passes.

Motion to approve the ZBA minutes from June 19, 2013. So moved. Second, please.

MR. CORWIN: Second.

CHAIRMAN MOORE: Any discussion?

(No Response)

Absent discussion, the vote, please.

MS. NEFF: Aye.
1  CHAIRMAN Moore: Aye.
2  MR. CORWIN: Aye.
3  MR. BENJAMIN: Aye.
4  CHAIRMAN MOORE: The motion carries.
5  Motion to schedule the next regular ZBA
6  meeting for September 18th, 2013 at 5 p.m. So
7  moved. Second, please.
8  MR. CORWIN: Second.
9  CHAIRMAN MOORE: All in favor?
10 MR. CORWIN: Aye.
11 MS. NEFF: Aye.
12 MR. BENJAMIN: Aye.
13 CHAIRMAN MOORE: Aye.
14 Motion to adjourn.
15 MS. NEFF: So moved
16 CHAIRMAN MOORE: All in favor?
17 MS. NEFF: Aye.
18 MR. CORWIN: Aye.
19 MR. BENJAMIN: Aye.
20 CHAIRMAN MOORE: Aye.
21 Meeting is adjourned. Thank you,
22 everyone, for your patience and participation.
23 (Whereupon, the meeting was adjourned at
24 7:47 p.m.)
CERTIFICATION

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

I, LUCIA BRAATEN, 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 August 21, 2013.

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 28th day of August, 2013.

Lucia Braaten
chose 15:2
Christmas 62:12
Church 3:7 137:1
circulated 46:21
133:14 135:8
circumstances 19:12 27:23
city 57:20
clarification 101:14
clarify 23:11 59:23
69:15 99:7,22
100:2 102:1
120:15 125:15
classmates 90:25
clean 61:20 75:9
cleanup 143:10
clear 70:11 100:4
102:10,11
clearly 8:22
client 41:12 77:15
78:25
client's 39:17 77:14
close 9:23 14:5 15:3
21:16 24:14,19
27:14,15,18,20
28:4 38:10 90:16
94:6 100:19
103:14 111:4
closed 8:5 14:4
62:15
closing 11:11 37:15
code 5:3,23 12:5
13:8,19 18:9,19
31:20 36:9,10
38:14 39:5 40:11
50:6 78:4,24 84:2
84:8 87:13,14
124:4
collect 106:25
Collectively 124:19
collects 77:15
college 47:2 54:13
combine 41:3
combined 31:16,18
31:21 32:1,3
124:13
come 4:13 7:15
15:10 32:24 37:8
42:8 53:3 54:15
61:2,3,9 63:1
66:13 68:14,16
72:4 76:4 83:10
83:14 89:10 99:9
109:13 119:20
129:23 132:19
comes 43:8 58:17
66:7 72:22 86:21
90:17 109:17
139:12
coming 20:24 30:11
30:14 46:2 56:19
57:3,23 59:5 65:5
66:1 89:20
comment 7:13,23
7:24 14:4,8 24:24
26:18 35:25 43:23
51:6 76:25 77:6
83:6 100:17
119:18 138:21
141:19 142:12,17
comments 4:16
5:14 14:23 15:2
23:3 27:1 32:8
43:5,7,16 46:24
48:14 65:1,11
73:15,17,18 77:11
73:17 137 78:2,17
81:9 103:22
106:25 113:25
114:7,20,23,24
115:4
commercial 123:24
133:25 134:2,4,5
134:9
common 6:5 8:17
19:7 51:8,12,15
110:23
community 47:15
47:22 58:24
company 75:2
125:8
compare 80:9
comparing 53:7
compilation 79:14
completely 42:5
completion 143:10
complex 107:12
compliance 9:20
42:8 134:15
complexed 36:2
complying 78:11
composed 46:13
concern 17:22
96:20
concerned 89:7,8
122:3
concerns 105:21
106:5
conditional 86:12
conditionally 136:7
conditions 106:4
126:24 133:24
136:10
conformance 78:6
78:7
confront 53:19
confronted 57:8
58:9
connection 44:1
105:17
consequences 92:12
consider 46:20
50:20 70:23 84:17
106:16
consideration 7:11
25:1 32:8 37:12
71:13
considerations 100:12
considered 36:25
37:1 59:21 81:24
85:8,8
considering 87:12
consistent 38:22
39:24 42:5,19
105:25
constantly 52:9
Constitutional 78:14
construct 2:14
16:10 31:4 124:1
constructed 46:17
constructing 38:17
125:9
construction 6:12
24:8 31:17 45:16
50:22,22 70:12
96:23 128:13
131:14 143:10
contains 146:10
contentious 110:2
contiguous 45:5
continue 21:11,18
77:25 83:22
112:22 118:17
134:13
continues 42:14
contractors 97:5
control 58:15
convert 7:4
converted 11:24
46:17 72:17
convey 139:24
cooperative 30:11
coordinate 36:13
copies 38:2 47:7,19
48:1 122:24,25
123:5
 cops 61:15
copy 47:14,24 48:5
48:5,7,11 123:2
138:16,17
corn 54:2
Corporation 33:16
correct 12:21 13:5
13:9 67:17 68:9
68:21 70:17 136:5
137:10 139:1
140:8 146:11
corrected 136:15
137:2
correction 14:2
135:12 137:3
corrections 98:1
133:15 136:12
137:15
correctly 140:19
correspondence 3:20
Corwin 1:15 3:4,7
4:9 11:6,12,18,21
14:7,10 16:3
24:19,22 27:4,6
27:11,13,15 28:1
28:6,11,12,19
29:7,16,22 35:8
35:11,14,17 36:18
53:5 54:22 75:16
75:20 77:3 78:21
78:23 90:6 97:18
97:21 98:2,5,7
99:18 100:16,18
101:4,8 103:14,18
103:21 104:3,9,13
108:3,12,23
110:11,15,18,20
110:25 111:15,18
112:18,20 114:11
115:6 120:25
121:10,13,23
123:22,25 126:4,6
126:11 129:3
130:20,23 131:15
132:6 134:22
135:1 136:22
137:25 138:11,14
139:5,7 140:9,11
141:7,10,23 142:4
142:23 143:22,25
144:10,14,21
145:2,8,10,18
Corwin's 109:12
Costello 123:10
135:9
cottage 6:7 7:25
10:3 16:9 17:4
19:14,16,22 21:25
22:13
cottages 17:5 24:5
count 80:1 90:24
counted 56:7
County 2:11 31:2
123:22 133:11

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driveway 40:17,18
40:21,22 42:16
51:8,12,13,20,20,
51:21 52:8 61:4
62:11,21 65:22
73:25 91:10
driveways 37:8
41:4,4 51:14
driving 91:8 102:25
drove 48:15
drunken 57:3
due 10:6 93:2 95:3
109:12
dumping 57:13
dwelling 2:23 6:18
8:6,24 12:1,6,20
12:24,25 13:2,11
13:14,15,24 14:1
23:10 38:12,13,17
38:18 39:23 40:17
41:11 69:25
dwellings 13:3,16
18:14 23:23 39:16
39:22 42:20
dying 53:17
e 46:1
earlier 39:2 41:1
67:23 85:3
easier 17:18
easily 10:16 67:20
east 48:17,25
Eastern 123:21
easy 67:6
Ebley 126:18
edging 75:8
effect 18:2 104:15
effects 46:18
effort 91:20
eight 48:19 49:8,15
57:2 60:8 62:12
63:18 64:11 65:22
eight-family 39:23
Eileen 1:20 9:1
71:24 72:4 77:24
either 7:5 12:24
evening 77:10
95:12
event 94:8 134:11
everybody 21:23
48:11 57:23 73:21
86:3 111:1
Everybody's 35:22
everyone's 107:21
evicted 53:24 56:25
58:8 59:9
evident 94:1
exact 100:2
exactly 101:25
107:13 143:1
examine 36:6
exceed 124:10
Excellent 132:18
excessive 91:8,14
95:4
excuse 7:17 40:4
41:10 48:4 57:2
69:13,13 71:5
79:10 88:4 111:12
113:22 126:16
140:23,24
existence 9:25
96:15
existing 4:20 6:1,6
6:12,19 7:4,25
8:13 10:22 14:11
26:25 39:18 40:19
40:20,21 50:22
96:9,24 135:20
139:22
exists 6:17 38:11
84:14 128:1
expected 83:16
explanation 53:24 132:2
explained 74:13
explaining 74:21
explanation 140:17
142:16
express 111:1
extend 77:13
extends 76:8
extensive 32:12
exterior 135:16
extra 75:10 76:20
extremely 4:22
F 146:1
face 128:17
facility 127:14
128:6,10
fact 15:15 23:18
24:1,25 60:17
72:3,22 81:10,11
85:23 95:20 120:5
121:18 129:19
fair 6:23 9:7 10:5
11:3 111:11
fairly 43:5 90:9
99:15
fall 20:11,13
false 36:11
families 92:11 94:1
family 10:25 39:16
47:6 52:21 54:1
56:4,25 57:14
60:7,10,12,13
67:19 91:21 92:16
93:2 95:19
family's 54:12 55:2
89:24
family-oriented
59:15 91:23
far 3:22 18:1 22:15
30:5,17 54:24
63:8 83:17 89:6
101:15 118:23
122:3
father 52:20 53:17
favor 20:16 29:6
104:2 105:23
120:24 121:22
122:21 125:24
134:25 136:18
137:24 138:9
139:4 145:9,16
feasible 71:19
133:20
federal 143:23
feel 7:18 9:6,14,24
11:3 20:16 90:3
93:9,17 105:24
feeling 52:14 90:17
feelings 22:5 83:17
feet 9:18 14:14
16:17 17:13 19:17
31:9,10,11,12,14
13:15,17,23,24,25
32:2,3,4 40:4,7,7
40:11,12 55:9
105:12 124:11,13
124:14,18,20,21
felt 10:11,11 22:6
fence 6:15 139:10
139:13,15,20,22
141:9,16,17,25
142:1,3,22,25
143:12,13,16,19
field 131:1
Fifth 31:1 33:6,8,10
33:18,20,22,24
34:5,7,13,15,21
34:23,25 35:4
38:23 39:24 44:4
45:12,14,20 47:4
54:19 55:25 62:3
62:6,6,9 65:13
80:21 81:11,12
83:18 88:10,13,25
90:13 91:6,18
92:24 93:8 97:9
105:18 121:17
fight 62:10
figure 16:17
Filasky 3:3
file 4:4 69:19
138:15,16,18
fill 61:23
filled 63:23
final 97:8 123:5,5
136:13 137:16
finally 42:24 56:24
60:23 62:14
financial 91:24
92:14
Financially 96:25
find 19:9 95:13

Flynn Stenography & Transcription Service
(631) 727-1107
wished 14:23
wishes 7:2
withdraw 121:15
withdrew 82:19
withheld 143:9
witness 56:13
witnessed 56:7
wonder 10:17
wonderful 90:2
wondering 50:25
65:7
word 56:3 129:14
24:18
wordage 86:10
words 13:7 112:3
114:2 141:3,5
142:2
work 19:25 36:12
52:10 56:9 83:2
84:21 85:15 86:4
95:9 115:7,18,19
115:20 119:15
120:17 121:9
122:4
worked 95:11
working 44:11,14
59:10 99:23
120:18
workshop 19:25
World 53:5
worry 89:13,14
worst 119:20
wouldn't 10:23
19:2 20:3 21:16
55:17 63:13 64:5
106:23 115:12,21
wrong 9:21 20:2
141:12
yard 11:2 31:16,18
31:21 32:1,3
37:22 40:14 91:10
94:3 95:11 105:22
135:15 136:9
yards 95:14
yeah 13:9 15:12
16:6 21:19 43:10
44:12,13 48:2
49:2 60:15 69:15
100:16 116:2
127:1 129:2
130:11,18 132:3
132:11
year 8:2,3,5 20:25
23:5,13 37:14
38:1 62:24 66:12
66:12 79:24 87:3
91:7 93:6 94:22
94:24 96:8
years 11:24 18:21
19:11 23:14 54:2
61:20 62:12 64:2
64:2 89:23,24,25
98:8
year-round 10:13
yelling 58:14
Yep 45:1
York 1:10 31:1
34:10 50:6 57:20
78:3 92:25 146:3
146:9
young 89:15
Yup 75:21
Z
ZBA 30:25 37:16
81:24 85:21 92:20
98:8 103:22
105:14 106:16
111:5 112:2,7,23
138:6 144:19
145:5
zone 78:19 82:3
zoned 8:10 9:1
23:24
zoning 1:2 2:3 5:15
5:23 9:11,12,12
23:15 24:9 36:3
36:14 38:14 39:5
39:25 45:11 53:1
53:3 84:4,12
92:22 94:9,14
97:7 107:22
108:19 112:25
115:4 116:16
118:15,18 119:14
120:2 121:14
134:21
-$200,000 57:13
#3 133:8
#6 123:15,17
#7 138:5
131:7,8 40:24
1st 37:1 115:12
1,000 50:17 55:9
10 56:18 80:2 87:11
91:10 139:9
100% 26:4
1001-02-05-029 135:14
1001-2-2-14 133:12
1001-2-3-2 123:22
1001-2-6-50 2:12
1001-4-4-29 31:2
10025 34:10
102 135:9
103 34:11
11 49:12 143:7
11355 33:5
11944 1:10 33:7,9
33:11,13,15,17,19
33:21,23,25 34:2
34:4,6,8,12,14,16
34:18,20,22,24
35:1,3,5,7
11965 33:3
12 52:4 59:16
12.18 31:15 40:12
13 23:14
141-18 33:4
143 80:21
15 11:24 52:9 59:16
150-12(A) 31:9,13
31:19,23 32:2
150-15G(2) 124:4
150-15I(1) 124:8
150-8A(2) 2:16
161124 56:6
17 11:24 138:7
139:12
17th 138:24
179 32:1
18th 126:14,21
132:16 145:6
1800s 38:12 52:25
19 46:22 144:20
2
2 31:22 40:25 42:2
135:19 137:3
2,000 50:16
20 32:13 61:23
200 54:1
2000 8:2,5 23:5,14
2003 79:25
2007 90:15
201 123:21
2011 98:9
2012 94:24
2013 1:5 80:1 92:24
121:17 138:7,25
144:20 145:6
146:12,18
21 1:5 146:12
21 5:22 92:24
116:8 121:16
212 35:4
22 31:17 106:21
221 31:1 38:23
45:14 65:13 91:6
91:18 92:24 93:8
97:9 121:17
222 33:12
228 34:17 92:19
97:11
229 33:10 44:4
83:18 88:9
23rd 138:25
231 34:15 55:25
232 341,1,13