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

September 20, 2016
6:00 P.M.
Third Street Fire Station
Greenport, New York

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

EILEEN WINGATE - Village Building Inspector
JOSEPH PROKOP - Village Attorney
CHAIRMAN MOORE: This is the regular meeting of the Greenport Zoning Board of Appeals on September 20th, about 6:13 p.m. I turned my phone off, if anybody would like to do the same. I had a question from one of the applicants on our agenda, this is a question for Mr. Prokop, on the regular meeting agenda -- I have to find the item number, item number 7, is the SAKD hotel proposal. We are currently in a waiting period for the coordinated review. Mr. Prokop, do you know the dates of that review period?

MR. PROKOP: It didn't expire before tonight's meeting. It may expire prior to our next meeting. I'll find out and advise.

CHAIRMAN MOORE: I just have to ask the Board, we have a very full agenda, we wouldn't be able to make any decisions on the project. I have a motion on the agenda to table the discussion. Is the Board agreeable to that pending the next meeting and
completion of a coordinated review and actually take action? We assume that the waiting period ends sometime between now and next month. Next month we can then entertain final discussions. The hearing has been closed. And we could then complete the coordinated review and proceed to make decisions, that might be able to happen next month, but the question is whether you would be agreeable since we couldn't come to a full decision, I believe we're going to be voting on each agenda request separately, I think as we indicated, and that allows you to pick which ones you want first. Would you be agreeable to discuss a final decision time?

MR. PENNESSI: Dan Pennessi, SAKD Holdings, LLC, 567 Fifth Avenue. Yes, Chairman Moore, we would ask that we very much appreciate -- first of all, I'm here to answer any questions if there was going to be a discussion this evening, and of course we would hope
that by the next meeting we would be
able to complete SEQRA review, have a
SERA resolution prepared, and hopefully
have the Board make decisions on the
variance requests so that we could have
a written resolution passed so we can
move on. That would be great.

CHAIRMAN MOORE: Would you, if we
aren't able to complete the full
discussion of all the variances which
are currently pending --

MR. PENNESSI: I think we're down
to four or five.

CHAIRMAN MOORE: Possibly five or
six. We might make final decisions at
a subsequent meeting, if we can't
complete.

MR. PENNESSI: That would be fine,
I wouldn't object to that, but
hopefully --

CHAIRMAN MOORE: We'll make that a
priority. Mr. Prokop, question about
Planning Board has sixty or sixty-two
days to make a decision, if no decision
is rendered, the application is
approved by default; is that correct, for Planning Board?

MR. PROKOP: No, it's not exactly the case.

CHAIRMAN MOORE: Okay.

MR. PROKOP: I don't agree that it's approved on default.

CHAIRMAN MOORE: But the Zoning Board is not under that same restriction.

MR. PROKOP: They have a time limit, but I don't think that it automatically ends up granting --

CHAIRMAN MOORE: That was my understanding from reading the Village law, it's kind of not -- if we don't get finished, we won't get finished, but we'll try to.

MR. PROKOP: Is that a question for this application?

CHAIRMAN MOORE: Well, it's a question in general about the waiting period after the closing a hearing.

MR. SALADINO: If I could?

MR. PROKOP: Did you say Planning
CHAIRMAN MOORE: I was comparing it to the Planning Board, which is just a reference to the time that they have, which I don't necessarily agree with fully.

MR. SALADINO: Just so you're on the same page as us, Joe, this application the sixty-two days expires the day before the next meeting, sixty-two days is when we closed the hearing, and is the day before the next Zoning Board meeting.

MR. PROKOP: You should have the applicant's consent to not make a decision prior to the next meeting.

MR. PENNESSI: That's fine.

CHAIRMAN MOORE: Technically we can't anyway because it's still open. Does the Board wish to discuss it, item number 7 tonight, are there any questions tonight? If not --

MR. PROKOP: I just have a question, do we have -- what's before this Board now is what's considered a
final application?

MR. PENNESSI: Yes.

MR. PROKOP: We don't expect any
-- I mean, subject to requests by the
Board, you don't expect any further
modifications?

MR. PENNESSI: That's correct.

MR. PROKOP: What happened to the
loading dock?

MR. PENNESSI: We had added based
on -- we changed the site plan based on
comments from the DOT and public
comments and discussions with the
Zoning Board, so the most recent set of
plans which were submitted to the
Zoning Board included a loading dock,
albeit smaller than what's required
under the code, so we're asking for a
variance to the loading dock
dimensions.

MR. PROKOP: That's fine. Thank
you.

CHAIRMAN MOORE: You changed the
plans from no loading dock to a
substandard loading dock?
MR. SALADINO: And one reduction

in --

CHAIRMAN MOORE: One parking space.

MR. PENNESSI: Yes.

CHAIRMAN MOORE: If there's no questions about the plans currently, I would make a motion table the discussion until the next meeting at which time we can complete the coordinated review. So moved. Can I have a second?

MS. GORDON: Second.

MR. CORWIN: Question before you make that motion. I would just like the motion include the fact that the application -- the applicant consents to a one day extension after the sixty-two days.

CHAIRMAN MOORE: Okay. So including that, that motion is seconded, and all in favor?

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. GORDON: Aye.
MS. NEFF: Aye.

CHAIRMAN MOORE: Any opposed?

Motion carried.

MR. PENNESSI: Thank you very much.

CHAIRMAN MOORE: We will start at the top. We have a renewed public hearing regarding the area variance sought by Walter and Diane Foote, 126 Center Street, SCTM# 1001-4-2-25. The property is located in the R-2 District and is not located in the historic district. The applicants are seeking area variances to obtain a building permit to construct an addition, and I'm just going to paraphrase this because you all have it in your agenda, and we read it before, to build a porch which infringes on the front yard setback both on Center Street and the second front yard on Second Street I believe it is. The changes from the last application are that the proposed front yard setback for the new construction is 1.0 foot requiring a 15
foot front yard setback variance for
the addition of a front porch, that's
Center Street. And on Second Street
the proposed front yard setback for the
new construction is 4.2 feet requiring
a 2.1 front yard setback variance for
the addition of a front porch. These
are all, again, paraphrasing based on
the calculations, which reduces the
required front yard space on adjoining
properties which are closer to the
streets. There is a second variance,
which is for lot coverage. The
existing building coverage is 31.87%,
1,260 square feet with the proposed
porch being an increase of 2.81%, 111
square feet for a total proposed lot
coverage of 34.68%, 1,371 square feet
requiring a maximum lot coverage
variance of 4.68%, 185 square feet.
The site is 3,954 square feet. This
project was re-noticed, I believe the
placard is still in place, and the
addresses noticed are Jeffery Truelove,
338 Second Street, Daniel Thin, 100
Center Street, Frank Swan, 18300
Charity Lane, Echo Peak, Maryland, and that is the property diagonally across the street. Gregory Curcam (phonetic), again a street address in Dix Hills. That property is diagonal across the intersection. Walter Foote, Charles Strobe, again, 401 First Avenue, Apartment 14G, New York, and Mr. Trube is next door. And the final notification was Florida Jones, 47 Second Street. We do have the receipts for the mailed notices. I think we can take comments, if there is any from the applicant again before the public will comment.

MR. FOOTE: Good evening, my name is Walter Foote, W-A-L-T-E-R, F-O-O-T-E, I'm at 22 Broad Street, Greenport, New York. Thank you for meeting with me again. The -- as Mr. Moore just explained, the new plan is for the porch to have a depth of 5.2 feet, which is nearly a full foot from the front boundary and nearly two feet
from the sidewalk. It's consistent with the photograph that you all are familiar with of the house historically. We're really just -- the whole point of this is to restore something that was once there. We provided a drawing that my architect rendered of what the porch would look like, as that was requested at the last hearing, and I want to also point out that there is a one step up, and the step up itself is within the property boundary as well. That's -- are there any questions? I'm happy to answer them.

CHAIRMAN MOORE: Does the Board have any questions? You'll have the opportunity after the hearing, if anybody has any other discussion. If not, then we could take public comment.

MR. FOOTE: Thank you.

CHAIRMAN MOORE: Before that, I'll just read a letter which we received. It is from Zachary N. Studenroth, who is the architectural preservation
consultant for Studenroth Consulting, and he is writing in reference to an application before the Board for variance enabling the reconstruction of an open porch across the front facade, historic residence at 126 Center Street. The decorative porch became an integral feature in the house in the 1870's when it began accommodating summer guests. Fortunately an early photograph of the porch survives providing the present owner with the detail necessary for a complete and authentic restoration of this character. The house, which dates approximately 1845 retains the paneled front door and other features, such as window sashes that are from original construction. The evolution of the house is integral to the history of Greenport, which grew quickly after the railroad's arrival when it became a thriving seaport with emerging tourism industry. In addition to the hotels that sprang up at the harbor bed,
enterprising homeowners adapted their residences to accommodate occasional travelers and summer visitors, and the house at 126 Center Street is a rare example of this trend. The porch is a signature feature of that period. While much of the project underway at 126 Center Street is concentrating on restoring that interior features of the house, its exterior appearance is of equal importance. As a corner lot, the property serves as anchor in the neighborhood that preserves that historic column. The restoration of the front porch will not only enhance the front facade of the house, but it will also make a positive visual contribution to the surrounding area, and I encourage the Board to approve the application for this variance. And that's from Mr. Studenroth. Okay.

MS. ALLEN: Chatty Allen, Fifth Avenue. First of all, I want to commend him for putting something of history back in the Village. To my
knowledge, this is not a brand new
house, this is a house that's been in
existence since the 1800's, which you
just read. So those setbacks were
already there when it was built. I
strongly urge you to take, you know, a
look at the entire picture. This is
someone who is bringing history back,
he's staying as much as he can within
the boundaries, and the few little bit
of setbacks that he needs for the porch
and the side, I really hope you
consider this and say yes to his
application. Thank you.

CHAIRMAN MOORE: Anybody else wish
to comment on this particular
application? If not, I will entertain
a motion from the Board to close the
public hearing.

MS. NEFF: I'll move to close the
public hearing on the variance
application for 126 Center Street.

CHAIRMAN MOORE: Can I have a
second?

MR. SALADINO: Second.
CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Any opposed?

Motion carried. Public hearing is closed.

We have the next item, number 2, public hearing regarding area variances sought by Bryan Nicholson for a lot east of 217 Monsell Place, SCTM# 1001-2-2-29. The property is located in the R-1 District. The property is not located in the Historic District. The applicant seeks a side yard setback variance to construct a new single family dwelling with a footprint of approximately 979 square feet, including a covered entry porch, Section 150-13E. Existing small lots. A lot owned individually and separately and separated in ownership from any adjoining tracts of land, which has the total lot area or lot width less than
prescribed in this chapter may be used for a one family residence provided that such lot shall be developed in conformity with all applicable district regulations. The total dimensions of both side yards for a principal building shall be computed on the basis of four-tenths the lot width; however no single side yard dimension shall be less than four-tenths of that total dimensions of both side yards computed as aforesaid. Everybody understand that? And no side yard dimension shall be less than ten feet. That's the key. The proposed house setback is five feet from the east property line, requiring a side yard setback variance of 5.0 feet.

I have the notifications, the property has been placarded and noticed in the paper. We do, this time, have the notifications, right? Good. We have notified George Hubbard, 208 Manor Place, Gregory Nissen, 4 Rocky Road, Shelter Island Heights. I don't know
if we have a map of this one. Yes, we do. I have some trouble reading this, that's one of the adjoining properties. Eastern Long Island Hospital Association, which is the parking lot at 201 Manor Place. Crystal Fiedler, 208 Monsell Place, across the street, and RJ Scott, 404 Atlantic Avenue. Those were the notified neighbors. I don't know if we have any letters on file.

MR. SALADINO: Yes, we do.

CHAIRMAN MOORE: This is from Crystal Fiedler. Is she here tonight to speak for herself? She's not coming? Okay. In that case, I'll read the letter first. I think that's the only letter we have.

As I'm writing to you I can see out my window to the empty lot across the street. I feel dismayed about how I wonder what has the Village of Greenport done so to allow a new house, a 902 story house no less to be shoveled into this empty lot. The
house, when built, will be within just five feet of 217 Monsell Place, which is not a livable amount of space between the two houses and will only add to the congestion on the street and in the Village in general, especially in the summer. On no other street in Greenport have I ever visualized such a big house being constructed on such a small piece of land. Who allowed this to happen in the first place? I am not talking about who sold the lot to the new owners, I'm talking about who way back when looked at a map of Greenport and this street and said sure, we can squeeze another house in there. Can anyone really believe that such congestion is good for the Village of Greenport, short or long term. When living in the Village is no longer a good thing because overcrowding, may be the board will rethink the decision made. When you come and take a look at this lot tonight, I want you to ask yourself six things. One, how was the
original zoning decision arrived at?
It deserves a phone call or two to find
out. Will this house add to the
overcrowding in Greenport? The answer
is obviously yes. What will happen to
all of these old growth trees on the
lot? They need to be taken and planted
elsewhere rather than ground up for
mulch. This is important, and the new
owner should assure the Village that it
will thoughtfully re-home them and
destroy as few as possible. Will this
new resident be a good neighbor? I
have no reason not to think so, and
it's a good idea to review the purposes
of this new house. Will the building
process ahead take into the account the
fact that a good percentage of people
who live here work at home like myself,
and there are a few people like myself
who are disabled and need quiet. Six,
will they ensure us that the
construction foreman and his workers
will keep reasonable hours, not 7:00 to
7:00, even on weekends, disrupting the
quality of life for the tenure of the
construction, even if they are close to
the deadline. Most importantly
remember for future generations what
you do in terms of how the Village is
shaped. Before you do anything, I urge
you to stop and think long and hard
before you allow this construction on
this lot or any other with limited
space to proceed in the conditions
under which it is allowed to do so.

So that was her letter. I will
take any comments from the applicant
first, and then the public.

And I'd just like to mention on a
factual basis, this application for a
building permit could have been
permitted without the variance for a
side yard setback if it were placed in
the center of the lot. The applicant
has asked to move the house to the
left, which starts the requirement for
a variance. This is to give more room
to the house to the west, which is
already there. Mr. Nicholson?
MR. NICHOLSON: Bryan Nicholson, B-R-Y-A-N, N-I-C-H-O-L-S-O-N. I mentioned the house next door is only one and a half feet from the property line. The current code requires a ten foot minimum, so in a sense, you know, I inherited a variance considering most of the houses in Greenport are twenty feet apart. Mine and my neighbor's house would be eleven and a half feet apart without a variance. I'm asking for an additional five feet. It came up in a previous ZBA meeting about the parking lot next door getting developed, and if I don't get a variance, it would be a lopsided twenty feet on the one side and eleven and a half on the other. If the variance is granted, and the parking lot is ever developed, it would be a minimum of fifteen feet on one side and -- on the parking lot side, and sixteen and a half feet on the other side, making it more even and consistent. In sum, the variance will make parking easier and
safer, me and my neighbors more
comfortable, and it is not a detriment
to the neighborhood.

CHAIRMAN MOORE: Thank you.

MR. SALADINO: I have one
question. I'm curious as to why you
would locate the driveway on the
opposite side of the house from the
front door. Most driveways lead into
the front door. If we can believe,
which I do believe your design, the
front door and the rear door is on the
east side of the house, the driveway is
on the west side of the house. I'm
just --

MR. NICHOLSON: Basically it makes
a difference of three or four extra
steps getting from one side of the
house to the --

MR. SALADINO: It makes the
difference the width of the house,
however wide the house is, so it's not
three steps, it's how wide is the
house?

MR. NICHOLSON: Twenty-two feet.
MR. SALADINO: So it makes a
difference of twenty-two feet.

MR. NICHOLSON: Are you talking
about the side entrance of the house or
a front entrance of the house?

MR. SALADINO: Your plan doesn't
show a side entrance.

MR. NICHOLSON: Right. But you're
moving the front door from basically,
you're looking at the house, from the
left side of the house to the right
side of the house?

MR. SALADINO: I'm looking at the
front of the house. The door to the
front of the home is on the east side
of the house, the driveway is on the
west side of the house. You would have
to walk across the front yard to get to
the front door. In my mind, to
relocate the driveway to the east side
is what most houses do. I would just,
you know, point that out to you.

MR. NICHOLSON: It's a preference
I took. This allows, you know, more --
a more comfortable distance between my
house and my neighbor's house. That's
how I chose to build it and how I would
like to build it.

CHAIRMAN MOORE: We can discuss
this as far as the overall plan of the
house at a later time once we get past
the public. Thank you. Anyone from
the public interested in speaking?

MS. ALLEN: Chatty Allen, Fifth
Avenue. Like Mr. Nicholson explained,
the house next door is not conforming.
He's trying to make it a better
situation, so basically if this does
not get approved he's being penalized
because his neighbor has a
nonconforming setback. The house next
door doesn't have the proper setback,
so he's trying to adjust it some to
give, you know -- if the next door
neighbor had the proper setback on
their side yard, he wouldn't need a
variance.

MR. SALADINO: You're going to
have to explain to me how he's being
penalized, just so I understand.
MS. ALLEN: Because he's trying to give a little more distance. The house next door doesn't conform, so there's not that much, like he said, between their property line and his, so he's starting at a deficit where he has to do his setback from.

MR. SALADINO: Combined side yard. I'm not going to --

CHAIRMAN MOORE: No, she just made a statement.

MS. ALLEN: I'm looking at it -- I mean, he's starting with having to move it to begin with. You know, the house next door is not conforming. They weren't made to conform their side yard. This is a young couple that's looking to move here, live here, and I've heard a lot of stuff with other boards that he has gone through about too many bedrooms, and you can't have a bedroom on the downstairs, you can't do this, you can't. Everything he's doing is to code, and he's trying to put a little space between. I just think you
need to think about, you know, he's trying to adjust because the house next door is not conforming. I do agree with overcrowding. The next two you're going to hear me be the opposite and not be for it. This I am for, and I wish he would be approved for this. Thank you.

MR. KEEL: Bob Keel, 242 Fifth Avenue. I agree with Mr. Saladino, he's got a lot he doesn't need a variance on, the house is supposed to be on there. He's creating his own problem. A code is supposed to work to keep the housing, we're not supposed to be changing all this stuff just because someone wants a little bit more, a little bit less here and there. It has to be a reason. There's no hardship for this thing, so there's no reason it should be changed, and I don't think you should vote in favor of this.

MR. TASKER: 17 Beach Street. I just want to state my agreement on what the previous speaker just said, he took
the words right out of my mouth. This
is a perfect example of a self-created
hardship. There is no need for a
variance, there's no need to take your
time to even apply for this variance.
If the building can be built within the
code that he wants to build, then there
should not be a variance. As to the
adjacent building, I'm not sure, but I
suspect that that building was in place
was in place with its one foot setback
prior to the imposition of the zoning
code in 1949. Thank you.

MR. NISSEN: Gregory Nissen,
N-I-S-S-E-N. I am the house with the
nonconforming setback at 217 Monsell
Place, and yes, I know, I bought the
house in 2007. I actually believed
that when my wife and looked at the
house that the lot was included. The
neighborhood is filled with double
lots. Monsell is a great neighborhood,
learned as we moved forward with the
Haroon family that it wasn't actually
included.
MR. CORWIN: Would you please address the Board?

MR. NISSEN: Yes.

MR. CORWIN: You're addressing the room.

MR. NISSEN: So we moved forward with the purchase, we attempted to purchase this lot a number of times, and yes, Bryan could build this house, and I'm sorry that he's taking your time, but we do live in a community, and Bryan is doing this for himself but also for me because my daughter's bedroom is a foot and a half from the property line. I could not come up with the hundred and change to purchase this lot and put a swing set on it for my daughter. Very true. And I wish I could have. I'm a full-time, year round resident of Greenport. My children will go to this school, yada, yada, yada. Zoning Boards are not -- I get it, I get it, there's no reason that this truly needs to be done. He could build the house, we could jam a
car in there, we could pretend that the hospital is going to develop that lot at some time, but that's why Zoning Board of Appeals exists, because we are a community, because we're looking at the character of the neighborhood on Manor, Monsell, Bridge Street. Very, very few houses will be as close as this. I just drove past them to remind myself on the way here. It is uncharacteristic of those blocks. I understand that there are houses that are in the center of town, Fourth, Fifth, and Sixth Street that are ten foot, six inches apart. In this part, in this neighborhood they're not. So it would be great if this could be considered. I'm not -- I just recently built a garage, I went through the whole routine to make sure that my garage was conforming, and this is just a compassion thing to see if we can give ourselves a tiny bit of space between our two homes and not waving at each other in each other's bedrooms.
CHAIRMAN MOORE: Just to make it perfectly clear, you want him to build this according to code or to move it five feet east?

MR. NISSEN: There was a question? I would love five additional feet between his house and mine so I would like you to grant a variance.

CHAIRMAN MOORE: Just wanted to be absolutely sure that's what you were saying.

MR. NISSEN: Good. Thank you.

MR. TASKER: I'm sorry to repeat, but the previous speaker just pointed out another important reason why this variance shouldn't be granted is because this is in the R-1 District. He's making comparisons to Fifth Street and Sixth Street, which are R-2 Districts. The intention for R-1 District is perhaps greater because we see that here in Zoning within your Boards own decision that you are much more likely to grant variances for side yards and so forth in the R-2 District.
than you are in the R-1 District, and that's appropriate.

MR. CORWIN: It seemed to me you said this variance should be granted?

MR. TASKER: No. If you heard that, I misspoke.

MR. CORWIN: Thank you.

CHAIRMAN MOORE: Anybody else?

MR. HOLLID: Good morning, Board. Joe Hollid, 415 South Street. I just want to get an idea of the nonconforming, are they grandfathered lots that were way back when that can still be conforming to a point where they can be built on? I don't understand that.

CHAIRMAN MOORE: I believe the reference was -- it's usually not question and answer, but it might clarify things. The question was about the adjoining the property and the existing house, and it is 1.6 feet or one foot, six inches from the property line, and the assumption was that this house preexisted the code, and it would
be considered legally nonconforming.
It could perhaps as an example in the
R-2 District, which it is, be converted
to a two-family house, but that doesn't
apply here.

MR. HOLLID: These lots are all
grandfathered?

CHAIRMAN MOORE: According to the
building inspector, this is a buildable
lot.

MR. HOLLID: It's only five
hundred square feet.

MR. SALADINO: I'm sorry?

CHAIRMAN MOORE: The size of the
lot?

MS. WINGATE: This is a
substandard lot that was created by the
Zoning Board approval and Planning
Board approval back around 2003, 2004
by the previous owner.

MR. HOLLID: I don't understand
that one.

CHAIRMAN MOORE: No further
variance is necessary, such as lot
coverage?
MS. WINGATE: Once there's a legal lot, no.

CHAIRMAN MOORE: You don't have a lot coverage restriction?

MS. WINGATE: There's a lot coverage restriction. The house that's proposed for this lot fits lot coverage.

CHAIRMAN MOORE: That's my question.

MS. WINGATE: The house fits, the lot is small.

MR. SALADINO: The code makes provision for undersized lots and reduced front yard, side yard.

MR. HOLLID: That's where we're getting into trouble because the more houses going up in substandard lots, that shouldn't be part of this whole equation, and if they were grandfathered I understand that being the case, but they're not, something is wrong with this whole picture. I don't know why the Zoning Board could even consider doing anything and have it go
as far as actually granting substandard lots with buildings on them when we got totals of 7,500 square feet. We've got variances in place, sure. Variances are for a purpose to a point, but we're not talking -- we're talking small variances, but still it's a substandard lot, and again, it's my only question is how you got this through is just something that I don't understand.

CHAIRMAN MOORE: Seems to me that's a question about the code itself, and that's an issue for the Village Board of Trustees. They set the code or change the code.

MR. HOLLID: Board of Trustee from where?

CHAIRMAN MOORE: Greenport Village. They have the legislative responsibilities to maintain the code or change it as they see fit.

MR. HOLLID: And this was done when, in '95? When?

MR. HOLLID: Who was in charge then I wonder? That's amazing to me, absolutely incredible.

MS. GORDON: Mr. Chairman, this is a very small Village, and there are maps that show locations of houses that go way back to 1873 and I think '53, little teeny drawings. At the time of the code, there probably were eighty percent, I would even go down to seventy-five percent of the existing houses were already there. So this is not a village with extensive open space that can be built. There are parks thank God, but our lots, some of them as they historically developed are small. A standard lot in the Village doesn't exist, except there are a lot of them that are fifty feet by a hundred and fifty feet. Yet the code says they should be sixty feet by a hundred feet, so they are only -- whether it was historically a board from twenty years ago or fifty years ago --
CHAIRMAN MOORE: Let's concentrate on the public.

MR. HOLLID: Joe Hollid, 415 South. This Village has been formed way, way back, and I understand that things change a lot in the past, but today we have codes and if they changed in the past, and they're not really good codes, then we're getting involved in a position where we have other overcrowding in our streets. We have small lots that have homes on them that are getting closer together, and it's getting to be a one square mile area, we're getting so overdeveloped with this situation that I just don't understand how these codes are not being enforced properly. And I get it, that it was changed, but whoever did it, they must have been okay with it.

CHAIRMAN MOORE: Any other members of the public wishing to speak about this particular application? If not, I'll entertain a motion to close the public hearing.
MR. CORWIN: So moved.

MS. GORDON: Second.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Any opposed?

Motion carried. The next item is a continuation of the public hearing regarding area variances sought by James Olinkiewicz, 221 Fifth Avenue, SCTM# 1001-4-4-29. This property is not located within the Historic District. The applicant requests several area variances required to subdivide an existing lot and construct a conforming house. This subdivision will create two new substandard lots requiring area variances. Lot one, the proposed subdivision creates lot one, which is 6,587 square feet where Section 150-12A of the Greenport Village Code requires a minimum lot size of 7,500 square feet, requiring a
minimum lot size variance of 913 square feet. Proposed lot width is 47.82 feet where section 150-12A of the Greenport village Code requires a minimum lot width of 60 feet, requiring a minimum lot width variance of 12.18 feet.

Lot two, the proposed lot width of lot two is 52.35 where Section 150-12A of the Greenport Village Code requires a minimum lot width of 60 feet, requiring a minimum lot width variance of 7.65 feet. The proposed combined side yard setbacks of lot two is 17.9 feet where Section 150-12A of the Greenport Village Code requires combined side yard setback of 25 feet, requiring a combined side yard setback variance of 7.1 feet. The proposed subdivision creates a five foot side yard setback on the north property line where Section 150-12A of the Greenport Village Code requires a side yard setback of ten feet, requiring a side yard setback variance on the north property line of, and there is a
correction in the agenda, 5.0 feet.

This is a continuation of last month's public hearing, which was left open. And I would ask any additional members of the public to speak. If you spoke last month, we don't need you to say the same thing. If you have some new information, we appreciate having it, but let's keep that in mind, we need to keep this on a timely basis. We will let everybody speak. I also want to remind the public that if you are citing Village Code, that you are recommending that the code might differ from something the applicant has proposed, it would help to know what section of the code you're referring to. That would be helpful.

MR. WEISKOTT: Jack Weiskott, 229 Fifth Avenue. My wife and I live adjacent to 221 Fifth Avenue, and we feel very strongly that this proposal, if it went through, would severely effect our quality of life, which has already been effected by living next to
the building that exists there with the
overcrowded nature and tremendous
activity of people in and out of that
place constantly. But previous to my
own statements, I'd like to read a
letter from our lawyer, Abigail
Wickham, which is addressed to the
Zoning Board of Appeals, to the Town
Attorney, Building Department, and I
have a copy for everybody.

Ladies and gentlemen, I am
submitting -- because she couldn't be
here at this meeting. I am submitting
this letter on behalf of my clients,
Jack Weiskott and Roberta Garris, who
own and reside at 229 Fifth Avenue,
immediately adjacent to this property.
The adverse impact to their property by
this proposed subdivision is enormous.

First, in the code, there are
eight area requirements for setback,
width, and lot area. The applicant
seeks five variances from these
requirements: His plan violates almost
every code provision in these
categories. Essentially, he cannot subdivide unless you obliterate the code provisions as they apply to this property. The cumulative impact of all these variances squeezed onto one property is much greater than the impact of any one variance alone. Further, without granting all of these variances, the project cannot go forward. If you deny any one, the rest are moot. It is not right to grant this extent of code variances merely to enable a project to go through. If the project cannot stand on its own with only minimal relief, then it should not be allowed. Granting it would create a terrible precedent.

To summarize the variances: 12% reduction in Lot 1 required area; over 20% reduction in Lot 1 width; 13% reduction in lot width for Lot 2; 28.4% reduction in combined side yard setback, 50% reduction in setback at northerly property line. Every variance is over 10%, most well over.
Second, the cumulative impact of the proposed variances for this property at 221 Fifth Avenue and the nearby 238 Fifth Avenue, which seeks even more egregious reductions from code requirements, would result in a change to the neighborhood, which is completely out of proportion to the neighborhood and creates a much greater adverse impact for this subdivision proposal at 221.

Third, it seems that the applicant is playing you with a red herring. It is entirely possible that he put up the 238 application with such extensive variance requests that he could not have reasonably expected to obtain, hoping to make this 221 application seem relatively less offensive, thinking if you deny him that one, well maybe you will give him this one. You should deny both. They are both outrageous and overreaching, reflecting a subterfuge of overdevelopment. You must protect this neighborhood.
Fourth, the applicant's assertion that the proposal at 221 is not out of keeping with the neighborhood is false. A look at the tax map makes it clear that there are many lots in this immediate neighborhood which are considerably larger than those proposed. Further, it is well settled that the existence of a nonconforming situation is not a reasonable justification for creating new nonconformity under a zoning code, and certainly not this much nonconformity. Further, this is not a precedent that should be set.

Fifth, we must ultimately look at the five standards for granting a variance: One, the number of variances and the extent of the variances produces an undesirable change in the neighborhood and a detriment to nearby properties. Crowding, traffic, noise, reduced building separation, reduced on-street parking, loss of mature trees, over density are all going to
happen. A two story house on Lot 2 will be five feet from the property line. Both lots are too narrow, neither have sufficient side yard and one is too small an area by over 900 square feet on only a 7,500 square foot minimum.

Two, the benefit sought cannot be achieved by another method, which would not require a variance. He cannot get two lots here because he doesn't have the width for either one or the lot area for one. Building a smaller house on lot two won't change that. To avoid the 50% side yard variance on Lot 2, he would have to make the Lot 1 width even smaller. Anything he mitigates will create another problem.

Three, the requested variances are substantial. They are huge, alone and together.

Four, the proposed variance will have an adverse effect on the physical or environmental conditions in the neighborhood. In addition to the
above, another dwelling where one was not otherwise allowed will add to the demands on the municipal sewer and other services.

Five, the alleged difficulty is self-created. The applicant purchased this property knowing the situation.

Two additional points should be made. First, this is not about what kind of a house he builds or who lives there. It is not about providing housing where there is an undeniable need. This is not the way to do it, by shoehorning in housing where it doesn't belong. He is again playing the sympathy card with the Village, which is another red herring. Second, the impact of this project is amplified in yet another way - by the ability of the applicant, if the vacant lot is legalized, to build a two family house despite his slight of hand in providing -- proposing a single family house.

For all of the above reasons and frankly for any one of them, I urge you
to deny this application. Since I am out of town tonight, I will be unable to respond to the applicant's comments, which have been held until this adjourned meeting. I would ask the Board to allow a rebuttal either in writing a fixed number of days after the minutes are published or by the holding of another hearing.

Thank you for your consideration.

Very respectfully and truly yours,
Abigail A. Wickham.

I have a copy for each of you. I have a few personal comments to make as someone who has lived there for thirty-two years, we're newcomers to the Village, we've only been there thirty-two years, but our children were born while we were living in that house, they grew up there, we walked to school everyday from kindergarten through high school, and we love this Village.

About four plus years ago,
Mr. Olinkiewicz proposed this exact
subdivision. There was a slight change
of -- he shifted the house from one
side closer -- it was closer to our
property line, now it's five feet
closer the other direction. When he
originally applied for this variance,
he categorically stated he had no
intention of building anything, he was
doing it simply to alleviate the
interest rate he was getting on his
loan from the bank. Within a month, he
applied to build a two-family house
there. When there was a lot of
objection, he changed it to a one
family house thinking it would placate
everyone in the neighborhood, which it
didn't. We had twenty-nine signatures
from homeowners on that street and
around that area opposed to this
subdivision then, and we still have the
same amount now.

Basically, and I know that Ms.
/RAOE his lawyer is going to say that I
can't characterize it this way, but I'm
living next to a tenement house. There
are so many people there, so much activity, people can't fit in that house. They come home from work and they stay outside because they don't have a room in that house. The cooking is all done outside in the backyard as well as the car radios with the music on so they can have some entertainment because I know when they go in that house all they can do is sleep on the mattress.

      Mentioning the mature trees, there are four probably thirty to forty foot tall holly trees along the property line. They would all be killed when the foundation is dug, if the house is approved.

      And I have just a couple of more things here. Next weekend is the Maritime Festival. As everyone knows, when the Maritime Festival is in town it's almost impossible to get out of your driveway or to get back into your driveway. What we're living with is not quite as bad as that, but when we
first moved into that house, the kids played on that street. Kids cannot play on that street anymore because there's so much traffic, and part of that is Mr. Olinkiewicz owning five houses up and down -- he's got three houses on our street, he's got a house on Kaplan and a house on -- that's adjoined to Kaplan, and now he wants two more houses, and we just don't have room for that many people and that many houses on our street anymore. It's full. We're more than full. As Mr. White, who can't be here because he's not well anymore, said a long time ago, four plus years ago he said our street is saturated. We've reached the point of total saturation, we can't fit anything more. And that was four plus years ago, and here we are looking at adding two more properties. And I will say that once -- if he gets a one family house, he's going to apply for a two family house because that's what he's done to every single property he
owns. Furthermore, I would just like to say that last meeting I couldn't be here, my wife and I couldn't be here, and I gave you a little picture of a map of how the cars were parked on the property, I'd like to amend that, there are between seven and nine cars there, not six. Six was generous. There were only six cars there, now there are seven to nine cars there. There's one behind the house, one in front of the house, and there are six in the backyard. Sometimes they just park across the lawn because there are no other places. And with that many vehicles and that many people, there's traffic in and out of there all the time. I mean, when we're sitting having dinner there's engines revving up and cars going back and forth. It's not a quiet and peaceful street anymore, and it has already effected our quality of life to a great extent, and I would please ask you not to exacerbate the system -- the situation
even more. It's pretty much intolerable as it is. And thank you very much for your time and your efforts in volunteering, and I'm trying to keep our Village a beautiful place.

CHAIRMAN MOORE: Could I ask one question, because you're the closest property most effected by the proposed construction, how far is your house from the adjoining property line?

MR. WEISKOTT: From his property line, fifteen feet maybe.

CHAIRMAN MOORE: So the distance would then on construction I believe the setback on the north is fifteen proposed.

AUDIENCE MEMBER: Proposed is twelve.

MR. WEISKOTT: Twelve. He's proposed to put the property line five feet from his own house that he owns already.

CHAIRMAN MOORE: So that would put the houses about more than twenty-five feet apart?
MR. WEISKOTT: Twelve and fifteen, something like that maybe. Of course our house was built before there was any zoning.

CHAIRMAN MOORE: I understand. I'm trying to understand the span of the proposed house to say the distance from your house to the one north of you, similar distance perhaps.

MR. WEISKOTT: The one north of us is closer, but that's a house that only has a normal amount of occupants, not a crowd of people. I'm mentioning seven to nine cars, there are also people go to work on bicycles and there are also people who get picked up, so there may be -- I know the people downstairs have one car. That means that six cars belong to the second half of the house, and there are bicycles, and there are people who walk to work, and there are people who get picked up from work. I have no idea how many people are there, and I don't get to know them because they change too frequently. One guy I
say good morning to because I see him at 6:15 in the morning when I'm walking my dog and he's walking to work because he doesn't have a car. Anyway, if there are any other questions, otherwise --

CHAIRMAN MOORE: We're not in possession of that letter.

MR. WEISKOTT: I'm giving it now.

CHAIRMAN MOORE: Just for the record.

Did you speak last time?

MS. ALLEN: I want to back up something that you just said. I don't think I spoke at the last meeting, I think it was the one before that.

Chatty Allen, Fifth Avenue, I just want to back up what he was saying about the amount of vehicles. I live further down on Fifth Avenue, but I go up Fifth Avenue onto Front Street to go to work at 6:30 in the morning. There is a minimum of eight cars that I see from the road, so for you to try and put another building in there, I should
only suggest you deny this with a resounding no so it doesn't try and come up again because the quality of life of people around these two buildings is going to be destroyed by him trying to cram more in where there's already too much overcrowding.

Thank you.

MR. PROKOP: Where are the eight cars? We've had two people talk about the number of cars so far, where are the cars?

MS. ALLEN: When you pull into the driveway, I don't know if you were at the site visit or not?

MR. PROKOP: I didn't know there was one.

MS. ALLEN: You pull into the driveway, the house is here, the lot where he wants to put his buildings is here (indicating). Go to the back, there's two different buildings, barns or whatever, which I've heard people are living in those. They're lined up one right after the other, and then the
back of the house they're this way (indicating). I have been watching, like I said, I leave for work at 6:30 in the morning, I go past that house every morning, I count -- this morning I counted ten cars back there, but there's a minimum of eight cars every morning when I head to work at 6:30.

MR. PROKOP: They're not in the vacant lot, they're on the --

MS. NEFF: They are.

MR. PROKOP: They are on the vacant lot?

MS. ALLEN: Not necessarily what is staked out, I'm talking all the way in the back yard.

AUDIENCE MEMBER: It's the side yard.

MS. ALLEN: I just wanted to back up what he was saying, that there is overcrowding and it's going to be worse if this is allowed. Thank you.

MR. REED: Mike Reed, 438 Front Street. Good evening, ladies and gentlemen of the Zoning Board. You
guys have an arduous task ahead of you. Here we've had problems going on for four years back and forth. I have some questions: Are you here to enforce the code or rewrite the code on this? If you rewrite the code, you've a dangerous precedent by saying yes to this. As you all know, you've heard the letters from both sides, you've seen how many people are against this from the neighborhood. It's not a hundred percent but it's ninety percent, that should say enough on the remark of the community and the neighborhood. You've got, for instance, like, what Jack said, when they're working on a car they're racing up and down, is that being a good neighbor? No. Good neighbors follow and keep the harmony of the community, and it hasn't been for quite some time. Granted, you've got a job, and it's a hard job either way, but it's been going on. Substandard is substandard lots. You put these in for a reason
for code, and if you're not going to
enforce the code, then you've got
anarchy. Is that what you want?
There's a reason why you made 7,500
square feet as the minimum for
substandard, correct, Mr. Chairman?

CHAIRMAN MOORE: We're here to
take testimony, not answer questions.

MR. REED: I'm just asking.
That's part of your job, isn't it, to
look out for the neighborhood and the
quality of life of the neighbors, and
it hasn't been for some time. And if
he doesn't like what he's going to
hear, he'll come over and get his
variance pulled again like last time.
Then we'll have to go another four
years until somebody is off the board
that he thinks he's got a shot. Let's
call a spade a spade. I got no problem
calling somebody out. I've lived here,
born and raised. My family, same
thing. But you know, changing the
dynamics of the neighborhood. That's
one of the nicest neighborhoods on the
planet. I was grown up there, my
family, my grandparents. I've known
everybody on the street, they're like
family to me. Family helps everybody
out, not destroys and becomes a
nuisance to the community. Please, do
the right thing and say no. Thank you.

CHAIRMAN MOORE: Thank you.

MS. PETERSON: Diane Peterson, 228
Sixth Avenue. My property borders on
the west side. I was not here at the
last meeting, I did write a letter,
thank you for entering that, having
that read then. When we started this
process four, four and a half years ago
Mr. Olinkiewicz at the very first site
meeting stated that his intention was
to actually subdivide this property
three times. He wanted to do it in
half, and then when that project was
completed come back and divide it again
so that the back piece where all of the
cars are parking now was also going to
be another project. There are numbers
of cars there on a daily basis. It's
not a vacant lot, it's the side lot, and it's also all of the property on the west side that they park up on the grass behind the house, so you can't see them from the road. This happens on a daily basis. I do suspect that during the summer months residency is taken up in the old barn that is on the north side of the property. The red barn that is there was moved away from my property line, it was right on the property line, so a while back it was moved, I don't believe people are living in there, but that is being used as a storage facility for yard sale or estate sale items. I have seen things being moved in and out of there. That I would be concerned. Also that use of that building and what happens to those two that are there, they should be moved. I want to just reiterate everything else that's been said so far. We're setting a dangerous precedent in this Village allowing or even considering to allow the
subdivisions into substandard lots and building houses on them when there is not enough room for the people not only in the areas that are living there now as far as safety, but the people that are going to be in those proposed buildings. You can't have buildings so close to each other that it does not -- it's an unsafe condition God forbid there was a fire or a medical emergency. We can't do this. We're not Queens. We are a rural area and we really need to be careful about what is approved. And as far as changing zoning, that is up to the Board of Trustees. I truly hope that all of you with your hard work are here to uphold the zoning laws as they are now and not continue approving or even trying to approve these subdivisions. Thank you.

MR. PROKOP: The barn that we're talking about, that's behind your property?

MS. PETERSON: They're both behind my property. The old barn that is on
the northwest corner actually infringes on my neighbor's property by several feet I believe. I don't remember what the dimensions were, that was a while back. I suspect people are living in there during the summer. There's a lot of activity in and out of there all night long. The red bard, the old metal barn is used as storage. We have seen items for yard sales and estate sales in and out of there stored. I have asked about the possibility of having it investigated, but I've also been told that you can't do a spot inspection, that you have to set a time and a day. So to do that, they move everything out, so when you go and look it's not there. This is just the activity that we live with on a daily basis.

CHAIRMAN MOORE: Could I ask the storage activity referred to is current?

MS. PETERSON: Last summer. This summer I haven't seen it as much.
CHAIRMAN MOORE: You're talking current conditions?

MS. PETERSON: Within the last couple of years, yeah, absolutely.

CHAIRMAN MOORE: Thank you. That came up before and was discussed.

MS. JAGGER: My name is Marianne Jager, I live at 430 Front Street. My main complaint, besides what everyone else has said. I agree with what they're saying, but my main problem is I'm at the end of a sewer line, right? I'm at the end of the sewer line for Fifth Avenue. That sewer line gets clogged, I've had my cellar stinking to the point that I threatened to call the Board of Health. They came and they cleaned. One time I even told them their stuff had to be cleaned out. Oh, no, no, there was nothing wrong, it had to be the sewer. I had a plumber come to my house, and he said are they nuts, there's nothing there. That afternoon down the road, which would be just before that new house would be built.
and Jack, that it was in that /SAO*UR
sewer line and it was foaming all over
the place, water all over the place.
If this is doing it now, we're having
trouble now with the people we have
there living, what's it going to be
like with a couple of more people?
Because he's going to say it's a one
family house. What one family means to
us, one family to what he rents to
seems to be ten people or more, and
somehow I've been told they're all
related, and none of them even look
alike, that's the joke of it. But I'm
saying the sewer lines cannot take
anymore. The roads can't take anymore
cars. My grandson's car, his truck was
hit the other day. You know, when is
someone going to take responsibility
for what's happening around this town?
And I know you have a job, and you get
yelled at most of the time, but
understand why the people are really
upset now. They're tired of this.
This man keeps coming back, it's like a
ball court. Who is on this side, and then he plays to this side. He can't get what he wants here, now we're going to have to sit and throw on the other side. And it's going back and forth, back and forth. When does no mean no? If you tell a child no, it's not going to happen, it's not a good thing, the child has to accept the fact it's not going to be. So when does this grown man learn it may not be, deal with it. We have to deal with your nonsense with the people that you have in your homes, it's time for you to say hey, maybe I better drop it. People, as I said, in our area are fed up. It's only getting worse. Like Jack said, with the Maritime Festival, believe me, it is bad. I've had people actually park in my driveway and have the nerve to yell at me when I asked them to get the hell out. And I told them you move it your way or I'm going to move it my way, and that means you're going to need a new vehicle. But I'm telling you,
something has to be done. We can't put
anymore people on that block, find
another area to go in. I grant that we
need homes for people, but enough is
enough. You can't saturate our block
anymore. You know, we try so hard to
keep our places nice, and then you turn
around and you got to see all this
garbage going on. Like I said, please
really consider what's going on before
you make a judgment. Thank you.

CHAIRMAN MOORE: Would there be
someone else that would like to speak?

MS. MILLER: Carol Miller, 239
Fourth Avenue, diagonally across the
street. Years ago, I spent a lot of
time in Greenport, I actually lived in
the Jagger's house with them, and it
was a family neighborhood, and there
wasn't any fear of being walking up and
down the road, you felt comfortable.
This is not the environment that you
are creating with putting these houses
in with multiple families, or you can
call them one giant family in that
area. We go past the house every
morning at 5:30 and everybody's right,
there are eight cars there. Worst part
is, they're probably nicer than most of
the cars that you drive so so much for
the section 8 thing because there's so
many in the house, they're all paying
barely nothing, and they're on the
road. I'm married to one of the fire
department chiefs, you go to go
anywhere to try and get up and down
that road for any type of rescue or a
fire, nine times out of ten it's a
mess, let's just say. If it's your
house on fire, you know what, I really
-- if this is what you are allowing to
create, and you will give somebody
trouble about a variance on five feet
when the person next door is, like,
please, don't let him look in my
daughter's bedroom. I get that because
our houses are pretty close right there
on the corner of Fourth and South, so I
understand not wanting a house on top
of you, but that doesn't make it okay
to say oh, this house has a nice yard, so let's plop down a butt load of houses and see how many people we can house in it before somebody finally says no. You guys have to start to stand up and say no because I lived in Greenport years ago, and I loved it. I hate this town now because it's just full of people who don't care, people who don't respect. The calls that you guys know about, there's machete calls, there's slashing of throats, all of this stuff is being bred because of the overcrowding that you're allowing in your town. So it comes down to you guys figuring out what do you want Greenport to be in the future? Because you can either make it this total mess, or you can start to reign this thing in a little bit, and kind of keep it to where our families can move back in as families. I would love to see my kids live here, but my daughter lives with us, you know, right now, and she calls me before she leaves work to walk home
because I don't trust this town anymore. I don't trust walking on most of the streets. There's people that hang out, she walks by, she gets comments all the time walking -- she works at 1943 and at the market. You know what, it's just worth living here anymore if this is what's going to be allowed and we're going to keep going oh, okay, you know what, you have the right amount of money, so by all means, we will give you this variance, but the guy who is trying to do a single family home, God, no, don't let him move five feet because that will screw up the whole Greenport town. So I don't know what you're doing, but I think you need to change the way you're doing it because it just seems like more people who live here and have lived here their entire lives, their grandparents lived here, their parents lived here want to leave because of the chaos that's being created by the over-congestion that are allowed in the neighborhoods that they
grew up in. And when they go in to
rescues and whatever they're going
into, nobody is allowed to check these
houses, but yet nobody is allowed to
say anything about what they're finding
either. So somebody needs to figure
out a reality check on who is living in
what house and find a way to really
check to see how many people are living
in a house. If there's eight cars at
one house, there's something seriously
wrong there, and if nobody here is
noticing it then I got to tell you
there's something seriously wrong with
you. Thank you.

(Applause).

CHAIRMAN MOORE: Anybody else that
hasn't already spoken wish to say
something?

MR. HOLLID: Joe Hollid, 415 South
Street. The area that we're talking
about is really overcrowded, we know
that. There are cars there with
license plates from other states that
have been there for years since I've
moved here, and nothing is being done
for that reason to check these cars
out, why they're living and being there
with their out of state plates for so
long. Also this is going to be good,
but as a Trump supporter, I am for
vetting these people somehow or another
we've got to vet the people that are
here because the overcrowding is way
out of control, way, way out of
control. So I don't know how it can
happen, how it can be taken care of,
how it can be rectified, but we're
getting out of control. I understand
the lots that we were talking about
before, but it's like a little
community houses, homes in certain
areas, and that's the way the Village
should give back, but we're really
getting to be over the edge, and I
don't know what else to say about that.
We got to stop it somehow, and I'm
hoping that you don't allow these
subdivisions, one of which is right
behind me, to go through because the
tourists that are going to be there are not only outside, but inside. So I like to make sure you hopefully deny these two lot proposals. Thank you.

CHAIRMAN MOORE: Do we have any other public members wish to speak? I can -- the attorney is here tonight. We can engage in a discussion should we close the hearing with any immediate pertinent points you want to make, very brief, on behalf or your applicant, if you wish, if you can be very brief because we will be speaking with you later.

MS. RAY: I'm sorry, sir, in another hearing? You said you'd be speaking with me later?

CHAIRMAN MOORE: Once the hearing is closed, we have the opportunity to discuss with you the details of the application so that it's not the last time you have the opportunity to speak. I'm asking that you keep your comments to the point.

MS. RAY: Sir, I'll do that. And
actually I'd like to also submit
written comments. I'd like to point
out that I had not seen the letter
that --

MR. CORWIN: Could you give your
name?

MS. RAY: Kimberly Ray, Wester,
Belton, Ray, Shelter Island, New York
on behalf of Mr. Olinkiewicz.

CHAIRMAN MOORE: I believe
Mr. Weiskott had read it in it's
entirety --

MS. RAY: He just kindly handed me
a copy, but I haven't had time to
consider it, and I would like to be
able to respond to it. I would like to
say out of the box, however, that any
suggestion that having two applicants
before this board for subdivisions on
property that my client, who is a
developer, owns, a suggestion that
that's subterfuge is ridiculous. It's
utterly ridiculous. So I'd like to
dispel the red herring theory right
now. I'd like to reserve the rest of
my comments and response to the points
that Ms. Wickham made until later.

I'd also like to say that I'm a
little bit mystified by the eight to
ten cars that two persons have said are
parked there. I've never seen that.
I'm not next door, but I do go by there
quite frequently. I've never seen any
more than five. Oftentimes there are
no more than three. Perhaps there are
more than that, I don't know. It's
interesting to me though that there
have never been photographs or any sort
of proof of that. I have a hard time
believing it.

MR. WEISKOTT: Excuse me, there
have been photographs.

MS. RAY: There have been many,
many charges here made tonight that are
really unsubstantiated. The last
speaker got up and was very angry about
the Village of Greenport in particular.
What's before you are two applications,
one on 221 Fifth and one on 238 Fifth,
and the specifics of that, as I said,
I'll deal with it in writing in a letter, but I'd like to say that with respect to precedent, this Board has already set a precedent with prior zoning board application approvals, and in fact on --

MR. CORWIN: Let me interrupt you. Let me ask the attorney a question because he's repeatedly said there is no such thing as a precedent. I would ask you, is that true, Mr. Attorney?

MR. PROKOP: Is there no such thing as a precedent? No. I think if there's a precedent for relief if it's under similar conditions. I think there is such a thing as a precedent if it's under similar conditions and circumstances.

MR. CORWIN: Thank you.

MS. RAY: That's my understanding of the law as well.

MR. PROKOP: The conditions and the circumstances has to be the same, and it has to be the same area, but if those things exist then there is
relevant -- it's not binding, but it's relevant.

MS. RAY: All of the commentators who have addresses on Fifth Avenue and Sixth Avenue, except for one, own houses on lots that are significantly smaller than the smallest lot proposed at 221 Fifth Street proposed by Mr. Olinkiewicz. In fact, those houses of the commentators you just heard from own lots that are 5,227 square feet in width. For example, Roberta Garris and Jack Weiskott at 229 Fifth Avenue own property that's 5,227 square feet. Joanne McEntee and Robert Kehl, 242 Fifth Avenue also have property that's 5,227 square feet. The same may be said for Mr. Kehl as I've mentioned, but also include Carolyn Tamin, 307 Fifth Avenue, Marilyn White Corwin, who spoke last time, she lives in Fifth Avenue Apartment Building. Diane Peterson of 228 Sixth Avenue, lot is 5,227 square feet, as is that of Donna Sangel (phonetic), 222 Sixth Avenue,
who spoke last time, as is that of
William Swiskey, who spoke last time.
Actually his property is 4,792 square
feet.

MR. SWISKEY: Why are you picking
on me?

MS. RAY: As I said, the lot that
Mr. Olinkiewicz -- there are two lots
proposed by Mr. Olinkiewicz at 221.
One is not substandard in lot size
being 7,619 square feet, so it's not
substandard. The lot that has been
proposed is next door to the Garris and
Weiskott is actually 6,587 square feet,
1,300 square feet larger than all of
the lots of the commentators that I've
just identified here. This is modest
relief. People can jump up and down
and carry on about cars and noise and
sewers all they want, but this is
modest relief. Once the tempers cool
down and the facts are examined, that's
the case. If these commentators had to
apply for a variance, they'd have to
get 2,273 square feet. By contrast,
Mr. Olinkiewicz is simply asking for 913 square feet. In fact, Mr. Olinkiewicz's proposal for a lot size of 6,587 square feet is bigger than the lots proposed by Hugh Prestwood in his 2010 application for 519 First Street. Those new lots, which are behind the existing house in front where the existing large dwelling stood were 5,775 square feet each, and again, these were two new building lots. Those are both smaller than the lots my client is proposing. When we settle down and look at the facts here and look at what the Zoning Board of Appeals has considered in the past, looking at all the totality of the circumstances and the sizes, that relief was granted. In the Prestwood application there was also a lot width variance sought for both lots. The relief sought was for a fifty foot wide lot rather than a sixty that's required for the code. In fact, in virtually all of the applications and variances
that I've examined in the last ten years, that amount of variance for lot width was considered and granted. That's modest. And I don't care what the -- if you calculate all the percentages that appear in Ms. Wickham's letter, the Zoning Board of Appeals considered this issue in the past and found that that relief was modest and acceptable. Like Mr. Olinkiewicz who sought width variances for lot widths of 47.82 and 52.35 feet, these are not significant variances. They were granted in the Prestwood application. Lot width variances were also granted in the Comber (phonetic) 2009 application for 421 Fourth Street, and the Kenneth Lockhardt 2009 application for 602 First Street. Notable also is Lockhardt's application, which allowed a two and a half foot side yard setback, which is smaller than what Mr. Olinkiewicz is seeking at 221 Fifth. In fact, the similarities between 221
Fifth and the Lockhardt's 2009, 602 First Street application are really striking. Also note the Daniel Finne 2003 application for 338 Second Street were both new lots. Lot widths proposed were fifty feet rather than the code sixty. Those lot sizes were 5,049 square feet requiring 2,451 square feet of variance, much greater than that sought by Mr. Olinkiewicz tonight. Then there was a 2009 Monsell application for 520 First Street, but like Mr. Olinkiewicz's application, one lot was standard, and he needed 600 square feet of variance for a lot size of 6,900 square feet. Also similar was the request for relief on lot width, again down from sixty feet to approximately fifty feet like Mr. Olinkiewicz's request. Finally, the side yard setback variance request is for five feet rather than the code required ten feet. This is greater than the Lockhardt variance. The ZBA on that one allowed two and a half foot
side yard setback between the
properties. It's very similar to this
one. So there is precedent here, and
it's precedent that you all have looked
at and applied yourselves, so I think
if you strip away the emotion and the
neighborhood animus towards Mr.
Olinkiewicz's Hispanic tenants who are
living at density ratios allowed by the
New York State code, you will find that
this request for variance at 221 Fifth
is appropriate. He has submitted plans
for a one family house, and that is
what he intends to build there. If you
want to have him covenant that, we will
do that. The idea that he's going to
somehow change that in the middle of
things or afterwards is just untrue.
He will bound by whatever covenant this
Board is willing to grant.

I'm going reserve the rest of my
comments then. You had asked me to be
brief, and I'll do that, and I'll do
the same for 238 Fifth. It appears
you'd like to move on, and I'm going to
have other things to raise in rebuttal
to this letter and some of the comments
that were made.

MR. SALADINO: I just have one
question.

MS. RAY: Yes, sir.

MR. SALADINO: Is it your
contention that the needs of the
Village on the dates of the previous --
I personally don't believe that an
application sets a precedent. I
believe an interpretation sets a
precedent, not an application. So
listening to you, is it your contention
that the needs of the Village in say
2004 or 2008 should be applied --


MR. SALADINO: Six years, seven
years ago, should be applied --

MS. RAY: In fact, as recently as
2013, Mr. Olinkiewicz was granted
relief and his variance for 214 Center
Street was granted just up the street.

MR. SALADINO: I understand. I'm
just asking you if that's your
contention, that the date doesn't matter, that the needs of the Village at that particular moment in time doesn't matter, or the particular area doesn't matter?

MS. RAY: The needs of the Village always matter clearly. However, there are also legal protections against singling out certain neighborhoods and bowing to emotion and animus.

MR. SALADINO: Is that what you think?

MS. RAY: I'm just quoting the law as I know it, and the reason for our reliance on precedent is both a legal one, the courts have again and again recognized that consideration of these factors should be taken into consideration by boards, and that hostility of any ungiven neighborhood, which this is a NIMBY, NIMBY animus, and that's what I hear here tonight, and I have heard, the not in my backyard. I have heard time and again commentators say it's true that there
is a crying need for housing in this Village, but not in this neighborhood.

CHAIRMAN MOORE: I have a question. I appreciate you enumerating from variances actually granted. Referring to the various neighbors' houses, are you aware of any of those having those lot sizes created by subdivision in recent history?

MS. RAY: I believe that all of them were, if I'm not mistake. These are applications for subdivision.

CHAIRMAN MOORE: No, I'm talking about the neighbors that you specifically mentioned as having small lots in comparison to the proposed lots, were they created by any recent subdivision, or were they preexisting.

MS. RAY: I believe that they were preexisting, and, in fact, I would even -- I'd like to even submit for you, if I haven't already, a chart that has densities. I have that here, and I'll pass it out.

CHAIRMAN MOORE: Is it what you
previously submitted with the lot sizes?

MS. RAY: Yes.

CHAIRMAN MOORE: We have it.

MS. RAY: I presume that most of those were preexisting. I haven't looked at all of them, but I presume that they were.

CHAIRMAN MOORE: Just to make a point.

MS. RAY: That's right. And that's just in the ten years, the ones that I've cited are just in the last ten years. The prior ten years probably also bears examination.

CHAIRMAN MOORE: Thank you.

MR. PROKOP: I have a question, if I could ask, Mr. Moore. The information that you provided regarding these other variances, as you said, I'm going to have to go back and verify this, but this is public information, and I'm just wondering where you were able to -- how you were able to accumulate this information?
MS. RAY: From a Freedom of Information Law request.

MR. PROKOP: When was that?

MS. RAY: To the Village, I can get you the date, I'm not sure exactly when.

MR. PROKOP: Approximately when was it filed?

MS. RAY: I just don't have the date. Maybe 2013.

MR. PROKOP: Was it this year, last year?

MS. RAY: No, 2013 is when it was filed, yes, yes. And, in fact, you make a point, I haven't looked at applications since then, there may have been others as well.

MR. PROKOP: The other question I have is what exactly is the use of the barn?

MS. RAY: Oh, the use of the barn is for storage like everybody uses their barn. I have never heard of anyone living in the barn, and I've not heard --
CHAIRMAN MOORE: The question is who is using the storage?

MS. RAY: Oh, tenants and Mr. Olinkiewicz, both.

CHAIRMAN MOORE: I think we've had that discussion with him before about the use of rental properties for personal purposes and for antique business purposes, and I think he said that problem would be taken care of.

MS. RAY: I'm not aware of him using it for commercial purposes.

CHAIRMAN MOORE: Well, he acknowledged he was using it for his antique sales.

MS. RAY: I'll certainly get an answer to that question.

CHAIRMAN MOORE: I'm just trying to get the facts.

MS. RAY: I will certainly get an answer to you for that, but I believe that no one is living in those storage structures. And tonight all I heard was I have my suspicions, which is far from legal standard. It ought to be
considered by this Board, that's
innuendo and nothing else.

MR. PROKOP: What I was really
asking, the question I was really
asking is what you have to say about
what the use of the barn was and this
other structure?

MS. RAY: I think it's for storage
and personal possessions like everybody
else's, what people use their barns and
garages for, storage.

MR. PROKOP: Whose personal
possessions?

MS. RAY: I think Mr. Olinkiewicz
and his tenants I believe.

MR. PROKOP: Only because I'm
going to make another application
tonight, I have a question as to
whether a property can be subdivided, a
property that includes an accessory
structure, the accessory structure I
believe supposed to exist as an
accessory to a principal residence on
the same property, and I have the
question as to whether or not a
property can be subdivided and create an accessory structure that is not accessory to a principal structure on that property.

MS. RAY: There is no intent to do that.

MR. PROKOP: So then how are you going to subdivide the property?

MS. RAY: As is noted on the drawing, the shed that's over on one side is going to be moved over to the other side.

MR. PROKOP: What about the barn?

MS. RAY: Well, the barn has been there for a hundred years or more.

MR. PROKOP: I'm not talking about that. The barn exists as an accessory structure to the --

MS. RAY: The main dwelling.

MR. PROKOP: On a larger lot.

MS. RAY: That's right.

MR. PROKOP: How would you subdivide the property so that it creates a lot with an accessory structure, but not a principal
structure?

    MS. RAY: Well, if the Board is
going to except that and be that
formalistic, we can have the lot lines
redrawn so that this tiny strip that
includes the barn with the first
parcel. It just seems to me that isn't
necessary. That barn has been there
more than a hundred years, it's
virtually a historic structure at this
point, so I don't think that's illegal,
I think that's --

    MR. PROKOP: I don't think you're
-- I'm just asking you how the barn can
exist as an accessory structure when
there's no principal structure on the
lot that you're proposing?

    MS. RAY: Well, are you suggesting
that we redraw the lot lines so that we
make a tiny strip of property that
encompasses the barn?

    MR. SALADINO: That would be up to
you.

    MR. PROKOP: No, I'm just asking.

    MS. RAY: Well, if the Board were
to insist upon that, I'd certainly take it back to my client, but it just seems to me that with a historic structure on that property already, that that wouldn't be necessary. We hope that it wouldn't be.

CHAIRMAN MOORE: I think the technical question was can a new lot be created which only has at the time the lot was created an accessory structure in the absence of a principal structure?

MS. RAY: I think that's right, and I'm not sure that we have an answer to that in any case.

CHAIRMAN MOORE: That's a good argument for attorneys.

MS. RAY: Mr. Prokop and I can go round and round about that. Thank you very much.

MR. PROKOP: In summation, I have two concerns to bring to the Board, one is the use of this barn, and the second is the creation of a lot with an accessory structure with no principal
structure that it's accessory to.

MS. RAY: Why don't we reserve
that, I'll address that in my comments,
if that's acceptable to the Board.

MR. PROKOP: This is a comment
that I'm making to the Board.

CHAIRMAN MOORE: He's advising us
that we need to consider. I'm going to
be helpful, you went through the list
of recent hopefully properties that
have undergone subdivisions, it might
be helpful if you could provide a list
of those since we only took the verbal
testimony, my notes are not very good.
You certainly can't describe the
circumstances and environment of the
neighborhood during the time that they
were granted, but the foot statistics
that you have, just enumerate it and
provide it to us.

MS. RAY: I'll be glad to do that.
I have that in graph form, so it's an
abstract, if you will, but I have
examined each of these.

CHAIRMAN MOORE: Select a bunch
just for you have it clear to the Board what you're trying to say. I would just point out that zoning variances are granted on a case by case basis, and circumstances of the neighborhood, the environment, all of that come into play, but your raw data would at least be helpful on your points that you're making.

   MS. RAY: I'll be glad to provide that. Thank you.

   MS. ALLEN: Are we allowed to rebut, ask a question about what she said?

   CHAIRMAN MOORE: I wouldn't want any rebuttal, but any testimony that --

   MS. ALLEN: I just have a question about what she just stated.

   CHAIRMAN MOORE: Question to who? I mean, you can't ask her.

   MS. ALLEN: Chatty Allen, Fifth Avenue. Mr. Olinkiewicz's lawyer just quoted all kinds of variances and wants a precedent to have been set. I think you need to look into -- it seems like
she only did one -- she only said one variance per each property that she was rattling off all the way back to 2004 or whatever. I'd also like to know, and I think you should know what did the neighborhood, the people that lived around all of these properties, how did they feel? I don't feel that the people that are speaking out against this project have anything to do against him. There are plenty of vacant lots and vacant homes within the Village, take a ride. You have to not allow this not just because of who is living there, how many are living there. There's an old sewer system there that backs up all the time, there is already too many people living in one small little area, and what's being proposed is to add even more. So I'm not coming from I don't like this man, I don't want him to do it. I'm coming from a safety issue, a health issue, a quality of life issue. I live further down and except for in the morning when
I leave, I normally when I go anywhere I reroute myself because of the traffic issue at the top of the road there. But I really think you need to look into all these that she's saying precedent, because to me it sounded like there was one variance for each application that she named, but I didn't hear anything about the neighbors objecting. The neighbors surrounding both of these projects have been objecting for five years. It's not a personal vendetta against the gentleman. They don't want their quality of life destroyed and the health of everyone around them, that is what needs to be taken into consideration. Thank you.

MS. PETERSON: Diane Peterson, 228 Sixth Avenue, directly behind the property. I've lived on this block for thirty-six years, and in those thirty-six years this has been a socially diverse, economically diverse community. And at no time, no time,
has anybody ever, and I take personal
offense that the lawyer is saying that
we are doing this because of the
ethnicity of the people living in that
house. As a matter of fact, my heart
goes out to them because they should
not be living in the conditions that
they are. Right now that community
that we live in, that little block, two
street block has white, black,
Hispanic, gay, lesbian, everybody gets
along, it's not a problem. That's not
the issue. It's a safety issue. We
drive on existing plots that were
created over a hundred years ago.
She's asking -- Mr. Olinkiewicz is
asking to continue the closeness that
we already know is difficult to live
with should not be allowed. We don't
need more. We need to be smarter about
what we're building. Thank you.

MR. REED: Mike Reed, 430 Front
Street. I do take exception to her
snide comments. My grandparents, my
great, great grandparents came over
from Germany and from Italy, did the
right thing, Ellis Island. Do you know
what it's like back then? It's hard.
I take exception to that. I don't
begrudge anybody, white, black, Asian,
a martian, you know what, as long as
you're good neighbors, you're good
neighbors. It shouldn't have a bearing
on races, color of skin. I grew up
here, used to go to Third Street, hang
out with the Jackson's and stuff,
people that live here, grew up here,
know my family very well. We're not
racist any way in the neighborhood, and
I take kind of exception to that.
We're far from it. And as
Mrs. Peterson said, what she said about
the zoning or the housing, these houses
were here a hundred and something years
already. So we're going back to apples
to oranges. I said how can you put
something in 1905 to 2016? Different
generation, different genre, different
states where when I was going to
college, I worked for Mr. Vantie
(phonetic) who most of you people know. There was some one foot off the line, but that was back in the late 1800's. You can't compare what was done by our ancestors to now. You're trying to rectify the problem to be fair, and God bless you all, I know it's hard, but, you know, you do what she's saying, do your homework because you were told a mountain of misinformation first of all. Second of all, like I said, these houses have already been here preestablished, not like oh, I think today 4,000 square foot lot, I think I'm going to put a 4,000 square foot home. These houses that she said under precedents were already preestablished, they weren't built here. Please, do the right thing in your heart. Thank you.

MS. MILLER: Carol Miller, 239 Fourth Avenue. Most of the properties that she rattled off to you were homes of people that have lived there for thirty years, and it's them living in
their houses, I live in my husband's
grandmother or great grandmother's
house. Do I wish my yard was bigger?
Heck yeah. Do I want to spit at my
neighbor out the window? No. But that
at the time was the size of the
property that was acceptable. We got
smarter, we gave ourselves a little bit
more room to breathe. There is no
reason to start jamming more people on
top of each other on smaller properties
if it's not absolutely necessary. We
do have open houses. By all means, let
Mr. Olinkiewicz buy an open house.
Nobody is headhunting Mr. Olinkiewicz,
it's just he seems to be picking
properties and jamming as many people
as possible. I wouldn't care if it was
Santa Claus doing it, I'd be pissed off
at him. You can't take houses and
overcrowd them and expect the neighbors
to find this acceptable. He's talking
about doing it there, he's talking
about doing it I know the next property
across the street, and my husband who
just left here, there are problems with the houses being so close on top of each other, you can't get a fire truck down the driveway, so how are you going to get in there and, God forbid there's fire, protect A, the people who are overcrowded in the house because there's so many of them and the neighboring houses. It's just logistically it doesn't happen, and it has nothing to do with people's ethnicity. Hispanic, I work with them all day long, I love them. They will be the first ones to give me a hard time, I give them a hard time. It has nothing to do with whether they're black, Japanese, or whatever. It's a matter of how many people you are jamming into a certain space. Our complaint is that, our complaint is not with what color their skin is or what they do, it's a matter of overcrowding, and the neighborhood overcrowding on both sides of that road now is getting insane. And we're going to have it
where the neighbors that been there
their whole life are going to leave,
and Greenport is supposedly the, what,
eleventh most beautiful town to come
live it. We're going to be in the
bottom eleven if it keeps up because
it's turning into a slum in certain
areas. And I don't say that lightly
because years ago I loved it, but
honestly, if it keeps going the way
it's going, as soon as he's done with
Chief and done with county, I want out
of this town because I don't think that
with the way it's continuing to
overcrowd there is going to be an
upswing to bring it back to the harbor
town that it was and could be again if
all the variances get passed for
housing like this. Thank you.

MR. WEISKOTT: Jack Weiskott. You
all went to the site today, there were
six cars in the backyard and one parked
in the front yard, that's typical and
it's minimum. There's more cars often.
That's all I have to say. I don't know
why someone would say that there are
only three cars that they've ever seen
there. There are seven cars there
right now and possibly there are nine
by the time we finish with this
meeting. That's all.

CHAIRMAN MOORE: Thank you.

MS. MCENTEE: Joanne Mcentee, 242
Fifth Avenue. What Mr.
Olinkiewicz's attorney fails to say
about all the commentators' homes or
properties is they were already --
these lots were already approved many,
many years ago. These are not
subdivided lots as I believe Doug
Moore, you kind of referenced to, and I
just wanted to make that clear that
they're not subdivided. These are,
yes, small lots that in the beginning,
and we were talking about another
hearing, that that was an issue that
something that we did and these lots
were designed many years ago. So I
believe what she's saying is very
incorrect. And let's not to mention
that Mr. Olinkiewicz has created many of his own lots. There have been many issues that he has built incorrectly, not to mention 312 Center, I believe it's Center, 314 Center, 411 Kaplan Avenue, and 510 Madison. These are things that need to be addressed. She doesn't bring up the ones that are improperly built, she brings up the ones that we actually own. Thank you.

CHAIRMAN MOORE: I think we've mostly run out of public comment. I'm going to propose that we adjourn for ten minutes to give the stenographer a break. Quarter after we will return.

MR. TASKER: One quick comment, I'm very observant of the stenographer's work because they do a great job. I'd just like to point out, a number of people in the room alluded to this, they hadn't really brought it to the floor, and that is that one of the fundamental purposes of the Zoning Bill -- if you into paragraph one, and it enumerates the reasons why there is
a Zoning code, and one of the principal
ones is the gradual elimination of
nonconforming uses. Every time a
variance is granted, it supports either
a new or a greater nonconforming use.
So that is ample reason in itself to
say this kind of development should not
be permitted to happen. Comparing that
one to the Prestwood application, for
example, where I was the leading person
who objected to that because it brings
up another dimension, and that is what
I call cascading variances. I said at
the time if you allow those two lots to
be created substandard, which the
Zoning Board of Appeals did do, they're
going to be in here in a year looking
for side yard variances, and sure
enough as soon as the lot was bought,
the first one was bought by somebody
who wanted to build, there it was, the
variance applications for side yard
setbacks. So this cascading effect is
exactly the antithesis what is required
by the Zoning code, enforcement of the
Zoning code, and that is the elimination of nonconforming uses, not their creation. Thank you.

CHAIRMAN MOORE: I'll make a motion to adjourn for ten minutes for a break.

MR. SALADINO: So moved.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Any opposed?

8:20 we'll be back.

(A recess was taken.)

CHAIRMAN MOORE: Is everybody back? Okay. I think what I'm going to suggest since we've had quite a few speakers on item number 3 is I would like to make a motion that we adjourn the public hearing to next month so we can take additional information, the attorney can provide any additional documents that she referenced in her spoken testimony. So I'll move that,
is it to table or adjourn?

MR. PROKOP: Adjourn.

CHAIRMAN MOORE: I'm going to move that we adjourn the public hearing on 221 Fifth Avenue until the October meeting. So moved, and I'll ask for a second?

MS. GORDON: Second.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Any opposed? So we adjourned the hearing until next month. And secondly, we are coming into item number 4. It's now 8:24 roughly, we need to get on to some other items. If anyone has a pressing comment they would like to make tonight on the project, I understand that there will be many more comments. We've already had a quite a few. This is the more complicated and aggressive application with more variances, and
I'm going to propose that we take a couple of pertinent comments until about 8:35, and then we will adjourn that hearing until next month because we need to get a few things done. People have been coming back multiple meetings hoping some action, and nothing happens, so we aren't forgetting the public comments, but they are going to be reserved then for next month. So we will open the hearing, which is the continuation of the hearing for area variances sought by James Olinkiewicz for 238 Fifth Avenue. Again, this is a subdivision of a property into two additional -- or into two lots, does the audience remember sufficiently the details, so that if I can just paraphrase, if that is acceptable to the attorney as to what the requests are, this is the proposed a new lot at the rear of the property --

MR. PROKOP: It's acceptable to me to paraphrase. We've already read it
into the record at the last meeting.

CHAIRMAN MOORE: The first lot is the lot I believe on which the house already stands, and it is requesting three variances, which is a lot size variance of 2,110 square feet. There is a lot width issue of fifty feet where the code requires sixty, and the proposed lot coverage is 37 where 35 is permitted for a two-family house. Lot 2 has five variances requested. This creates a substandard lot of only 4,026 square feet with a variance request of 3,474 square feet the lot depth of lot 2 is 50 where 100 feet is required, 50 foot variance. The proposed one-story framed house on lot 2 is 15 feet from the front of the west property line. The code requires 30 feet. Again, a 15 foot variance. The one-story framed house is 10 feet from the rear line, again 30 feet required, variance of 20 feet. And the one-story framed house, there's a lot of discussion about that already, as only 800 square feet with
695 square feet of livable space, and the code requires 1,000 square feet. So again, fairly substantial variance, 304 square feet for the livable area of the house. Those are the requested variances, and I will take a certain amount of public testimony until 8:35 then we will adjourn.

MR. KEHL: Robert Keel, 242 Fifth Avenue, Greenport. Some of the facts have been twisted tonight, like the one before, they said te lots -- the attorney was saying that the lots were zoning changes. The lots were preexisting lots that were all preexisting nonconforming lots in Greenport, and they were only asking for variances, they weren't asking for a subdivision and then variances on top of it to put a house on the properties. In most towns or villages, the village is supposed to work with the homeowners that live in the village, especially to get neighborhoods together and try and fight for something. They're supposed
to listen to it. We haven't been seeing a lot of this. Some people we see -- we're not getting a lot of it, and over the years a lot of this is going down the road. Everybody just kind of, like, people don't show up to the meetings, we just let it slide, and it goes on. And then people say oh, now we got a precedent. It doesn't really work that way. Some things have gotten let go in the past that really shouldn't have let go because no one ever bothered to get up and participate at the meetings, and it's really -- this is -- Mr. Olinkiewicz, I have nothing against Mr. Olinkiewicz, he's a businessman, I'm a businessman. But he's coming into our neighborhoods, and he's trying to subdivide lots that are already substandard, and he's trying to put houses in there to make a profit, and you can't tell me he's not making a profit. He says oh, it's all supposed to be for work force housing, and he gives you this bleeding heart story,
sob story all the time. It's a lot of crap. If he was doing it because he wanted work force housing for everyone in this town, he would build work force housing and give it to them for free, but he's doing it to make a profit on the backs of all the people in the neighborhoods, and that's wrong. And we really expect to see something done about this. Thank you.

CHAIRMAN MOORE: Thank you.

MS. MCENTEE: First of all, I would disagree with Douglas Moore's statement -- excuse me, Joanne Mcentee, 242 Fifth Avenue, Greenport, New York. I disagree with Douglas Moore's short time in reference to us to be heard. It's less than ten minutes, and that's not fair. We come here to speak. We didn't come here -- we don't want to be here just as much as everybody on this board doesn't want to be here, and some will leave sooner than others, but we came here to speak, and I believe that we should have that opportunity.
I would like to make a correction that I submitted the notes on 8/16 ZBA meeting in reference to the short term environmental assessment form that it did say -- it should say I strongly disagree with the answers. I'm not sure which one went into the record, but if you got my marked up one that was marked up with the correction. If it was not marked up, then that mark up should be made that I strongly disagree. I encourage all the people, speakers here on Fifth Avenue and our community to speak again at this same hearing because what the same issues are for 221 Fifth Avenue are pretty much the same, slightly different for 230 Fifth Avenue, so if there's an opportunity to do that as well.

I'd like to speak about this corner lot. Now, we had a little misunderstanding down at 238 Fifth Avenue, and the corner lot -- this is now creating a corner lot, and it's being created Mr. Olinkiewicz putting
severe restrictions on the lot next to
it, which is ours at 242 Fifth Avenue,
thus creating 242 Fifth Avenue a corner
lot now putting a hardship, a severe
hardship requiring extra future
variances as they are more restrictions
-- there will be more restrictions for
corner lots. And most of the -- most
of all, decreasing the value of our
home. This is a hardship. I'm sure no
one on this Board would like to see
their home being decreased in value.

    The right of way, it is its own
entity and is strictly separate from
either lot. The lot coverage
percentage is grossly understated. The
lot coverage calculations should
exclude the right of way, not include
the right of way. And this means,
again, this has to be recalculated, and
therefore this application should be
rejected for the fact that -- or denied
for the fact that it is completely
false, and what I don't understand is

why our building inspector did not pick
this up. Let me refer to 411 Kaplan Avenue when we had an issue with the right of way at 411 Kaplan Avenue and 510 Madison. Now, 510 Madison was already built, there were a lot of issues at the time with that going on, but then 411 Kaplan Avenue, which was again created was still to this day not conforming, should have never been developed into or transferred into a two family home. I will say that Mr. Olinkiewicz's property at 510 Madison had -- once you put in the right of way, it is taking away the lot coverage. Now, the right of way was created after the fact, and as Mr. Prokop has stated previously back then the lot coverage had changed from its -- for some reason that the right of way was accepted improperly by the Village of Greenport, and this did not go through properly, so that right of way, if you're putting a right of way or a proposed right of way, you need to take into consideration the lot
percentages and exclude the right of way. Our law is to protect properties, not create hardships to the properties next to it. Mr. Olinkiewicz is creating this hardship to this property, not to mention having other issues with other properties around it. With the amount of the Fifth Avenue residents who object this subdivision and the 221 subdivision I honestly feel that there is not one person here that came up to the podium, other than his attorney, that was for this project. So it should be denied. We're a community. This is where we live. I'm pretty sure if this was where you lived, you might have a beef also. We have one of the oldest clay pipes in our street, we have sewer problems. The sewer has backed up next door at least twice this year. We've had to call to have it fixed. We'd see it spewing into the road going down the driveway. Do the tenants call? Absolutely not. Why? Do they not
notice it? They're home. There's many residents that are living there. I would probably say a guesstimate right now is probably about fourteen people between both homes, between both apartments. The -- I understand that there is the nonconforming building garage apartment above it that stands alone by itself. Well, Mr. Olinkiewicz stores -- he actually stores his commercial wood, his appliances in there, and you mean to tell me that that's allowed? That's not a commercial piece of property.

CHAIRMAN MOORE: Are you referencing 238?

MS. McENTEE: 238. I'm only talking about 238 pretty much here. In reference to -- you wanted us to reference the code in reference to the right of way, I think we should look at 118-7. Our code 150 reads that the village code gradually eliminates nonconforming uses, 150-1. You all know this. I'm not sure why we have to
repeat it, but I guess it's just to
make it more effective, put it in the
record and let everybody know that we
know.

All I can say is I really -- this
is putting a hardship on our home.
This will dramatically change every
setback at 242 Fifth Avenue, our
property, and that is the 238 property,
okay, and thank you for listening to
me, and all I can say is let's make
Greenport great again.

MR. PROKOP: What was the comment
about 242?

MS. MCENTEE: The comment? If --
we will have to have variances.

MR. PROKOP: What does 242 have to
do with the subject property?

MS. MCENTEE: We're right next
door to it. That's our property.
We're right next door to it. We got
driveway, fence, driveway.

MR. PROKOP: Okay.

MS. MCENTEE: And let me also
mention that even if you drive in the
back here, he does not have -- where
the property is, there's a fence right
there, he does not have enough room to
take his cars and move it out properly
because he'll be backing into a fence.
If you look at the diagram, there is no
way that he's going to -- and they keep
hitting the fence right now. That's a
two family. There's one house on that
lot. They can't even -- they hit the
house with cars. It doesn't make sense
to follow through. This application
needs to be denied.

CHAIRMAN MOORE: I'd like to make
one comment. You made a couple of
assertions as to what the code is
regarding rights of way and side yard
becoming front yard. I'm just going to
note that that's your assertion, I'm
not sure that I know sufficiently. I'm
just letting you know that we will
check into that, but just because you
say it, doesn't necessarily mean it's
so.

MS. MCENTEE: And fair enough.
And I'm sure, Mr. Prokop, you would know what the rules are for a right of way? A rule for a right of way are not included in the lot coverage percentage. I think you know that. It was done incorrectly on 510 Madison, you mentioned it when 411 was being installed.

MR. PROKOP: That's correct. What I was going to say when you were finished, I'm sorry, I got involved with that other question, is that the application will be reviewed by myself and the building inspector for calculations to make sure that they're correct.

MS. MCENTEE: Over where, at this one, 238?

MR. PROKOP: This application, yes.

MS. MCENTEE: I appreciate that.

MR. PROKOP: To confirm that it's correct.

CHAIRMAN MOORE: I have a question. Last month there was someone
raised a question that a right of way
had to be fifteen feet, I tried to find
it.

MS. WINGATE: Actually New York
State fire code says it needs to be
fifteen feet, but not in a one and two
family house. There are absolutely no
easement -- they're not required.
There is no fire access in one and two
family houses, only commercial and
commercial is fifteen feet.

MR. PROKOP: Maybe we can ask the
fire chief.

MS. WINGATE: Section 703.4.

MR. MILLER: Wayne Miller, 239
Fourth Avenue, Chief of the Fire
Department. I just wanted to mention
that maybe you people need to take into
consideration the fire fighting
problems that we may have with
additional cars parked on the street,
you've got houses on top of each other.
Greenport -- there's a lot of houses on
that block that are right on top of
each other. The property that he owns
and then the house next to that, you could barely walk down the alley there. So these houses catch on fire, God forbid, you know, you're talking about not losing one structure, but possible two or possibly three. They're all on top of each other. You keep overcrowding the Village like this, it's not a good thing, believe me. So I think you really need to take into consideration the fact that, you know, there's a safety factor there, so you might want to think about that also.

CHAIRMAN MOORE: You're speaking -- are you the fire chief?

MR. MILLER: Yes.

CHAIRMAN MOORE: Are you speaking as the fire chief?

MR. MILLER: I'm speaking as a resident.

CHAIRMAN MOORE: Are you representing the fire department?

MR. MILLER: No, I'm not. I'm speaking as a resident.

MR. SALADINO: I want to ask you
as a firefighter, and you are the fire chief, this is your opinion that this might be a hazard?

MR. MILLER: I would say so, yeah. Those houses are right on top of each other. You've got cars up and down that street. Look at that fire we had on Kaplan Avenue over there last winter. It wasn't last winter, the winter before. When you got snow on the streets and you've got cars buried, do you know how hard it is for us to come in there? Did you ever see the size of our ladder truck? Do you know what it takes to get that truck into position and have to fight a fire, put a fire out? Did you ever think of that? You're putting a lot of men's life in danger. You're not thinking about the safety factors either.

MR. SALADINO: That's why we're asking you.

MR. MILLER: That's what I'm telling you.

CHAIRMAN MOORE: One more, and
then we may have to have a motion here.

MR. WILE: Good evening, Ian Wile, 234 Fifth Avenue. I appreciate the late hour. I didn't speak during the 221 conversation because my house directly abuts the 238. I would suggest that if there's any way to move all of the commentary from 221 that's not specific to the lot sizes, I think it's relevant. Otherwise you'll have to hear the same stories for both properties. What I was going to say, I've been listening to the Board talk a little bit about their responsibility, and it's given me some thought about the way you guys carry and, Mr. Moore, you mentioned that the Village Board of Trustees writes the code, and they're in charge of changing it, it made me think about you guys in terms of your role as somewhat of the Supreme Court, right? Your job is to interpret and make interpretations and judgment and understanding on a case by case basis. And I think one of the things I take
away is that one of your jobs is it's trying to look ahead to the next group of volunteers or fifty years from now the next group of zoning board volunteers who have to make an interpretation and not create a difficulty. Right now these are a lot of conversations about one applicant who happens to have a number of pieces of property, but we're seeing at this very meeting Mr. Nicholson facing the requirement to try and figure out something based on a lot that's too small. I'm in that firehouse, I'm in the house next to 238. I have less than one inch between Mr. Olinkiewicz's other property and my property line, and I have thirty-three inches between my window and his window on the 238 side. So I am in a less than 6,000 square foot property, but you know, that property was drawn in 1845, and somebody had the foresight to draw a set of code guidelines to try and prevent that kind of density to make it
so that a fire truck could get between our two houses. One side of my house is almost impossible to roof because I can't get a ladder width apart. Bob would attest to the fact that it's difficult to manage. One of the goals that we're looking at is not just specifically this house or this application, but how you're interpreting the code for generations to come who might buy one of these houses. This is not a second unit on one property. This is a subdivision. This will become its own entity, and some poor sucker down the road is going to want to put an extra bedroom on because maybe they bought it from Mr. Olinkiewicz, and then they had kids, and they want to put a bedroom. All of a sudden this property is too small really to exist and grow and thrive, and it doesn't do our community great justice to go through all of this thinking to create a set of codes that can set a place on a path, and then

Flynn Stenography & Transcription Service
(631) 727-1107
come in and ask you -- I don't think it's fair to ask you to subvert all of that Board of Trustees work. The first time years ago that these were both put forward, the Board of Trustees acted so strongly that they put a moratorium on subdivisions before any of this would be thought through. So I think some of the frustration we're hearing from some of the neighbors is that that was the initial reaction years ago, and yet we're still talking about a certain number of feet here, a certain number of feet there. I find that -- I tend to be a longer term thinker, so what I'm trying to look at is if this is really where you want to be, if you want to start to make more of these properties smaller, and you want to get rid of some of these setbacks and make this density work here somehow, if there's a huge drive to get more people in and cram the lots smaller, then you need to make other urban planning choices to go along with it because
otherwise we're not meeting each other.
The sewer is not ready for that, the streets are two-way streets, they would need to probably be one-way streets or no on street parking. Right now that Fifth Avenue is a one-way street, we'll blink our lights at one another to see who can go through. It's like a country lane, it's down to one car width. So they'll need to do some -- if we're going to continue down this path where this Board will have to take on the onerous job of subverting the Village code because it's reacting to hardships, then somehow we need to integrate these other parts of this Village to make accommodations. It's my hope that we don't do that. One of the reasons I purchased the house, I put money into the house, I raised my kid here, and he's going to the school, I opened a business here, I wanted that investment I made, I had to look it all up, I knew the lot size, and I read the code, and I know when I bought my house
what I'm allowed to do and what I'm not allowed to do. It's in the piece of paper. It wasn't confusing, it was what was put in front of me. Now, you know, put a porch on here or there, we're not didactic society, we should be allowed to think through what functions or what grows the health of the community. To me, some of the choices we're being asked to make here are not about growing the health of the community, but about growing the health of one particular individual, which repeated this process over and over again, and frankly, I give so much credit to my neighbors that they're at ten times the meetings I've been at because the fact that this same set of applications has been punted meeting after meeting after meeting for years and years and years begins to weigh on everybody, I'm sure it weighs on the applicant as well, he's paying legal fees, we've met his attorney a number of times. I've taken days off of work,
I didn't take my son out on the water today like we had hoped to because I wanted to be here. It's important. I traded family time, you trade your volunteer time to listen. I appreciate it. I know this evening has gone on very long, and you have a lot of business to get to, but for me it's just about the spirit of the whole picture and why it's called a variance, what the purpose of a hardship -- what the purpose of the original code is, and if somebody doesn't like it I really think that then I would encourage the applicant to get busy in this Village as a resident and a taxpayer and spend time on the code commission, and spend time with the Board of Trustees and make those changes to allow a 5,000 square foot property line, 5,000 square foot lot. If that's what everybody seems to want, otherwise we're really just bogging down good business, good strong business with people who are spending
an awful lot of their volunteer time to battle something. I have suggested before that I do think that when somebody runs for this -- like Bob, I'm a businessperson, I totally understand the economics of Mr. Olinkiewicz is after, I think if there's a house that makes some money, if there's enough room to get another house on there, there's more profit to be made, and I think that's excellent, but when I wanted to open a business in town, I went in front of the Planning Board, and I had to show a site plan for my business and how I was going to impact my neighbors and other businesses, and I feel like even though these are residential houses, some of the consideration that we apply to businesses ought to be thought on here. The applicants for the Third Street property had to jump through hoops for parking. Whenever anybody says there's a parking problem with these residential houses, they're sort of
shushed out or we're counting cars, whatever, but if you said hey, I don't think you should open a hotel in town because there's a parking problem, everybody agrees. We have a parking problem on the street. I most nights don't park my car in the driveway anymore because I've had to spend a number of mornings knocking on the neighbor's door, also an Olinkiewicz house, to ask them to move their car because it's parked across my driveway. It happens I would say five out of seven days. So we've started to park in the street. Now I'm part of the problem. I've got a car in the street and a perfectly empty driveway, but I can't get my car into my driveway. We're at maximum density, and we either need to accommodate for that with some smart assessments of what can be added or the bigger picture needs to be addressed. How can we deal with cars on the street? How do we deal with directional parking? What is an
appropriate lot size? If 7,500 square feet isn't appropriate, and you're dealing with variance after variance, it's time to rethink that. For me, you know, one of the reasons I bought my house and wanted to move here was that I didn't feel like houses were going to go eight stories up and two feet apart. I'm already as close -- I mean, look, when Mr. Olinkiewicz bought 238, he put the big propane tanks outside my window which I had a window air conditioner on, and to me, I get freaked out by that having a propane tank six inches from the back of an air conditioner, so I pulled my air conditioner out of my house and put it on the floor. So that room is no longer air conditioned, but it hasn't blown up. So there's just enough space for that kind of stuff. That doesn't even hit the infrastructure that's being asked to be put in here. I appreciate your time and your consideration. One other thing I would say is in the past I know
that I had written a letter that I've requested be put into the documents, and I've understood it has not been in the folder before. I hope that it has been, otherwise I'll be happy to refurnish it. Most of these letters have very, very old dates so.

CHAIRMAN MOORE: Thank you.

MR. WILE: Thank you again for your time and service.

CHAIRMAN MOORE: I'm going to make a motion that will annoy some of the people attending, but not to keep you from talking but to allow us to continue, and you can talk next month. I'm going to make a motion to adjourn the hearing number 4, Mr. Olinkiewicz at 238 Fifth Avenue until the October meeting. So moved. Can I have a second?

MS. NEFF: Second.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. GORDON: Aye.
MS. NEFF: Aye.

CHAIRMAN MOORE: Any opposed?

Motion carried. At 8:52 we will move to the regular agenda. If the Board would allow Mr. Caouette who is down the line at item 8, has traveled a long distance to be here, and I would like to oblige him by taking item number 8 next. This is motion to accept an application for an area variance publicly noticed and schedule a public hearing for Ralph and Maureen Caouette, 447 Sixth Street, SCTM 1001-6-3-3. The property is located in the R-2 District, the property is not located in the Historic District. The applicant seeks a building permit to construct an addition to the dwelling including an open carport with a second floor deck. Section 150-12A of the Greenport Village Code requires a side yard setback of 15 feet. Proposed carport has an 8.2 foot side yard setback on the south property line requiring a side yard setback variance.
of 6.8 feet. Section 150-12A of the Village of Greenport code requires a 25 foot combined side yard setback in the R-2 District. The proposed combined side yard setback is 18.2 feet requiring a combined side yard set back variance of 6.8 feet.

Just to make a comment, this application has been before us before, and some of the members of the Board requested additional information or corrections of some items, which I believe have now been made, and would anyone wish to comment whether there are any additional issues with the current application? If not, then I would make a motion that we accept this application as currently presented and had ask for a second.

MR. SALADINO: Second.

CHAIRMAN MOORE: Any further discussion? All in favor.

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. GORDON: Aye.
MS. NEFF: Aye.

CHAIRMAN MOORE: Any opposed? So the application is accepted. We'll need to schedule a site visit. I would propose as we're only going to have two site visits next month that we would go ahead and do that for this property, item number 8, at 5:30 before the next meeting holding at 6:00, if that's agreeable to everybody?

MR. CORWIN: Yes.

CHAIRMAN MOORE: We will do the proper noticing, and you'll need to get the addresses from the building inspector and send those letters out, you want to be sure to do that.

MR. CORWIN: And let's not forget the --

CHAIRMAN MOORE: And to stake out the property where the carport would be, that would also be helpful.

And I think now we can move back to number 1, and I was -- I think we can discuss this. The hearing was closed last month, so we can move into
discussion of this case. To refresh everybody's memory, the main discussion on this application has basically come down to the issue of preexisting conditions, whether this house was, in fact, the multifamily house at the time of the code, which would be 1971. There was a lot of, what would you say, substantial evidence presented by a number of people who lived there or in proximity as to what probably existed in 1971. The only exception is, and I'm trying to find it in my notes, but the woman who came and actually testified under oath, could you give us her name?

MS. WINGATE: Dolores Amarose or something like that.

CHAIRMAN MOORE: All I can say is a woman very kindly --

MS. MOORE: She did very kindly come and testify.

CHAIRMAN MOORE: She lives on Carpenter Street, she testified under oath that at the time of the writing of
the code in 1971 there were, in fact, more than two apartments in the house. I don't believe she got more specific than that. This property has been described as having four apartments. When we did our site inspection, there was evidence of occupancy of part of the back of the house, but there currently are not four apartment units because there is no official kitchen present. The kitchen had been dismantled and is currently being used in common I believe by the tenants as the laundry area, or had been used because the laundry equipment is also I believe at least in part not present. The difficulties with the property to be a four family house if it were being applied for does not have the sufficient square footage for each apartment. The lot size is insufficient for the number of apartments that would be proposed, and the parking spaces being provided currently on the lot would be
insufficient to support a multifamily
dwelling. But the issue appears to be
whether or not there was a grandfather,
and then the question I would say, if
the Board was actually agreeable to
that contention, then that may be what
our vote boils down to, whether we
would acknowledge whether there were
actually four of them, or whether there
would be three, and what might go
forward. Any further discussion from
the Board? I'm just kind of rolling
out my impression of what's occurred so
far. The house very clearly was
occupied at the time by three tenants,
and that's where we are right now.

MR. SALADINO: I'm not willing to
accept the applicant's contention that
the four families had always lived
there. Eighteen years ago, I believe
it was eighteen years ago, they
received a communication from the
Building Department telling him what
they thought, what they believed was
there. Ms. Moore's contention that the
CO was mismarked with a district that's not in Greenport, M-2. As luck would have it, I've since looked at five or six other property cards from Southold Town for Greenport, and they all had that same mark, M-2 or M-1, and to me for a building inspector to just look at the property card and look at a district, to me, and mark what he sees on the property card, to me, just doesn't constitute a fatal flaw as you can tell. Mr. Liakeas told us he did dismiss the letter that he got from the Village because he was young and he -- he was a licensed physician. It's a one paragraph letter saying that this is what the building inspector believed, and for eighteen years he didn't contest it.

MS. MOORE: Well, for eighteen years it was rented. For that whole period of time it's been rented.

MR. SALADINO: My contention is that he was aware that the building inspector told him it was a two-family
house. The fact that he continued to rent for that eight year period to me suggested he was in violation so --

MS. MOORE: That's your opinion. Okay.

CHAIRMAN MOORE: It kind of has a cloudy progression through the years because there was an indication in the Village record that the notice of disapproval written the same day as his certificate of occupancy for a two-family house was sent indicating it was not up to standard, that it needed a variance. Now, his contention is he never received the letter, but there's documentation it was mailed, and a lot of time passed. I think it should have been obvious at some point to him that something wasn't right. The issue for him was the financing, the mortgage company apparently with the documentation that was provided was satisfied and he put his mind to rest as to the situation. So we're kind of faced with basically a vote from the
Board as to whether we accept the
ccontention of a multifamily house,
which I think would require --

MR. SALADINO: Well, that's not
what Ms. Moore is asking for.

MS. MOORE: No, I've actually
asked for a preexisting, that based on
both structurally and the fact that
it's been occupied as it was, that at a
minimum we had a three family, but I
would agree that once he removed the
kitchen in the fourth unit, even though
it may have been set up as a fourth
unit, he removed the kitchen, so it
could -- what we wanted to present is
what we had as far as physical evidence
and how the building is set up, but
I've explained to him that certainly at
a minimum he has three families because
of the fact that that's how it was
established. The fact that he didn't
catch or he didn't understand the
documentation that came in the pre-CO,
it's naive to say the least that it was
-- or stupid, but he'll acknowledge --
he was here, he said it was stupid. It just didn't occur to him what that pre-CO indicated. As far as he was concerned, it was always rented that way, it continued to be rented, it's section 8 rented, the space from him, and he runs a very clean and under, you know, three -- the three rooms, and then he was using the fourth apartment whenever he'd come out here. But at a minimum, the three apartments that have been rented, it provides housing for local families, and it's the way it's always been. It's the way it was designed and it would be nearly impossible to eliminate the space because you've got walls, you've got separations that are physical separations that have been in place for --

MR. SALADINO: Well, that's not exactly true.

MS. MOORE: Since the 30's.

MR. SALADINO: That's not exactly true because when we made a site
inspection, the ground floor apartment
that was as you claim in the past two
apartments is now one apartment, and
all they had to do was open the door.

MS. MOORE: But that's the only
one that has an opening. What I'm
saying is the two upstairs are
physically separated. There is thick
walls that separate the two spaces.

MR. SALADINO: Well, it just makes
me -- sometimes it just makes me wonder
when somebody says no, that would be
impossible.

MS. MOORE: Okay. I guess nothing
is impossible if you have enough money,
but it would be impractical and very
expensive.

MR. PROKOP: I'll make a
recommendation. There's a level of
proof that's required by the applicant,
and the minimum proof is the use at the
time of the adoption of the zoning code
and then the continuation of that use
uninterrupted until the present time,
and every -- my personal observation
with all due respect to the applicant's attorney, who has done a great job, is that it seems that we just -- every time this application is on, we just regenerate into the back and forth, and it really doesn't provide us any -- the Board any -- the type of information it needs to make a favorable decision on this.

MS. MOORE: Well, I apologize --

MR. PROKOP: Exactly what's happening right now.

MS. MOORE: But I would remind the Board I gave you affidavits, I gave an elderly woman because we're talking about fifteen years ago.

MR. PROKOP: Can I make a suggestion? I just said that every time you present this application it generates into an argument.

MS. MOORE: Well, that's because I'm a lawyer. It's not an argument, it's a discussion.

MR. SWISKEY: Exchanging of facts.

MS. MOORE: If you and I were
talking, we'd have the same exchange.

MR. PROKOP: There's a level of proof that has to be met, and as I recall, the woman that came and testified before the Board --

MS. MOORE: Yes, I have her name --

MR. PROKOP: -- who testified before the Board, she said that it was rented, I don't know that she said that it was specific information about a rental unless I'm not recalling correctly.

CHAIRMAN MOORE: I think she was indicating there were multiple families present, more than two, but I don't recall the --

MS. MOORE: Well, we had an affidavit, so go back to the --

MR. SALADINO: The affidavit, if I recall, the affidavit was dated 1979, she signed it and notarized it with the year being 1979, so she read it, she signed it, I believe it was you or somebody from your office witnessed it,
and then you decided that that was a typo. That was her statement. You decided that oh, I made a typo.

MS. MOORE: Because when she was here speaking, she went back to the right date. I must have made a typo, '79, because she came and was in this -- she moved into the neighborhood and knew the house since the 60's. That's how -- when she was here, she corrected that.

MR. SALADINO: The other three affidavits were all for people that had lived there after the fact from 1998.

MS. MOORE: She was the only one that was from the 60's.

CHAIRMAN MOORE: As I recall, most of the people were speculating based on their personal architectural level of expertise that the house must have been based on molding multifamily. That didn't really tell us too much, but the personal testimony of Dolores Ar -- I can't pronounce her name, she was quite certain that, you know, she lived there
since 1969, and she visited at the
house and knew it to be more than a
two-family house. I'm not sure she
specified how many -- she does in her
affidavit say four bedrooms, four
kitchens, four living areas. So I just
asked Mr. Prokop, we had both a request
for variance and interpretation, so I
would assume we would have to make an
interpretation before we consider a
variance because interpretation might
provide some level of relief; is that
correct?

MS. MOORE: Yes, it's correct.

CHAIRMAN MOORE: I was asking him,
sorry.

MR. SALADINO: I'm reading her
affidavit now, and her affidavit says
that I owned my property since 1979,
and I have a note that that was changed
by her testimony to 1969, but then it
goes on to say that to my knowledge the
house has not changed since 1979.

MS. MOORE: Well, because I
thought she was from '79. She couldn't
testify -- I can't have somebody in an affidavit say she knows a house before she actually does, but in '69, she moved to '69, and she was familiar with that house in '69. That's why I corrected the affidavit. I must have had '79 somewhere, and but when she was here she corrected that timeline.

MR. SALADINO: What I have as her correction is the timeline that she owned her property, that I've owned my property 1979, we changed it 1969, but then later on I have no correction that says to my knowledge the house has not changed since 1979.

MS. MOORE: No, the '79 would have been the same date as her ownership, so it would be consistent, '69.

CHAIRMAN MOORE: That is -- Ms. Moore --

MR. PROKOP: On the agenda for tonight, which I failed to notice based on the application is that it's applicant seeks a building permit for the construction of two additional
dwellings in an existing two-family house. So we're talking about a preexisting nonconforming apartment, and even our agenda tonight say it's an existing two-family house. So whatever -- even if it was established that the use existed at the time of the zoning code adoption, it has to be continuous until the present time.

CHAIRMAN MOORE: Well, if the application itself -- this agenda item was taken from the variance part in 158-B and it's A, B, and C, the different parts of the multifamily house, but there's also an indication that the first issue, Article IV, Section 150-8, preexisting four rooms, and that's the original application.

MS. MOORE: Right.

CHAIRMAN MOORE: Ms. Moore pointed that out to us that she really was asking for both, and it wasn't apparent to me during the review process that's what's in the application. But most of the documentation regards the
variances.

MS. MOORE: I had to -- the preexisting is all the documentation I gave you with affidavits, and the evidence that I had with respect to the independent observations of the bank appraisal. So I had -- I gathered what I could to prove that, in fact, it was preexisting. The matter is resolved. We don't need to apply for multifamily nor do we want to apply for multifamily if it's recognized as a preexisting. We wanted to keep what they have, what he has, and that's what we've been asking for since day one. It's just as an alternative relief, the building inspector said okay, the only way you can get this is by seeking a variance to make it multifamily. Our position is no, we've always had a multifamily.

CHAIRMAN MOORE: In your description here in the project description, item 5, purpose, obtain CO for four units for correct pre-CO, and I think the idea that Ms. Moore is
saying that we're basically covering all bases by asking for both. We're kind of -- when we first had discussion on this, we went straight for the variances because that's what was in the agenda, and then it quickly became apparent that there was a lot of material in the application, the assertion that this was actually a preexisting condition and seeking confirmation of that.

MS. MOORE: Correct.

CHAIRMAN MOORE: I think that's where we are in the discussion. What is the recommendation as to how we resolve the two questions?

MR. PROKOP: Can I make a suggestion? Reserve decision on this.

CHAIRMAN MOORE: I would maybe ask how you would recommend --

MR. PROKOP: There seems to be another legal issue here, and I have to draft something that refers to these various affidavits. So maybe we could reserve decision. I'll prepare, not a
resolution one way or the other, you
know, the Board should decide this, but
I would like to get a resolution that
refers to these various affidavits and
documents, so then you could decide one
way or the other based on that.

CHAIRMAN MOORE: I would agree
with that. Obviously we're not
changing any conditions at the house.
It's existing, it's being operated as
it has been, so I would then make a
recommendation --

MR. CORWIN: Before you make any
recommendations, I'd like to make some
comments, if I may. First, I want to
say that I have heard multiple times
oh, the building code of 1971. The
building code went into effect in 1949,
and it's changed very little since
1949. In 1949 that was called
two-family, that's what it's called in
1971, that's what it's called today.
That's the zoning for that property. I
also want to point out that the
apartment dwellers in that structure
park on the grass lawn. Two of the
tenants there consistently, every night
park on the grass mowing strip. Now,
when I say that, what I'm talking about
is curb because there's no narrow
shoulder there, what they do is they
drive up over the curb, and they park
half their car on the grass mowing
strip, which is an environmental
consideration because they're killing
the grass, then there is no more room
for the water to run off it, it doesn't
percolate and run off into the street.

I also want to point out two
neighbors that have objected to this
with a question of quality of life. If
the Zoning Board goes ahead and
approves this, there's going to be a
line out the door of people saying oh,
I have a three-family house, I have a
four-family house, you've got to give
it to me. That's precedent. You gave
it to 640 Main Street.

CHAIRMAN MOORE: I think I agree
with you about the thing you just said,
if that referenced granting variances. I think the decision that we have to make about this property and Mr. Prokop has to look at in detail is a broader question of preexisting use, and they would come one by one as we see them.

MR. CORWIN: I do not agree with you. I think the applicant came in and they wanted a change of use. This is a change of use, and that's the way it should have been addressed from the beginning.

I want to point out that Main Street is already too crowded, there will be cars parked there. I still have more remarks, if you'll let me, please.

CHAIRMAN MOORE: Any other comments?

MR. CORWIN: I'm still trying to make mine, I'm a little slow. Cut me a little slack. The building inspector when he issued the permit saw it as a two-family house. The applicant didn't come back and say hey, it's a
four-family house, he figured hey, I can get away with it, and that's what he did. It was an illegal house and it still is.

We still have the sixty-two day problem because our meeting is going to be on the sixty-third day after we close the public hearing, so we really need to make a decision tonight.

CHAIRMAN MOORE: Or we can ask for Mr. Liakeas --

MS. MOORE: I can give you until the next meeting.

CHAIRMAN MOORE: I don't see that as a problem.

MR. CORWIN: Let me read my notes and see if I made all the points I wanted to make. That's all the points I want to make right now. I want to say again this should have been brought forward as a change of use, not as a variance. It was brought forward as I can see as a variance, that's what they asked for, variances. I'm sorry.

That's it.
MR. SALADINO: I'm going to have to agree with David. I mean, Ms. Moore is asking for the pre-CO to be voided. I'm looking at the pre-CO, July 14, 1998, and it's clear that it is claimed to be a two-family wood panel dwelling with an M-2 zoning wrap around porch, but the relief you're requesting is the pre-CO must be voided. In the alternative, area variances are requested for the existing as built four units as a multifamily dwelling.

I mean, that's kind of like the definition of a use variance, isn't it? I mean, in the R-2 zone to ask for a multifamily dwelling?

MS. MOORE: It comes as a permitted use -- you have to give me a hand here, why was it described as an area variance? I think it's because you can have a four-family.

MS. WINGATE: Because having a multifamily dwelling is a conditional use, so it --

MS. MOORE: It's not a use
variance.

MS. WINGATE: Yeah, that's the way I was --

MR. SALADINO: I'm going to dispute that.

MR. CORWIN: I don't think either one of you know what you're talking about. I'm sorry. This is a change of use. It was called out by the building inspector as a two-family house, and to say anything else is nonsense. Please, make a motion, Mr. Chairman, to have the attorney do what he's got to do and include the fact that the applicant said she would wait until the sixty-third day.

MR. PROKOP: It should be until the next meeting in case it changes, an adjournment or something of the meeting, please.

CHAIRMAN MOORE: So we are adjourning?

MR. PROKOP: It's a motion to accept -- it's accepting the -- the motion is to accept the applicant's
offer to extend the time to make a
decision until the next meeting and to
adjourn the consideration of the
application until the next meeting of
the Zoning Board.

CHAIRMAN MOORE: So I would make a
motion following what Mr. Prokop just
said, and we will adjourn with the
agreement of the attorney until our
next meet in October or whenever it
will be, and so moved?

MS. GORDON: Second.

CHAIRMAN MOORE: Second has been
given. All in favor?

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Any opposed?

That motion carries. We are moving on.

Now, we have the next item, we are
now back to Mr. Foote on his -- I
believe number 2, yes, number 2, and we
had closed that hearing. Discussion
and possible action on the application
of Walter and Diane Foote, 126 Center Street, SCTM# 1001-4-25. The property is located in the R-2 District and is not located in the Historic District. The applicant seeks the variance that we previously identified in the public hearing, so I won't repeat those, and it basically is setbacks for two front yards to allow a reproduction of a porch which was historically present in the early times of the house. Mr. Foote is still here, and is there anything you want to add to what you've already said?

MR. FOOTE: No.

CHAIRMAN MOORE: We've all been there to see it. There was discussion on the original application whether it was a narrow porch, which you indicate would limit it's use, so you changed your application, and now we're to a one foot setback on the front.

MR. FOOTE: Yeah, so I brought up the possibility -- when we met last month at the site I didn't have it
staked, and it created some confusion, and in the process of that I discussed the possibility of making the porch six foot in depth, which would have taken it further out, and it was pointed out to me by Mr. Saladino, he made a good point, that the step in that case would have ended up being on Town property, which I couldn't do, and I understood that. So that's why I got back with my architect, and we discussed, and we felt that the 5.2 foot depth was appropriate, it gives a full foot setback which creates enough room for the step. I've looked at other -- there's literally a porch right next door to my house on Second Street that's got almost an identical set up. I took a picture on my phone if you want to see it. So bear in mind, it's nearly two feet away from the sidewalk, and I'd just like to further add that the portico on the house, which was there when I bought it came out to right around that depth. I don't know
the exact depth, but it was right
around that depth, so I don't -- you
know.

MR. CORWIN: Could you define a
portico, please?

MR. FOOTE: Yeah, probably not
very well, but there is the entry to
the front door had a much smaller kind
of a one level -- a step and then a
platform, a small platform under which
there was a little awning roof -- above
which was an awning roof, and as
opposed to the full width of the front
of the house being porch.

MR. CORWIN: This is what I would
call a stoop.

MR. FOOTE: A stoop, yes.

CHAIRMAN MOORE: The code
references porticos, it has allowances
for certain projections, but this is --
the proposal is a porch, it's no longer
a portico. We're kind of talking what
was there once being proposed, and I
think it's appropriate that variances
would be required for the porch.
That's where we are. Is there any discussion from the Board because we basically will proceed if we're willing to run the tests and determine whether we approve the variance request. Would that be considerable?

So the first issue is that the Zoning Board of Appeals declares itself lead agency for purposes of SEQRA, and based on the request for area variances, this is by definition a type 2 action requiring no further environmental review. I make that motion and ask for a second?

MR. SALADINO: Second.

CHAIRMAN MOORE: And I'll just ask in order, Mr. Corwin?

MR. CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: Yes.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: Yes.

MR. CHAIRMAN: I vote yes. We are
lead agency, no further environmental review. And then I will go to the questions, there are five. Whether an undesirable change will be produced in the character of the neighborhood or detriment to the nearby properties will be created by the granting of an area variance? Mr. Corwin?

MR. CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: No.

CHAIRMAN MOORE: I vote no. That passed. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant's pursuit, other than an area variance? This references the building of a porch. Mr. Corwin?

MR. CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.
CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: I vote no.

CHAIRMAN MOORE: I would vote no.

That's four to one. It passes. Is the requested area variance substantial?

Mr. Corwin?

MR. CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: No.

CHAIRMAN MOORE: I vote no. That passed. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Mr. Corwin?

MR. CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?
MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: No.

CHAIRMAN MOORE: I vote no. That passed. And whether the alleged difficulty was self-created? This consideration shall be relevant to the decision of Board of Appeals, but shall not necessarily preclude the granting of the area variance. Mr. Corwin?

MR. CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: Yes.

CHAIRMAN MOORE: I would vote yes to that. So that is two to three. And then lastly is the motion to approve the requested variance as applied for in the most recent set of plans, everybody understands what they are, and I'd ask Mr. Corwin?

MR. CORWIN: Are you going to have
a second on that?

CHAIRMAN MOORE: You're right.

This is not a question, this is a motion.

MR. CORWIN: I'll second.

CHAIRMAN MOORE: Mr. Corwin seconded. And Mr. Corwin?

MR. CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: Yes.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: Yes.

CHAIRMAN MOORE: I vote yes. So the variance is approved. You're all set.

MR. FOOTE: Thank you very much.

CHAIRMAN MOORE: I'd just like to point out that I think this is the first vote for anything we've done -- (applause). I'd like to compliment you on the documentation you provided, it made it so clear and quite an easy site visit. All right. Thank you very
much.

Okay. So just to bring you up to
date, this is discussion and possible
action on the application of the Estate
of Elmer Tuthill, 129 Bay Avenue, SCTM
1001-5-3-1.4. The property is located
in the R-2 District and is located in
the Historic District. This is for a
pool construction. The one request is
that they are asking to build the pool
ten feet from the property line where
twenty feet is required from all
property lines, and it needs a variance
of ten feet from the east property
line. The technical point of this
application is that if it is located
within fifty feet of any property line,
such pool shall be screened from view
of abutting properties, and the plans
submitted did not illustrate any
screening. And then I believe those
were the only two variances that were
at issue. I would like to point out
that we did close the hearing last
month, but we had to adjourn any action
on it because there was a question
about the appropriate applicant. Mr.
Prokop, I believe you've seen a letter
from the attorney.

MR. PROKOP: Yes. So as I
understand it, we questioned the
applicant's representative about who
was appointed as the fiduciary for the
Estate of Mr. Tuthill, and the attorney
provided us information that
Mr. Tuthill's spouse, widow wants to
proceed. Since they were married at
the time of his death, and the
application was pending, a spouse can
-- a surviving spouse can proceed with
the application without being appointed
as the executrix. So she has indicated
that she would like to proceed, so
that's fine with me.

CHAIRMAN MOORE: Very good.

MR. PROKOP: And I recommend the
Board proceed with the application.

CHAIRMAN MOORE: Thank you. Okay.

So just to bring kind of the concept up
to date, this is a very interesting
property. The Tuthill's actually own
the adjoining property against which
this variance of ten feet bringing it
closer to the side property line would
create a problem. There was also an
issue about the front side and front
yard. I'm not seeing it in the
write-up, unless I skimmed over it.
Oh, here it is. Concerning swimming
pools, the body of water shall not be
various things, and it says that the
proposed swimming pool is proposed to
be in the front and side yards
requiring a variance because it can be
in the rear lot only. This property is
unique because the adjacent property is
also owned by the family. The pool is
being proposed to be behind the
building that screens it from the
front, and by all appearances it would
be in the backyard, technically it's
actually in the front yard and the side
yard. And so that was one of the
issues. I think everybody at the site
when we looked, there's very little
visibility of the pool from the street, which is very well screened in itself, and I personally don't have a problem with it. There might be one caveat that we would perhaps put in that should the property adjacent be sold, we would require that at that time screening would be installed by the current owners to avoid that burden being put on the new property owner next door. The family indicates that's very unlikely, but that's something that we would consider. Is there any other discussion from the Board on the merits of this request?

MR. SALADINO: No, if we're reasonably certain that Tuthill owns the Mitchell house next door, then I don't --

MS. GORDON: I think the condition that you're suggesting is appropriate because lots of things change when someone dies, maybe not right away but --

MR. SALADINO: You're right. I
agree. I mean, to put a condition on the variance that if and when that house is ever sold, that the Tuthill's or whoever owns the Tuthill's house at that time will put up some kind of screen. That's not unreasonable.

CHAIRMAN MOORE: Would the Board be fine with doing a vote?

MR. CORWIN: Yes.

CHAIRMAN MOORE: So then we will proceed. The first is that we declare ourselves lead agency, Zoning Board of Appeals purposes of SEQRA and that this is an area variance for a residential property, it's a type two action requiring no further environmental review. I make that motion and ask for a second.

MR. SALADINO: Second.

MS. NEFF: Second.

CHAIRMAN MOORE: Mr. Corwin -- do you want to just do a voice vote on this?

MR. CORWIN: That's fine.

CHAIRMAN MOORE: All in favor?
MR. CORWIN: Aye.
MR. SALADINO: Aye.
MS. NEFF: Aye.
MS. GORDON: Aye.
MR. PROKOP: Motion is approved to accept the conditions.
MR. SALADINO: SEQRA.
MR. PROKOP: I'm sorry, I apologize.
CHAIRMAN MOORE: And now I'll ask the questions. First, that an undesirable change will be produced in the character of the neighborhood or detriment to the nearby properties will be created by the granting of the area variance. Mr. Corwin?
MR. CORWIN: No.
CHAIRMAN MOORE: Ms. Gordon?
MS. GORDON: No.
CHAIRMAN MOORE: Ms. Neff?
MS. NEFF: No.
CHAIRMAN MOORE: Mr. Saladino?
MR. SALADINO: No.
CHAIRMAN MOORE: I vote no.
Whether the benefit sought by the
applicant can be achieved by some measure feasible to the applicant to pursue, other than an area variance, this is multiple variances. Mr. Corwin?

MR. CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: Yes.

CHAIRMAN MOORE: Mr. Saladino?

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

CHAIRMAN MOORE: I would vote no.

Whether the requested area variance is substantial? Mr. Corwin?

MR. CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: No.

CHAIRMAN MOORE: I vote no.

Whether the proposed variance will have
an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Mr. Corwin?

MR. CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: No.

CHAIRMAN MOORE: I vote no.

Whether the alleged difficulty was self-created, and the consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of an area variance. Mr. Corwin?

MR. CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: Yes.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: Yes.
CHAIRMAN MOORE: I will vote yes.
And then finally I would make a motion
that we approve the variances for the
side yard setback and for the
screening, and also for the position of
the pool in the side yard and partly in
the front yard with the condition that
the owner at their expense would be
responsible to screen the side yard
area if the adjacent property was sold
to a new owner. And I would make that
motion and ask for a second.

MR. SALADINO: Before -- I just
have one note here about the pool
drain, that it has to go to the
cesspool.

CHAIRMAN MOORE: Oh, yes, and that
the pool outflow on the backwash be
directed to the Greenport sewer system.
So those two conditions. And with
that, I make that motion and ask for a
second.

MS. NEFF: Second.

CHAIRMAN MOORE: Mr. Corwin?

MR. CORWIN: Yes.
CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: Yes.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: Yes.

CHAIRMAN MOORE: I vote yes, so the motion carries. The variance is approved.

We are moving right along. We are at number 4, this is discussion and possible action on the application for Bryan Nicholson, a lost east of 217 Monsell Place, SCTM# 1001-2-2-29. Just to summarize, this is for an area variance to move the house eastward reducing the side yard setback from the required ten feet to five feet, so it's just asking for a variance of five feet. We've had a lot of discussion about this. It's beneficial to him, and the neighbor has also asserted that it is beneficial to him as well.

MR. SALADINO: I'm not willing to concede that it's beneficial to him.
CHAIRMAN MOORE: I'm just saying that was his expression. So we are in position of looking at the code requirements. The person filing the appeal is still here, I might want to ask you a few question requests. One of the basis that the neighbor to your west indicated, he referenced his daughter's bedroom window, and I've looked over the plans, we're not here to judge the value of the design of the house, that's not our purview, but I do notice and he commented about the exposure of the house to his daughter's upstairs bedroom. The house as currently configured has most of its windows on the side facing the neighbor's house. Mr. Saladino commented on the position of the porch being opposite to the driveway. This is a design, I know you're building another house identical to it, I assume the door on that house is on the left. One of the considerations is is it possible to flip the house in its
interior design so that the occupied rooms are to the east and not facing to the west.

MR. NICHOLSON: Yes, that's possible.

CHAIRMAN MOORE: I'm just wondering if that alleviates some of the impact on the neighbors. So many houses in Greenport that are on narrow lots are positioned either to the left or right which provides driveway access either for car or carriage, usually there was a barn, so that it's not unusual that houses are displaced on lots. The problem here, of course, is it is a new house on an empty lot, so we are dealing with a variance instead of looking at existing conditions. One of my suggestions is that, you know, we would feel better, it might effect the voting if you were able to flip the house to provide a better privacy for the house to the west. Do the members feel that that's a reasonable expectation?
MR. SALADINO: I'm not sure what you're suggesting. I mean, I understand what you're suggesting, I'm not sure how that relates to Bryan -- Mr. Nicholson asking for a variance. I'm opposed to a variance, I'm not opposed to the project. I'm kind of loving this house. I'm just -- and I have no problem with it being on a small lot, and I really don't care about the inside, that's between you and the Planning Board. With us, it's strictly a land issue, but I am opposed -- I'm a firm believer in what our mandate is, our mandate is limited tailored relief, and this applicant doesn't need relief to build this house. So -- and also, again, you know, I sympathize with the neighbor's concern, but having lived that way myself for the last twenty years, and the fact that I know twenty-five other people that are in similar situations without a hardship, I just don't see the need for a variance. I personally
don't believe the Zoning Board of Appeals should give a variance when none is needed. Again, I'm not opposed to this project, I like this house, and but I think you could give your neighbor a little relief if you, you know, compromise with this board or compromise with your neighbor to just move the driveway to the other side of the house, and then he has ten feet of no activity between his daughter's bedroom window and the side of your house. Right now he has a car parked three or four feet from his daughter's bedroom. To suggest that -- and the fact that we are encroaching on the -- we haven't heard from the hospital, but we are encroaching on their property. To say it would be more aesthetic this way, you know, I think you and I -- well, that's a matter -- I'm not sure, we can debate. I don't know if that's a fact or not.

MR. NICHOLSON: I just want to be clear about one thing, the word
encroachment, we're not necessarily encroaching on the hospital's property per se, are we?

MR. SALADINO: No, but the hospital, if and when it came a time that in the future they decided to build, now instead of having twenty feet between their daughter's window, they have fifteen now. You know, you're entitled to this house. You're entitled to this house. In my mind, you're not entitled to that five feet. To me, a variance is a need, this is more of a desire so --

MS. GORDON: I think that it depends on how you define need, and you can define it in a fairly narrow way, or you can define it in a broader way. It seems to me that you're defining need in terms of a larger community interest, and that's perfectly appropriate, and although I understand the interest in not -- in trying to reduce nonconforming uses, but we have an existing small lot which is -- for
which there is a provision in the code, Section 150-13E, and that this project with the distance requested from the neighbor fits the look of that section of the street as well as the interests of the neighbor, so I would say that your need for -- I would define your need for variance in a somewhat broader way and say it is appropriate.

MS. NEFF: Mr. Chairman, may I also comment? Often we're dealing with people's pressure about what they want to do for additions. That happens a lot, whether they get along with eight feet or now they wanted -- they need a variance because they want it to be twelve feet. Seldom are we faced with a new house on a lot, and I understand everything that John had to say, but I think their preference and the amount of variance requested are reasonable and appropriate to the neighborhood and the lot.

CHAIRMAN MOORE: And I --

Mr. Nicholson is taking somewhat of a
risk and expense because he's applying for a variance. It's not really a big risk because if you don't get it, he'll just build the house right in the middle of the lot, and the neighbor may be less happy with that. I kind of looked at the overall benefit and detriment that are part of our questions, and that's really what I'm suggesting. The Board has their own feelings, and if you're satisfied that you have enough information, we can proceed with a vote and see how it goes. Is that agreeable to everyone?

MR. SALADINO: Sure.

MS. NEFF: Yes.

MR. SALADINO: David?

MR. CORWIN: Yes.

CHAIRMAN MOORE: So we will once again, the ZBA declares itself lead agency for purposes of SEQRA, and this is a type 2 action based on area variance requiring no further environmental review, and I make that motion, and ask for a second?
MS. GORDON: Second.

CHAIRMAN MOORE: Mr. Corwin? Why don't we just do a voice vote. All in favor?

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Any opposed?

Motion carried and passed. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of an area variance? Mr. Corwin?

MR. CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: I'm going to say yes.

CHAIRMAN MOORE: I would say no.

That part passes. Whether the benefit
sought by the applicant can be achieved by some method feasible to the applicant's pursuit, other than an area variance? Mr. Corwin?

MR. CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: Yes.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: Yes.

CHAIRMAN MOORE: I vote yes. I probably could have put in a voice vote. Whether requested area variance is substantial? Mr. Corwin?

MR. CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: Yes.

CHAIRMAN MOORE: I vote no. That passes. Whether the proposed variance will have an adverse effect or impact
on the physical or environmental
conditions in the neighborhood or
district? Mr. Corwin?

MR. CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: No.

CHAIRMAN MOORE: I vote no. That
passes. Whether the alleged difficulty
was self-created? This consideration
shall be relevant to the decision of
the Board of Appeals, but shall not
necessarily preclude the granting of an
area variance. Whether it was self
created, Mr. Corwin?

MR. CORWIN: Before I answer that
question, I'd just like to note and
probably ask the attorney, these votes
aren't really a question -- these
questions aren't really pass or fail,
these questions are just to show that
you're thinking about what's going on?
MR. PROKOP: Right. These are really required considerations, they're not pass or fail tests. It's kind of a scoring system, it's just to show that you considered these points of the application.

CHAIRMAN MOORE: Just for comparison, in a use variance the questions must all meet the requirements?

MR. PROKOP: Yes.

CHAIRMAN MOORE: It's different for a use variance, they would apply. Whether the alleged difficulty was self-created, Mr. Corwin?

MR. CORWIN: Yes.

CHAIRMAN MOORE: Should I just do a voice vote on this?

MS. GORDON: Yes.

MS. NEFF: Yes.

MR. SALADINO: Yes.

CHAIRMAN MOORE: Any opposed? No. That's yes. And lastly, I assume we're not -- if we should pass the motion applying any additional conditions,
other than granting the variance? So
then I would make a motion that we
approve the variance for a five foot
side yard variance reducing the
currently required ten. So moved. And
a second?

MR. SALADINO: Second.

CHAIRMAN MOORE: Mr. Corwin?

MR. CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: Yes.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: No.

CHAIRMAN MOORE: I would vote yes.

So the motion carries, and the variance
is approved.

So because we have already
adjourned the hearings for another
month, item number 5 and item number 6
will not be addressed tonight. And we
item number 7 I will just read, a
motion to table discussion and possible
action on the application of SAKD
Holdings, Daniel Pennessi, President, pending completion of the forty-five day comment period for a renewed coordinated SEQRA review. The property is located on the southeast corner of Front Street and Third Street, Greenport, New York, SCTM# 1001-5-4-5. The property is located in the Waterfront Commercial District, the property is not located in the Historic District. The applicant is proposing to construct, as everyone knows, a three-story mixed use building with a hotel, restaurant, and retail space. Based on our discussions, we need to table this discussion, and I would make that motion, and ask for a second?

MS. GORDON: Second.

CHAIRMAN MOORE: Oh, we did this. My apologies. To allow Mr. Pennessi to drive back to New York. We also did number 8.

So here's one I need to read and it's just a motion to adjourn further action until further notice as
requested by the representative/attorney, Patricia C. Moore, Esq. in a letter dated September 7, 2016. The applicants are Milillo Main Street, LLC, 912 Main Street in Greenport, a/k/a Morning Glory Bed & Breakfast, SCTM# 1001-2-2-1. The property is located within the R-1 District and also within the Historic Preservation District. The applicant seeks --

MR. SALADINO: Before you go further, I have a question of how this got on the agenda? This application was rejected last month.

CHAIRMAN MOORE: That's correct, and it may have come back. It's a good technical point, it's just that they have notified us that they are not reapplying until further notice, and we would acknowledge that.

MS. MOORE: I wasn't aware it was rejected. I think it was --

MR. SALADINO: It was rejected.

CHAIRMAN MOORE: The application
was not accepted.

MS. MOORE: Not accepted, not rejected.

CHAIRMAN MOORE: Pending further --

MS. MOORE: Exactly. I think that's different from rejected.

CHAIRMAN MOORE: True. It just wasn't accepted. This is just to inform us --

MR. SALADINO: Have you applied? Have you reapplied with a corrected application?

CHAIRMAN MOORE: No.

MS. MOORE: We haven't done anything.

CHAIRMAN MOORE: Let me just say number 9 is acknowledging receipt of a letter requesting that no application is pending until further notice. I think that informs everybody.

The next one here, this may take a while to read, is a motion to accept an application for area variances, public notice and schedule a public hearing
for Eric Urban for the property located at 440 First Street, Greenport, New York, SCTM# 1001-4-7-1. The applicant seeks to subdivide an existing lot with an existing nonconforming house and a nonconforming two story barn. The property is located in the R-2 District and is in the Historic District. I'd just like to break here for a moment and indicate something. I won't be voting on this application, so maybe I can feel free to speak. There's a considerable amount of money involved in this application because of the number of variances, and you are aware that once the application is accepted that those funds are not refundable for area variances. They are for interpretations but not for area variances, so I'm just asking you since this is an aggressive complicated application, do you still wish to proceed?

MR. URBAN: Yes.

MS. MOORE: He has to get an
answer.

CHAIRMAN MOORE: I just wanted to ask the question. This subdivision will create two substandard lots: One with the existing dwelling and one with an existing barn, requiring area variances as follows: Lot# 1, existing house: The proposed site plan does not indicate the two parking spaces required by Section 150-12A of the Village of Greenport code, which requires a minimum of two off street parking spaces. The rear yard has an insufficient rear yard setback due to the creation of parcel two.

Existing barn: The proposed subdivision creates Lot# 2, which has a lot size of 2,222 square feet where section 150-12A of the Village of Greenport code requires a minimum lot size of 7,500 square feet requiring a minimum lot size variance of 5,278 square feet or 70.4%. The proposed lot depth is 50 feet where Section 150-12A of the Greenport Village Code requires
a minimum lot depth of 100 feet requiring a minimum lot depth variance of 50 feet. The proposed lot width is 38 feet where Section 150-12A of the Greenport Village code requires a minimum lot width of 60 feet requiring a minimum lot width variance of 22 feet. The proposed front yard setback is 25.7 feet where 150-12A of the Greenport Village code requires a minimum front yard of 30 feet requiring a minimum front yard variance of 4.3 feet. The existing barn is 2.1 feet from the south property line where section 150-12A of the Greenport Village code requires a minimum 30 foot rear yard setback requiring a 27.9 foot rear yard setback variance. The existing barn is 2.6 feet from the east property line where section 150-12A of the Greenport Village code requires a minimum 10 feet side yard setback requiring a 7.4 foot side yard setback variance. The proposed combined side yard setback is 12.8 feet where Section
150-12A of the Greenport Village code requires a minimum 25 foot combined side yard setback requiring a combined side yard setback variance of 12.2 feet.

That is the proposed appeal, and I have the documentation, which I have to find here. The question tonight is whether the information is sufficient and complete to accept this application for consideration. Are there any questions from the Board as to whether the proper information has been supplied? I had the application, but I'm not seeing it here. Oh, here it is.

MR. PROKOP: I have a question whenever you're ready.

CHAIRMAN MOORE: Yes.

MR. PROKOP: So this application has the situation that I mentioned before where there's an accessory building -- accessory structure which is accessory to a principal building, and it's going to end up on another
lot. The applicant and -- the applicant's attorney and I discussed this previously, she mentioned that that won't be a problem. The plan is for the accessory structure, which is the barn, to be used as a principal structure on the new lot. But in thinking about that, I think that creates a problem. I'd like to just mention to the building inspector that she might review that because right now the accessory structure barn is nonconforming with setbacks that are nonconforming with an accessory structure, but if converted to a principal structure, those setbacks will no longer be grandfathered because a principal structure has larger setbacks that are required. Unless you disagree with me, I just wanted to mention that.

MS. WINGATE: That's fine. But all of the calculations that are listed are based on if the building were to be in the right place. So the assumption
I make -- all these numbers are based on a principal building anyway.

MR. PROKOP: For the barn?

MS. WINGATE: For the barn.

CHAIRMAN MOORE: In other words, on the subdivision, if approved --

MS. WINGATE: I'm not basing them on an accessory building, I'm basing them on where the principal building should be.

CHAIRMAN MOORE: Right. Another issue too, which I don't know if it's mentioned in the application, that it will require a right of way. I don't think the subdivision includes its own driveway.

MS. MOORE: We have -- yes, the way its been designed is with a right of way, but it could be fee titled.

MS. NEFF: It could be what?

MS. MOORE: Oh, I'm sorry, it can be ownership of the right of way. The setback of the principal structure is the same of the large house, it's the same whether it's a right of way or
ownership. So that lot could be
designed either way. It's really a
matter of preference.

CHAIRMAN MOORE: You'd be adding a
driveway -- you would be adding a
driveway to lot number 2?

MS. MOORE: I don't know, which is
the big house.

CHAIRMAN MOORE: No, the little
house.

MS. MOORE: The little house is --
that 50 feet is the access for direct
access.

CHAIRMAN MOORE: But it's not part
of the parcel?

MS. MOORE: No, not at this point.
It could be, it's a matter of design.

CHAIRMAN MOORE: You could design
lot 2 to contain its on driveway, and
then you would have to also show
somehow parking, appropriate parking.

MS. MOORE: Because the larger
parcel is so large, there's alternative
either different access points. We
have this one being a common access
point, but it could certainly -- you
could have an access from a different
street for the main house from, you
know, a different driveway. So we have
both options.

CHAIRMAN MOORE: I think it would
be helpful if you decide, you know, I
don't know if you're requesting a
variance for no parking for the
existing --

MS. MOORE: No, no.

CHAIRMAN MOORE: So it might be
helpful if you depicted where the
parking is to be for both of these
parcel and --

MR. SALADINO: And the driveway
and the design.

CHAIRMAN MOORE: It just seems
like there's not enough information to
show that you can meet the requirement
for parking because you haven't
depicted it, and I'm sure you could
work it out, but it's not here.

MS. MOORE: Here's the -- we come
to you with this plan, but we had gone
to the Planning Board with a much more
even split of the two properties, and
because of the historic nature and the
preservation of the larger house and
the preservation of the carriage house,
we've worked this design, but we can
certainly -- there's no -- we can
provide parking here. Certainly the
larger property has parking anywhere
around the entire property. The second
parcel, parcel two could be parking
either within if we owned the 50 feet,
it can be right there as part of parcel
two, or it be run up and then parked on
parcel two. Either way, it would work.

CHAIRMAN MOORE: I don't want to
suggest what you should do because we
really don't try and negotiate to
reduce -- stipulate conditions, it's
usually to reduce the impact of the
variance so that I would prefer if you
could submit an application that shows
what you really are going to do. That
would have bearing on the application
overall as far as its acceptability. I
don't know if the Board is going to accept what's presented with the problems with parking that aren't solutions here, you might have to ask for variances for parking.

MR. CORWIN: I'd like to make some comments.

CHAIRMAN MOORE: Mr. Corwin would like to comment.

MR. CORWIN: I have no problem with accepting this application maybe in October, but to accept it tonight, we still have -- this is a very difficult application. The Planning Board has not looked upon this favorably. It takes Historic review, it's Historic Zone. I don't want to accept this tonight, and I would vote no to accept it tonight because we have these other difficult applications in front of us, that is two Fifth Avenue applications and the SAKD application, so I would just assume this put away for the time being.

CHAIRMAN MOORE: What I could do
is we can technically reject this and request you to resubmit with all of the required considerations for parking and access.

MR. SALADINO: My contention is this is incomplete.

CHAIRMAN MOORE: To me, if it doesn't have parking depicted, and it needs a variance, and you either have to apply for a variance or --

MS. MOORE: No, I think it eliminates --

CHAIRMAN MOORE: -- or revise the application. So I don't know if you wish to just withdraw it directly or we should go through the formal --

MS. MOORE: Or I can go back to the surveyor and ask the surveyor, please, put the parking spaces on the map.

CHAIRMAN MOORE: Then we will technically have a motion to not accept the application this evening, and that will take care of that.

MS. MOORE: Okay.
CHAIRMAN MOORE: I would just say based on the deficiencies in the application that we pointed out, I would make a motion that we do not accept the application this evening.

MR. CORWIN: Second.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Motion carried.

MS. MOORE: Is there anything else you would like to see, other than the parking?

MR. SALADINO: A complete application.

MS. WINGATE: It's only the larger lot that doesn't have parking. The smaller lot code allows you to park in your driveway.

MR. SALADINO: But they said they don't own that. Didn't you say you don't know if this would be part of the second --
MS. WINGATE: Within the 50 feet, there is parking for two cars. It's the larger lot that they haven't delineated the parking spaces, and I agree with you, that's why this disapproval is written the way it is, and I don't have to ask -- I just want you, John, to -- I don't have to ask for additional fees because I covered it in the notice of disapproval.

MS. MOORE: We might be entitled to money back. How is that?

MR. SALADINO: We don't get the money.

MS. MOORE: Well, if you don't have a variance to review, we get money back.

CHAIRMAN MOORE: It's not accepted yet, so you can reapply or you can withdraw, you can do whatever you want. It can be refunded at this point.

Number 11, motion accept the ZBA minutes for the meeting held on August 16, 2016 with the notation that the date of this meeting was incorrectly
stated as September 30th. So moved.

Second?

MR. SALADINO: Second.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: And a motion to approve the ZBA minutes of the meeting held on July 19, 2016. So moved.

Second?

MR. SALADINO: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Any opposed?

MR. CORWIN: I abstain.

CHAIRMAN MOORE: We need to schedule a site visit for item number 8 and number 10 is not on the docket so --

MS. WINGATE: 10 is out.

CHAIRMAN MOORE: 5:30 is
scheduled, and I'd say we do that.

Item number 8, the Caouette property on 447 Sixth Street. So we have that at 5:30, and number 10 is no.

And a motion for us to schedule the next ZBA meeting for October 18, 2016 at 6:00 p.m. here in the firehouse. As far as I know, that's not an official holiday, but I have not -- is that agreeable to everybody?

MR. SALADINO: Yes.

CHAIRMAN MOORE: So we will meet then. I don't know if we need to do a motion?

A motion to appoint an acting chairperson for the October 18, 2016 ZBA meeting.

MS. WINGATE: We won't have to do that.

CHAIRMAN MOORE: Barring the appointment of a new chairperson. Do we want to do that anyway pending the Board not being able to --

MR. CORWIN: Let's do it anyway.

I make a motion to appoint John
Saladino as the acting chairman or the Board appointed chairman for the October meeting.

CHAIRMAN MOORE: I'll second that motion. All in favor?

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Good luck, John. And then finally, a motion to adjourn.

MS. NEFF: Before we do that, Mr. Chairman, since this is the retiring meeting of our chairman of many, many, many years I would just like to express my gratitude to your work and my pleasure being serving on this Board.

MR. SALADINO: I second that.

MS. GORDON: We're all in favor.

CHAIRMAN MOORE: I've enjoyed being on the Board.

MR. PROKOP: I'd like to also thank -- I'm sorry that we missed her while she was here, but I'd like to
thank Mrs. Moore for letting you come and play with us all these years.

CHAIRMAN MOORE: She appreciated my absence.

MR. PROKOP: Thank you for your guidance and support.

MS. WINGATE: Also I would also like you thank you, Doug, for all your time and patience and guidance. It's been a pleasure to work with you.

CHAIRMAN MOORE: I'll still stop by.

MS. WINGATE: Yeah, that's what they all say.

CHAIRMAN MOORE: So a motion to adjourn?

MR. CORWIN: Second.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

(Whereupon the meeting was adjourned at 10:12 p.m.)
CERTIFICATION

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

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on September 20, 2016.

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

IN WITNESS WHEREOF, I have hereunto set my Hand this 4th day of October, 2016.

Amy Bohleber

Amy Bohleber