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VILLAGE OF GREENPORT COUNTY OF SUFFOLK
STATE OF NEW YORK

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ZONING BOARD OF APPEALS

REGULAR MEETING

-----x

Old Schoolhouse
Greenport, New York

June 14, 2016
6:06 p.m.

DOUGLAS MOORE - CHAIRMAN

DINNI GORDON - MEMBER

JOHN SALADINO - MEMBER

DAVID CORWIN - MEMBER

ELLEN NEFF - MEMBER

JOSEPH PROKOP, ESQ. - VILLAGE ATTORNEY EILEEN

WINGATE - VILLAGE BUILDING INSPECTOR

Stephanie O'Keefe
Court Reporter

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1
2 CHAIRMAN MOORE: We'd like to get
3 started. It's about seven after six.
4 It's a regular meeting of the Village
5 of Greenport Zoning Board of Appeals.

6 We have a long agenda, and there
7 are lots of document that we're dealing
8 with, so we're going to have to kind of
9 take things one step at the time. When
10 we get into the regular-meeting part,
11 we'll have to consider the order of how
12 we deal with the items.

13 Just for your information at the
14 beginning here on item number one, it's
15 a continued public hearing on area
16 variances sought by SAKD Holdings LLC,
17 Daniel Pennessi, President. This deals
18 with the Front and the Third Street
19 proposal for hotel, retail, and
20 restaurant. Is there a representative
21 here for SAKD Holdings by chance? The
22 only reason we have an issue is that
23 only a moment ago, we had been
24 presented with a list of 22 revisions
25 to the site plan, so the plan has been

1 changed. We have had no way of
2 absorbing these. Normally these would
3 come in at least ten days before the
4 meeting. We have the public hearing
5 open so that the public who has spoken
6 already on a number of times, but we
7 have been mostly dealing with
8 interpretations regarding that
9 variances that were required by the
10 building inspector. We wanted to give
11 the public additional opportunity to
12 make comments. I don't know if anybody
13 specifically came tonight to speak to
14 SAKD regarding their proposal, but the
15 proposal has changed. I have no idea
16 what the changes are, so you may be
17 commenting on changes that have been
18 made, so I'm going to propose to the
19 Board that we basically table, is that
20 the proper term, table the public
21 Hearing until next month when we can,
22 and the public can, absorb any of the
23 changes and what their significance is.
24 I have no idea, even if this changes
25

1
2 the eight variances that are on the
3 list of requirements that are before
4 us.

5 MS. NEFF: Can I ask a question?

6 CHAIRMAN MOORE: Yes.

7 MS. NEFF: If Mr. Pennessi shows
8 up, if you postpone it, then he can't
9 speak. I have no idea if he is going to
10 show up though.

11 CHAIRMAN MOORE: I would be glad
12 to have him make comments, but I don't
13 think that we can absorb what the
14 changes are. They may only be minor
15 changes, I have no idea, but they may
16 change the plans and I don't know if
17 building inspector has had a chance to
18 even --

19 MS. WINGATE: I have not.

20 CHAIRMAN MOORE: -- review them to
21 know if they affect the variances
22 that's written in the Notice of
23 Disapproval, so I don't know if he is
24 coming or not. We haven't had any
25 contact. There is, I think there is a

1
2 notice on the firehouse to come here,
3 so he does drive a long distance.

4 MS. NEFF: What I'm suggesting is
5 that we table it and then, table it to
6 the next meeting later in our meeting
7 just to give him in an opportunity if
8 he wishes to speak, we don't have to
9 act on anything.

10 CHAIRMAN MOORE: What about
11 tonight, we could simply move on to
12 another hearing --

13 MS. NEFF: That's what I'm
14 proposing.

15 CHAIRMAN MOORE: Just keep it open
16 for now. If he shows up, he might want
17 to comment.

18 Is there anybody from the public
19 that wants to talk anyway about the
20 SAKD briefly.

21 (No response.)

22 Okay, so what we'll do is, I'm
23 just going to say we will deal with
24 item number 1 before we move on to the
25 regular agenda, if Mr. Pennessi, I can,

1
2 we can just change the order of the
3 agenda for now.

4 Is that agreeable to everybody?

5 MS. NEFF: Yes.

6 MR. SALADINO: Yes.

7 CHAIRMAN MOORE: Now we are at
8 number 2 which is public hearing
9 regarding area variances sought by
10 George Liakeas, 610 Main Street,
11 Greenport, NY 11971, Suffolk County Tax
12 map 1001-3-4-3.

13 The applicant seeks a Building
14 Permit for the construction of two
15 additional dwelling units in an
16 existing two-family house in the R-2,
17 One- and Two-family Residential
18 District. The property is located
19 within the Historic District.

20 Article 4 - Section 150-8 in an
21 R-2 One- and Two-Family Residential
22 District no building or premises shall
23 be used and no building or part of a
24 building shall be erected or altered
25 which is arranged, intended, or

1
2 designed to be used in whole or in part
3 any purpose except for the use as a
4 one- or two-family dwelling.

5 The house has four separate and
6 independent apartments, as represented
7 on existing floor plans as submitted
8 dated 12/07/15.

9 Article 4, Section 150-8 B (2)
10 Conversion of an existing dwellings to
11 a multifamily dwelling subject to the
12 following standards and subject to
13 Planning Board approval.

14 Said structure shall have not less
15 than 1,000-square feet of livable floor
16 area for each dwelling unit created,
17 requiring a variance for each of the
18 four units. The lot on which such
19 structure is located shall contain a
20 minimum of 15,000-square feet of lot
21 area and shall contain at least
22 5,000-square feet of lot area for each
23 dwelling unit. One and one-half
24 parking spaces shall be provided for
25 each dwelling unit.

1 The lot size is 10,890-square feet
2
3 with 4 units proposed requiring a lot
4 size of 20,000-square feet, thus
5 requiring an area variance of
6 9,110-square feet.

7 The property provides two parking
8 spaces where a total of six parking
9 spaces are required, thus requiring a
10 variance for four parking spaces.

11 I already mentioned that the
12 parking spaces are also substandard.

13 I'll just mention the
14 notification, I believe this was
15 noticed in the Suffolk Times, there is
16 a placard that has appeared in front of
17 the building. I imagine it has been
18 there for ten days.

19 AUDIENCE MEMBER: Excuse me, Mr.
20 Chairman, may I speak? I'm sorry to
21 interrupt you, but the placards for
22 both of the public hearing items on
23 today's agenda were not there posted as
24 of Wednesday of last week, they
25 appeared on Thursday, so that's only

1
2 five days that they have been posted to
3 my knowledge because as I drove by, I
4 looked for them and they weren't there.

5 MS. WINGATE: The placards went up
6 on Monday instead of Friday.

7 CHAIRMAN MOORE: A week ago
8 Monday.

9 MS. WINGATE: A week ago Monday.

10 CHAIRMAN MOORE: Someone is saying
11 they weren't there Wednesday.

12 MS. WINGATE: Wednesday, we
13 switched from the firehouse to the
14 schoolhouse, so they came back to the
15 office for a very brief time.

16 MR. CORWIN: So what you are
17 saying is, they weren't put up until
18 Thursday?

19 MS. WINGATE: No. They were there
20 on Monday. They were corrected because
21 we didn't know we were going to be here
22 until Wednesday.

23 MR. CORWIN: You took them down --

24 MS. WINGATE: Yes, actually Sarah
25 brought them to me and then we sent

1
2 them back out.

3 AUDIENCE MEMBER: So they were
4 incorrect and then they were changed to
5 be corrected.

6 CHAIRMAN MOORE: They were correct
7 --

8 MS. WINGATE: No. They were not
9 incorrect. They changed the location
10 of the building, okay, the notices were
11 fine until the meeting got moved from
12 the firehouse to the schoolhouse.

13 MR. SALADINO: Perhaps the public,
14 if they have a problem with the sign
15 can voice that when it's --

16 MR. CORWIN: Public hearing.

17 MR. SALADINO: -- when we open the
18 public hearing.

19 CHAIRMAN MOORE: I'm looking the
20 notifications, I don't have the mailing
21 cards or the addresses or the list.

22 MS. WINGATE: Hand me the file.

23 CHAIRMAN MOORE: The other file
24 had those little cards showing the
25 mailings.

1
2 MS. WINGATE: I don't have the
3 little cards, Pat has the cards.

4 MS. MOORE: I have them actually.
5 I was waiting (handing). Here is the
6 originals, and here's the one that came
7 back.

8 CHAIRMAN MOORE: I'll try not to
9 confuse -- Good this is the printout
10 and in some cases, they are not local
11 addresses, so I can only reference the
12 sheet to know that they are adjacent
13 properties.

14 MS. MOORE: Affidavit of mailing.

15 CHAIRMAN MOORE: And this is --

16 MS. MOORE: Affidavit of Mailing
17 from us.

18 CHAIRMAN MOORE: Just for the
19 record, I will read that Asa Elmforse
20 (phonetic), the address listed is 130
21 Mulberry Street, Apartment 13, New
22 York, New York and that is on the
23 diagonal corner to the southwest of the
24 property. David Angenari (phonetic),
25 530 Carpenter Street, obviously to the

1 rear. Patricia Hamos (phonetic), 179
2 Grand Street, Apartment 6C, New York,
3 New York and that is directly across
4 the street, across Main Street.

5 Deloras Ambroborgo (phonetic), a New
6 York address, 1550 New York Avenue,
7 apartment 3B, that is to the rear on
8 Carpenter and Robert Moore, 139 Fifth
9 Street, Greenport, New York, that is
10 property owner to the north. Obviously
11 George Liakeas, we know where you are.
12 Greg Riveras (phonetic) is 28 Carpenter
13 Street, directly behind the property.
14 Juliet Weber (phonetic) Post Office Box
15 635 Greenport, New York, that is the
16 property directly to the south. Those
17 were all that were notified.

18 I just want to confirm, I was
19 given a bunch of papers, some of which
20 may apply to this one and there might
21 be a letter there. There is one
22 letter. I can read that after the
23 owner and before or after public
24 comments. I have it.

1
2 Okay. Normally we have the owner
3 or representative speak, and if you
4 would like to make some comments --

5 MS. MOORE: Yes.

6 CHAIRMAN MOORE: -- to give us an
7 understanding. We avoided discussing
8 too much details of ownership and such
9 things, and you can go ahead and --

10 MS. MOORE: Thank you. Good
11 evening, my name is Patricia Moore, I'm
12 Mr. Liakeas's attorney. What prompted
13 this application is that my client
14 received a violation based on the use
15 of the property. It was determined
16 that he was in violation because it was
17 a four-family use.

18 At that point, we investigated the
19 paperwork, and we discovered that the
20 Pre-CO that had been issued was
21 technically defective. It was
22 actually, the property had been a
23 pre-existing four-family since prior to
24 zoning, prior to '71; and the Pre-CO
25 that has been issued which the code

1 enforcement officer was relying on,
2 which I attached, for your reference, I
3 have a packet that has exhibit tabs and
4 I'll refer to the exhibit tabs for
5 your, for clarification.
6

7 The first, the document that I
8 have identified as Exhibit A is the
9 Pre-CO that was issued in 1998. That
10 was issued by Victor Lasard the
11 building inspector at the time who has
12 since passed away. On that pre-CO, he
13 incorrectly identifies this as a
14 property in the M-2 zone, and that it
15 was a two-family in a wood-framed
16 dwelling.

17 We vehemently disagree with that

18 --

19 MR. CORWIN: I'll stop you for a
20 minute.

21 Did you say an M-2 zone?

22 MS. MOORE: That's what it was
23 written.

24 MR. CORWIN: It's an R-2 Zone,
25 right.

1
2 MS. MOORE: You're absolutely
3 right, and, in fact, I attached the
4 zoning regulations of Chapter 150 to
5 show that there is no such M-2, it was,
6 in fact, R-2; so there were some
7 technical deficiencies on the pre-CO as
8 the matter of writing.

9 We believe that there were
10 technical deficiencies in the fact that
11 we don't believe that Mr. Lessard came
12 into the structure because had he come
13 into the building for the inspection,
14 he would have seen what you have seen
15 today on your inspection, which is that
16 there are four living units with four
17 kitchens. There is a separate exterior
18 entrance with a separate address and
19 separate mailboxes. There is separate
20 living quarters. There is parking for
21 separate occupants. There is a
22 separate fire escape to the second
23 floor that was obviously built some
24 time in the 1950s based on the fact
25 it's a cast iron fire escape. There

1
2 was also evidence of exterior doors,
3 parking, separate addresses. If that
4 was not sufficient, the interior
5 specifications of the existing
6 structure would have clearly shown that
7 the dwelling contained four units. I
8 know Mr. Lessard from way back, he, a
9 bright man, would have obviously seen
10 what is there today.

11 The existing conditions when the
12 pre-CO was issued is evidenced also by
13 an independent bank appraisal that was
14 performed in 1998. I have that as
15 Exhibit B. The applicant when he
16 obtained, when he got the property and
17 it was through the prior owner, she
18 retained a life estate and the family
19 had taken care of Mrs. Buffamonte, so
20 the property was conveyed. He took the
21 opportunity to refinance for purposes
22 of making the improvements, the
23 painting, and so on to make the
24 property look its best for new tenants.

25 At that time, the bank went in and

1
2 did an independent appraisal, as they
3 should; and that's when they requested
4 the pre-CO. Nobody obviously looked at
5 that pre-CO, it never came to my
6 client. When I asked him do you have
7 it, he never even had it, it would have
8 been a document that he requested a
9 pre-CO and somehow it magically got to
10 the bank, I don't know how, but very
11 accommodating.

12 MR. LIAKEAS: It did --

13 MS. MOORE: Oh, it did come to
14 you. Okay. All right.

15 MR. LIAKEAS: I just didn't know
16 what --

17 MR. SALADINO: Is it your
18 contention in 1998 that you never saw
19 the CO?

20 MS. MOORE: No. He stands
21 corrected, he saw the CO in 1998, just
22 did not understand what that meant.

23 MR. LIAKEAS: Right. In 1998, I
24 had called, there was this very nice --
25 I asked for, I said this is the

1
2 situation, the bank needs a CO, do you
3 know how I get one, and the response
4 was, you don't need one, the house was
5 before 1985, or sorry, 1960.

6 MS. MOORE: '71.

7 MR. LIAKEAS: Whatever. And just
8 fill out this piece of paper and we'll
9 send it to you, and a week later, I got
10 this piece of paper that I thought was
11 very nice, the Town was very helpful.
12 I sent it to the bank and to be honest
13 with you, this one-page, one-sentence,
14 handwritten piece of paper to me said
15 you do not need a CO, it's a pre-CO,
16 this is not an issue, so don't worry,
17 you can get a mortgage.

18 MR. SALADINO: Do we have that
19 from the Village?

20 MR. LIAKEAS: That's the one
21 that's defective.

22 MS. MOORE: That's the pre-CO that
23 was issued is Exhibit A, that's the
24 only pre-CO that's ever been issued.

25 MR. SALADINO: So the Village, in

1 fact, did tell you that it was a
2 four-family?
3

4 MS. MOORE: No. They wrote it as
5 a two-family dwelling --

6 MR. SALADINO: A two-family.

7 MS. MOORE: Yes.

8 MR. SALADINO: And your contention
9 is, and your understanding was a
10 four-family.

11 MR. LIAKEAS: No. My
12 understanding was, you don't need a CO,
13 that's what that piece of paper said to
14 me. I forwarded it along to the bank,
15 thank you very much. The bank saw that
16 this is whatever it said on this paper
17 and they saw the house, nobody
18 contested it because I feel like they
19 too said, oh, the house does not need a
20 CO, that's what its purpose was. In
21 other words, nobody inspected the
22 house, nobody challenged bringing the
23 house up to code, the house didn't need
24 any CO, that's what that piece of paper
25 meant.

1 CHAIRMAN MOORE: Just so I'm
2
3 getting this on the record --

4 MS. MOORE: Yes.

5 CHAIRMAN MOORE: You brought up
6 the appraisal that was done, the date
7 of that was also 1998 --

8 MS. MOORE: Correct.

9 CHAIRMAN MOORE: -- that's past
10 history, not current activity.

11 MS. MOORE: No. No. Yes. In
12 1998, correct.

13 MR. LIAKEAS: In fact, there's a
14 few appraisals.

15 MS. MOORE: Yeah. I'm just
16 showing you Exhibit B. I actually
17 provided regarding financial hardship
18 and a current appraisal of what the
19 value of the property is under
20 different scenarios, and that's a
21 separate document that I have not even
22 discussed yet, but that's separate.

23 CHAIRMAN MOORE: So everybody is
24 happy at this point from 1998 until --

25 MS. MOORE: Well, in 1998, nobody

1
2 really, nobody -- the properties were
3 rented with independent renters. In
4 fact, later on in, when was it, my
5 client got a permit to replace the
6 roof, that was issued in 2013. The
7 building permit was issued, its permit
8 number 02402 for reroofing and
9 re-sheathing. It was still a
10 four-unit, four renters and it
11 continued to be as it always has been.

12 MR. SALADINO: Is it customary for
13 the building inspector to inspect the
14 inside of the house to issue a building
15 permit?

16 MS. WINGATE: In this particular
17 case, construction was going on without
18 a permit, so it was a stop and get the
19 phone call and get a building permit
20 and then we issued a building permit.
21 I would not go through the house for a
22 roof.

23 MR. SALADINO: Thank you.

24 CHAIRMAN MOORE: The roof doesn't

25 --

1 MS. MOORE: In addition, one of
2 the tenants is a Section 8 tenant. The
3 Section 8 Housing does require
4 inspection.
5

6 MR. CORWIN: Not anymore.

7 MS. MOORE: Pardon me?

8 MR. CORWIN: Not anymore. The
9 Section 8 tenant is gone.

10 MS. MOORE: No. She's still
11 there.

12 MR. LIAKEAS: No. She's out now.
13 She was evicted because of this issue.

14 MR. CORWIN: Let me correct
15 something else.

16 You're going too fast. I'm very
17 slow, so you've got to give me a lot of
18 slack.

19 MS. MOORE: Okay.

20 MR. CORWIN: You keep saying the
21 1971 building code; the building code
22 was put in place, I believe it was 1946
23 or 1947, Chapter in the Village Code is
24 '46 or '47.

25 MS. MOORE: And the zoning --

1
2 MR. CORWIN: There may have been
3 some changes in '71, but the body of
4 the building code was '46 or '47.

5 MS. MOORE: Okay. What I
6 understand, correct me if I'm wrong,
7 but a pre-CO would have to be prior to
8 '71.

9 MR. CORWIN: I don't know prior to
10 but my understanding is '46 or '47, had
11 to start getting Certificate of
12 Occupancy for the house.

13 MS. MOORE: I would respectfully
14 disagree, I don't believe that there
15 were any -- the State building code was
16 not even adopted until much later. The
17 Village adopted the State codes much
18 later than that, so I believe the
19 zoning, as far as I understand from the
20 Village, the ordinance is that the uses
21 that were in place prior to the '71 are
22 considered pre-existing uses.

23 MR. CORWIN: Well, if it was prior
24 to '46 and '47 when the original
25 building code was, zoning code chapter

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was adopted.

MS. MOORE: Okay.

MR. CORWIN: I can supply you with a copy of that, Village Hall probably can't --

MS. MOORE: Okay.

MR. CORWIN: -- because they didn't have it when I asked for it --

MS. MOORE: Okay.

MR. CORWIN: -- but I have it home.

MS. MOORE: I have learned something, obviously. I know that this structure dates back to the, probably early 1900s, 1910, '18 something, there was the historical designation and there was a write-up in 19 -- when was it --

MR. LIAKEAS: I think one of the maps say it was there at least as far back as 1865.

MS. MOORE: Okay.

MR. CORWIN: That not -- There's no question there.

1
2 MS. MOORE: Division of Historic
3 Preservation put it on their inventory
4 in 1977. That's the only record I
5 could find.

6 CHAIRMAN MOORE: Can I just
7 interrupt for one --

8 MS. MOORE: Sure.

9 CHAIRMAN MOORE: Just so we keep
10 things in order.

11 You said you were issued a
12 violation.

13 MS. MOORE: Yes.

14 CHAIRMAN MOORE: Are you referring
15 to a notice of disapproval?

16 MS. MOORE: No. I was, I was
17 issued a Criminal Enforcement Violation
18 for the occupancy of the four units.

19 CHAIRMAN MOORE: That's not in our
20 paperwork.

21 MS. MOORE: That's what prompted
22 our application because we appealed
23 that determination.

24 CHAIRMAN MOORE: Okay.

25 MR. SALADINO: Can we hear from

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Eileen about that?

CHAIRMAN MOORE: Yeah, you fill us
in --

MR. SALADINO: Could you fill us
in on that violation?

CHAIRMAN MOORE: Just so we know
the timeline of what's happening.

MS. WINGATE: I got a call and
apparently the tenants were arguing
with each other, and the tenant I was
speaking to made me aware that there
were other tenants, plural; and I said
but you can't have two other
apartments, you can only -- and I
looked at CO, and that's when it became
obvious it was more than a two-family
house.

MR. SALADINO: So the Building
Department didn't know it was a
four-family house?

MS. WINGATE: Oh no, not until the
phone call came.

CHAIRMAN MOORE: All right. We'll
bring this up unless it's part of the

1
2 package with the notice.

3 Can I just ask you --

4 MS. MOORE: I'm sorry, you're
5 talking to me?

6 CHAIRMAN MOORE: You have a
7 package with the tabs and everything.
8 In the file is a copy which I don't
9 know if this is part of your
10 presentation.

11 MS. WINGATE: No. That's my file.

12 CHAIRMAN MOORE: It's from your
13 file.

14 There is -- maybe we should wait
15 to bring this up. This is a Notice of
16 Disapproval from the same day that the
17 original, you said pre-CO was issued
18 which is identifying as a three-family
19 dwelling indicating that it's a
20 requirement in 1998 to go before the
21 Zoning Board of Appeals, so from then
22 until now --

23 MS. MOORE: Well interesting
24 because that notice was never, if it
25 was issued, it was never served on

1
2 anybody; so it could have been one that
3 was produced and tucked away or not --

4 CHAIRMAN MOORE: Dr. George
5 Liakeas, 610 Main Street so --

6 MS. MOORE: That would be my
7 client.

8 MR. LIAKEAS: I wasn't a doctor at
9 that time, I have to be honest with
10 you.

11 CHAIRMAN MOORE: Oh. Well --

12 MR. LIAKEAS: I mean, I became a
13 doctor.

14 CHAIRMAN MOORE: Early
15 recognition, I guess.

16 But anyway --

17 MR. LIAKEAS: I had not graduated.

18 MS. WINGATE: That's Abatelli's
19 handwriting.

20 MS. MOORE: That's whose
21 handwriting?

22 MS. WINGATE: David Abatelli's
23 handwriting.

24 MS. MOORE: All right. I'm not
25 aware of that, and my client was never

1 served with a notice. And that's
2 saying three-family?
3

4 CHAIRMAN MOORE: It's identified
5 as a three-family dwelling.

6 MS. MOORE: And that's more than a
7 two-family based on the --

8 CHAIRMAN MOORE: It's a Notice of
9 Disapproval which follows on the same
10 day as the original CO, so it's just
11 part of the record kind of thing.

12 MS. MOORE: If it's there, it's
13 there. All I can tell you is that if
14 the client is not put on notice and it
15 never goes out to anybody, I don't know
16 why --

17 CHAIRMAN MOORE: I have no
18 information on it.

19 MR. LIAKEAS: What address did
20 they have?

21 MS. MOORE: What address did they
22 have?

23 CHAIRMAN MOORE: It's 610 Main.
24 It went somewhere.

25 MS. MOORE: Okay.

1
2 CHAIRMAN MOORE: Anyway continue
3 if you will just to get background on
4 this.

5 MS. MOORE: No problem. So I
6 would, again, I believe that that the
7 document, the pre-CO has technical
8 errors in the fact that it's M-2 which
9 is not a zoning designation.

10 We also provided the Board with
11 six separate affidavits of the use.
12 The first-floor tenant Ken Loeb
13 provided an affidavit with respect to
14 his tenancy there. They have been
15 there for -- most of these tenants, I
16 would say, have been there for the last
17 15 years.

18 MR. LIAKEAS: Yes.

19 MS. MOORE: The second-floor
20 tenant, Joan Tennant who was, again,
21 was receiving Section 8 and because of
22 the criminal case pending, my client
23 could not sign off on Section 8 on her
24 behalf because of the pending criminal
25 action, but she did provide an

1 affidavit at the time based on her
2 knowledge of the house. Also we
3 provided an affidavit by Deloras
4 Amigaro (phonetic) who had lived across
5 the street and also her daughter was a
6 tenant in one of the apartments while
7 she was --

8 MR. LIAKEAS: Before I got the
9 house.

10 MS. MOORE: While Ms. Buffamonte
11 was the owner. We also -- Simaragdi
12 (phonetic); is that --

13 MR. LIAKEAS: Magda.

14 MS. MOORE: Magda, she provided an
15 affidavit, and Helen Zutis (phonetic)
16 also finally we have an affidavit from
17 Harry Lewis, who is a neighbor on the
18 same block. Mr. Lewis is, grew up
19 there. He is in a wheelchair and he
20 was very kind to provide an affidavit
21 that he is there all the time and could
22 provide us history of the property.

23 Those affidavits speak for
24 themselves. I didn't need to read them

1
2 on the record, they're already part of
3 the record.

4 CHAIRMAN MOORE: The dates you go
5 back to if you take them all as a
6 group, the earliest date would be Mr.
7 Loeb who claims to have been there
8 since 1973.

9 MS. MOORE: And Delores also.

10 MR. SALADINO: No.

11 CHAIRMAN MOORE: Delores is the
12 earliest.

13 MR. SALADINO: Ken Loeb says he
14 has lived there since 1999.

15 MS. MOORE: Right. Delores is the
16 one who --

17 MR. SALADINO: Do you have
18 anything from Ken Loeb that says he has
19 personal knowledge of the inspection of
20 he was present for the inspection or he
21 was there in witness, that the --

22 MS. MOORE: He wasn't present. He
23 was only -- he was there --

24 MR. SALADINO: Any of these
25 affidavits say any of that?

1
2 MR. LIAKEAS: Well, there was no
3 inspection, that's the point.

4 MR. SALADINO: Looking for
5 somebody --

6 MR. LIAKEAS: I mean, I'm the
7 owner of the house, so I can tell you I
8 never drove back up. I was in medical
9 school. I never drove back to show the
10 house, so I mean, what can I tell you?

11 MS. MOORE: Yeah, if there was no
12 inspection -- if there was no access to
13 the house, Mr. Lessard never contacted
14 the owner to give him access and the
15 tenants have changed over the years.

16 MR. SALADINO: Ms. Moore, you have
17 to understand sitting on this side of
18 table --

19 MS. MOORE: I understand.

20 MR. SALADINO: That it's one guy
21 is dead and one guy is here, you know,
22 so it's --

23 MR. LIAKEAS: Right.

24 MR. SALADINO: In all fairness and
25 in all fairness to us, you can say

1
2 anything you want.

3 MR. LIAKEAS: But it is a
4 defective CO, so I don't want to jump
5 out of turn, but look I'm a doctor, I'm
6 a family doctor in New York City. I'm
7 not a high-wheeling plastic surgeon,
8 whatever. This house I inherited from
9 a neighbor, it's very dear to me. I'm
10 not trying to get a two-family house to
11 become a four-family house, I'm asking
12 that the house stay as it is. I didn't
13 touch the house, no renovations from
14 structure were done by me, for sure the
15 affidavits say that, and my contention
16 is that this single elderly woman also
17 did not do these renovations, at least
18 as far back as the early '70s. I don't
19 know what the laws are, but if there is
20 a grandfather clause that says, well,
21 you don't have to tear it down and
22 rebuild it if you can prove it goes
23 back to what date. Well, that date is
24 at least as early as the '70s as I'm
25 aware and the affidavits because I

1
2 remember being a young boy who used to
3 go and visit this neighbor which over
4 the years developed into a beautiful
5 relationship and I don't have to tell,
6 you know, the public here whose Pampers
7 I was changing before this woman passed
8 away, but I definitely want to set the
9 record straight that it is not my
10 intent to make this into a multifamily
11 dwelling, for example for the purpose
12 of a financial gain. This is the way
13 the house was, I'm asking for it to be
14 grandfathered in as such. I don't know
15 what the laws are, I know that when I
16 received this letter for the CO, I was
17 told, you know, give this to the bank,
18 you'll be fine, great, it worked, the
19 bank didn't ask for anything else.

20 MR. SALADINO: But isn't it
21 reasonable for us to question --

22 MR. LIAKEAS: Well, if the CO --

23 MR. SALADINO: -- you're an
24 educated guy, you get a --

25 MR. LIAKEAS: On the contrary, I

1
2 sorry, but on the contrary --

3 MR. SALADINO: -- you get a letter

4 --

5 MR. LIAKEAS: -- 20 years old, I
6 get a letter --

7 MR. SALADINO: You were in medical
8 school, you just admitted you were in
9 medical school.

10 MR. LIAKEAS: Yeah, '98, I was 26
11 years old, sorry.

12 MR. SALADINO: Isn't it reasonable
13 to assume that someone that's at least
14 capable enough to attend medical school
15 could read a one-page letter from the
16 Village and have it say to him, no this
17 is not a four-family --

18 MR. LIAKEAS: But I wasn't asking
19 the Village whether it was a
20 four-family zone; I was asking for a
21 piece of paper that said this house
22 does not need a CO, so that, to me,
23 this wasn't even a legal document, to
24 me this was a notice to the bank which
25 said you want CO, this house doesn't

1 need a CO, here you go.

2 As for the two-family,
3 four-family, for example, even if it
4 was, even if I had been given that
5 letter, my argument at that time would
6 be, I didn't build this house that way,
7 and if the law says that if you are,
8 that you could be grandfathered before
9 a certain date, well, that would have
10 applied to 1998, so --

11 MR. SALADINO: But those are what-
12 if questions. For the last 18 years,
13 according to the Village of Greenport
14 --

15 MR. LIAKEAS: Well, by the way --

16 MR. SALADINO: -- this house has
17 been in violation.

18 MR. LIAKEAS: I will say the
19 Village inspected the house for ten
20 years in a row, and I will say the
21 trigger for this violation was not
22 Joan, my tenant calling to complain,
23 she was saying the downstairs tenant
24 smokes, is there any way to get to
25

1
2 evict him. My understanding of what
3 happen --

4 MR. SALADINO: Do you have the
5 inspection records for ten years?

6 MR. LIAKEAS: I hope so.

7 MS. MOORE: Section 8 would have
8 it.

9 MR. LIAKEAS: My understanding
10 incidentally was that that phone call
11 happened years earlier, and what
12 triggered the very recent violation was
13 that my mother called to say I may need
14 to have the house appraised because I
15 have an IRS issue from a restaurant,
16 it's a long story that I should not
17 have gotten involved in, and my mother
18 called to ask if we need the house
19 appraised, does the Village have it
20 appraised and I understand that she was
21 told, well, we don't do that, you would
22 have to get an appraisal, but by the
23 way, and my understanding is we've
24 known for some time, those were the
25 words that I feel that I was told to,

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2 that the house has multiple tenants,
3 and I said, ugh, this is the worst time
4 to hear this, that this is a violation
5 but all right, well, I guess we'll have
6 to deal with this and it was generous
7 that I received the violation notice a
8 few months later, rather than the next
9 day, which I thought was very fair
10 whatever given the situation that I was
11 going through.

12 The point of the story is that
13 this is not like I was hiding under the
14 radar. The house is very clearly
15 multiple family if you see it, there's
16 multiple dwellings, multiple exits, et
17 cetera, and it is impossible for me to
18 believe that the house was inspected
19 and nobody asked Joan, the tenant, are
20 there other people living in the this
21 house or that they assumed that she was
22 living in one quarter of the house and
23 the rest of the house was empty, so I'm
24 not -- I don't know what the
25 responsibility of Section 8 is, but I

1
2 am certain that it is reasonable to
3 believe that this was not an attempt to
4 hide a house, and again I am not -- I
5 am very fond of Greenport. I remember
6 Hurricane Gloria, I mean, my memories
7 go way back. I'm not asking to make a
8 two-family house into a four-family
9 house; I'm asking not to be forced to
10 bring it, to have to pay to bring it
11 back to something that has been like
12 this for over what appears to be 60
13 years. That's simply my -- 45 years,
14 that's my contention.

15 CHAIRMAN MOORE: Okay. And Ms.
16 Moore, were you going to make some
17 other presentation to --

18 MS. MOORE: Well, I would just
19 point out that Julia Buffamonte
20 purchased the property in 1965, and
21 while she was the owner, it had been
22 used as a four-family; so certainly
23 back, that's the period of time that --

24 MR. LIAKEAS: She was a single
25 woman, she had been married for a month

1
2 and then her husband left her, and she
3 had that whole house to herself and
4 needed to rent it. I remember this as
5 I was growing up. She's not here to
6 give her side of the story, but I'm
7 certain she didn't do major renovations
8 herself. I don't think she would be in
9 the capacity as a single --

10 MR. CORWIN: What was the date
11 that she was married.

12 MR. LIAKEAS: I'm sorry?

13 MR. CORWIN: What was the date of
14 her ill-fated marriage.

15 MR. LIAKEAS: I assume probably in
16 the '60s. I can look at the back of
17 the photograph I have of her wedding
18 dress and a picture of her in her
19 wedding dress. I suspect it's in the
20 '60s.

21 MS. MOORE: Finally, as far as the
22 throughout the Village and the Town,
23 there is always a statement that we
24 need affordable housing, well here we
25 have an existing house that's been

1
2 affordable, it's been four apartments
3 where the families that have lived,
4 there are, have been able to afford,
5 they all live and work in the, either
6 in the Village or the Town and Mr. Loeb
7 points out that he is a fireman in East
8 Marion, so this is a house that has
9 supported the local community and my
10 client --

11 MR. LIAKEAS: And I should say,
12 I'm not trying to get credits for being
13 a good guy, I know that's not what
14 we're all here for today, but in 15
15 Years, they're paying the same rent,
16 and I can tell you Joan was very upset
17 that she had to leave, but I still let
18 her stay in six months rent free and
19 while she was there at Section 8, half
20 of the rent that she owed, she didn't
21 pay, nobody knew, I'm not trying to get
22 brownie points, I'm trying to simply
23 say, I'm not trying to convert this
24 into a hotel.

25 CHAIRMAN MOORE: And I guess

1
2 you're coming to your conclusion.

3 MS. MOORE: Yes, we're coming to a
4 conclusion, yes.

5 CHAIRMAN MOORE: Okay. I'd make a
6 comment afterwards to kind of indicate
7 where we are for public comments to
8 follow.

9 I should just mention as far as we
10 know, we are not related to each other.

11 MS. MOORE: No, not to my
12 knowledge.

13 CHAIRMAN MOORE: I should probably
14 read a letter that was sent. I think
15 we only are in receipt of one letter.

16 MS. WINGATE: Just one.

17 CHAIRMAN MOORE: From a neighbor,
18 and it is with regard to the 610 Main
19 Street property.

20 I am the domestic partner of
21 Juliet Weber, the owner of 604 Main
22 Street which abuts the property in
23 question. Juliet has owned our home
24 for nearly 20 years and we have lived
25 there full time for the past four

1
2 years, whereas, the residents of 610
3 Main Street have largely been wonderful
4 neighbors, I say largely because the
5 recently-departed tenant had a dog that
6 barked nonstop for 30 minutes at a
7 time.

8 I have a serious concern with
9 allowing this property to be zoned for
10 more than two families. George
11 Liakeas, she actually writes Liakeas is
12 a wonderful owner and may have no plans
13 to rent the property to more than two
14 tenants now or in the immediate future.

15 There is no guarantee, however,
16 with how the future owner will manage
17 the four-tenant property. My concern
18 is that zoning this property for four
19 units will significantly decrease the
20 value of our home at 604 Main Street.
21 We have observed that properties that
22 are zoned for more than two units can
23 have significant parking and noise
24 issues and I do not believe that it
25 would be better interest or the better

1 interest of the neighborhood to allow
2 this property to be rezoned.

3
4 Unfortunately, we will be leaving
5 the country in the afternoon of 6/14
6 and I will not have the opportunity to
7 state these concerns in person and,
8 therefore, I respectfully request that
9 you take this letter into consideration
10 while considering the application.

11 It's signed Peter Marciano
12 (phonetic), 604 Main Street. That's
13 the only correspondence we have. Just
14 wondering --

15 MR. CORWIN: Excuse me, Mr.
16 Chairman.

17 CHAIRMAN MOORE: Yes.

18 MR. CORWIN: Could you orientate
19 me as to where that is in relation to
20 610?

21 CHAIRMAN MOORE: Probably the
22 notification map would have it. It's
23 not the next --

24 MR. LIAKEAS: It's my neighbor to
25 the left. It's the blue house to the

1 left.

2
3 CHAIRMAN MOORE: It's immediately
4 next door.

5 MR. LIAKEAS: Right, immediately
6 next door, and they told me --

7 MR. CORWIN: You're saying north
8 or south?

9 MR. LIAKEAS: If this is Main
10 Street (indicating) and this the
11 Carpenter (indicating), it's this way.

12 MR. CORWIN: Can you --

13 MS. WINGATE: It's south.

14 MR. LIAKEAS: It's closer to
15 Claudio's. South. Correct south.

16 CHAIRMAN MOORE: Just the numbers
17 aren't adjacent and this doesn't show
18 the numbers. It's your neighbor.

19 I'd just like to say that the
20 process where we are now is, this is
21 actually an application for a variance,
22 so to the grandfathering issue is just
23 support for the fact that it already
24 exists, but you are actually requesting
25 a variance.

1
2 MS. MOORE: Well, I would like to
3 point out, what happens is that when
4 you have a pre-existing use, you can't,
5 the Village can't unilaterally
6 extinguish it, so I'm not precluded
7 from arguing that constitutionally this
8 was a pre-existing use that should be
9 recognized. If the Board isn't
10 persuaded that it's not, that we
11 haven't given you adequate information
12 that it's a pre-existing use, then the
13 variance kicks in to convert the
14 structure from a two, from a permitted
15 two-family to a four, a multi-use
16 structure.

17 The fact that the structure has
18 been there as-is for 40, 50 years is
19 evidence in and of itself that it does
20 not change the character of the
21 neighborhood. It would be the
22 multi-family is not more than what is
23 already there and what has already, has
24 continued to be there for all this
25 time, so the history of this property

1
2 does lend itself to meet all the
3 criteria of an area variance, but more
4 importantly for us, it's very important
5 to recognize this as one of the issues
6 that we face with the Building
7 Department is that if we declare that
8 that we are bringing in a multi-family
9 then we are subject to let's say
10 pretend that none of this structure
11 exists as-is and we would have to
12 install sprinkler, fire extinguisher,
13 sprinkler systems throughout building
14 and go through site plan and everything
15 else when, in fact, the structure has
16 been as it is for, as I said, decades.

17 CHAIRMAN MOORE: I'm just thinking
18 at the technical basis, they have not
19 requested relief from the notes of
20 disapproval, they have requested a
21 variance.

22 MS. MOORE: No. Technically, no
23 my --

24 CHAIRMAN MOORE: There's nothing
25 in the paperwork that's asking for a

1 reversal or protest of a notice of the
2 building inspector; is that correct?

3 MR. LIAKEAS: We didn't even know
4 that existed.

5 CHAIRMAN MOORE: I don't see that
6 in the paperwork.

7 MS. MOORE: No. No. No. My
8 application was right from the
9 beginning, was a request to overturn
10 the building inspector's determination,
11 the pre-CO because it's a technical
12 defect in the document itself.

13 CHAIRMAN MOORE: Just looking at
14 your application, 150-8 --

15 MS. MOORE: Right. It's
16 pre-existing four units.

17 CHAIRMAN MOORE: Okay. Four. I'm
18 not -- I have to go to that section.

19 MS. MOORE: Okay. And then the
20 second part is Section 150-8 which is
21 variances from unit size, variance from
22 lot size and number of parking spaces,
23 so the way I presented it was to
24 recognize the pre-existing nature of
25

1
2 this property.

3 CHAIRMAN MOORE: Let me catch up.

4 MS. MOORE: Sure.

5 CHAIRMAN MOORE: You're just
6 referring to the whole 150 Section 8,
7 which is conversions chapter, that's
8 the one I'm reading here. 150-8 and
9 you titled it as pre-existing
10 four-units, but that's not what that
11 section refers to. I'm just a little
12 confused. I think what we were
13 actually being asked to do, this is
14 simply what is allowed and it's one of
15 the conditional uses which puts it to
16 the Planning Board as a conversion, so
17 I'm not sure where that's coming from.

18 MS. MOORE: Well, the building
19 inspector advised us that the only way
20 we could get this was to convert the
21 structure to multi-family and our
22 position is, it's a pre-existing, and
23 we don't need to convert anything, it's
24 a pre-existing --

25 ATTORNEY PROKOP: I think we

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2 needed more information, but I don't
3 know -- but I don't know what the
4 situation is, but the pre-existing use,
5 if it's not in existence right now, you
6 know, it could be pre-existing 60 years
7 ago, it only matters what it is now.
8 It would have been extinguished if it's
9 not --

10 CHAIRMAN MOORE: The discussion we
11 have had for quite a spell before you
12 got here is dating back through
13 affidavits, that this is likely, I
14 don't know if there is exact
15 documentation of the dateline. Was the
16 Village officially using 1971 as the
17 major code revision for --

18 ATTORNEY PROKOP: For most things,
19 but not everything, but most things,
20 yes.

21 MS. MOORE: Mr. Corwin indicates;
22 the code actually goes to the '40s, and
23 I'm not sure what sections.

24 MS. GORDON: Building Inspector
25 Lessard clearly use the 1971 date.

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MS. MOORE: Yes, that was the --

MS. GORDON: -- everything refers
to that that --

MS. MOORE: Right.

MS. GORDON: -- what he signed.

MS. MOORE: Correct.

CHAIRMAN MOORE: The real
contention would be documentation that
would clearly date this prior to '71.

MS. MOORE: Well, the affidavits
-- I provided an affidavit by one of
the neighbors that she, Ms.
Buffamonte, was there since 1965, and
in the time that she's, she was the
owner, it has been a four-family unit
so.

MS. NEFF: I have a question.

MS. MOORE: Yes.

MS. NEFF: The way it's been used
in the last two or three --

CHAIRMAN MOORE: Fifteen years.

MS. NEFF: I'm just talking about
the more recent to the point of the
attorney is that it's really been used

1
2 as a three-family. I mean because the
3 tenant in the front really has access
4 to the rear, other tenants use part of
5 the rear, but my question is: Is the
6 phrase "multifamily" inclusive of a
7 three-family? I know three-family has
8 not been mentioned anywhere except by
9 me at this moment.

10 MS. WINGATE: Yes. Multifamily is
11 anything more than two.

12 MS. NEFF: Thank you.

13 MR. SALADINO: Ms. Moore, I'm
14 sorry, you said you have an affidavit
15 by Ms. Buffamonte for --

16 MS. MOORE: No. Not Buffamonte.

17 CHAIRMAN MOORE: Somebody that
18 referenced.

19 MS. MOORE: Referencing Ms.
20 Buffamonte. She's dead.

21
22 MR. SALADINO: I didn't know. I
23 didn't know she died.

24 MS. MOORE: That would be quite a
25 feat on my part.

1 MR. SALADINO: It's someone that
2
3 knew her and the person that knew her,
4 their contention is --

5 MS. MOORE: Yes, well because she
6 --

7 MR. SALADINO: -- that she, that
8 that person believed that Ms.
9 Buffamonte --

10 MS. MOORE: Well, if you look at
11 Delores' affidavit, okay, she owned the
12 property since '79, okay, she knew Ms.
13 Buffamonte many years before she died,
14 all right, and it had been all that
15 time four bedrooms, four kitchens, four
16 living areas, and there has been no
17 change since the zoning was adopted in
18 1971. She could attest to that.

19 And Harry, Harry is an independent
20 affidavit as well. Harry Lewis, he
21 was, he has lived there all his life,
22 and he's known over his lifetime, it's
23 been more than a two-family house, so
24 Harry Lewis is probably in his mid 40s.

25 MR. SALADINO: His affidavit says

1
2 that he knows that tenants have been
3 living in the house.

4 MS. MOORE: Yes.

5 MR. LIAKEAS: There were no
6 changes.

7 MS. MOORE: There have been no
8 changes.

9 MS. NEFF: If I could ask a
10 question again. We have the Victor
11 Lessard signed about it being a
12 two-family, but the other, the second
13 page or an additional document also
14 from that same timeframe, you have
15 never, the owner has never received,
16 and there is no record that it was ever
17 --

18 MS. MOORE: Correct.

19 MR. SALADINO: It's the owner's
20 contention that it was never received.

21 MS. MOORE: It was never received
22 and actually --

23 MS. NEFF: -- record that it was
24 ever mailed to anyone.

25 MS. WINGATE: Well, the note in

1 Abatelli's handwriting said it was sent
2 out and it gives a date.

3 MS. NEFF: And it says it's sent
4 to?

5 MS. WINGATE: It's just a little
6 sticky, I mean --

7 MS. MOORE: But it was addressed
8 to --

9 MS. NEFF: Is there a date there?

10 MS. MOORE: I don't even have it
11 now, it's never even been given to me.

12 AUDIENCE MEMBER: Maybe the owner
13 could take a look at it for
14 verification.

15 MS. MOORE: Well, he can tell
16 right now that it's never been --

17 MR. LIAKEAS: I can take a look at
18 it for verification, but what I can say
19 is if I received a letter --

20 May I?

21 (Perusing document.)

22 So I can swear and testify that I
23 have never set my eyes on this letter,
24 and if I had, I would have responded by

1 hiring, for example, Ms. Moore at that
2 time to rectify the situation because,
3 again, if there was any intent to hide
4 multiple apartments, then I wouldn't
5 have had a Section 8 person in there
6 for ten years, so I can definitely
7 attest that it would not make sense to
8 not only respond to this, but also that
9 it took 20 years for the Town to then
10 bring it up again, if this was really
11 in somehow the forefront of my file.
12

13 MR. CORWIN: The Village.

14 MR. LIAKEAS: All right, the
15 Village.

16 MR. CORWIN: You keep saying the
17 Town, it's the Village of Greenport.

18 AUDIENCE MEMBER: And is that your
19 signature on there? No.

20 MR. LIAKEAS: This is not my
21 signature. There's no signature on
22 there.

23 CHAIRMAN MOORE: -- building
24 inspector.

25 MR. LIAKEAS: In fact, I'm

1 surprised this wouldn't have been
2 certified or something, I mean, if it's
3 -- if it's a violation, a criminal
4 violation at that because --

5
6 CHAIRMAN MOORE: That's just a
7 notice of disapproval, I believe.

8 MR. LIAKEAS: A disapproval would
9 imply that there was an application --

10 CHAIRMAN MOORE: I don't know, it
11 says it's NOD, Eileen is --

12 MS. WINGATE: Basically --

13 CHAIRMAN MOORE: That document
14 there, what is that? It says notice of
15 disapproval on the top.

16 MS. WINGATE: It's a notice of
17 disapproval, and there is a letter in
18 here --

19 MR. CORWIN: Mr. Chairman.

20 CHAIRMAN MOORE: Yes.

21 MR. CORWIN: We got a lot of stuff
22 to do.

23 CHAIRMAN MOORE: I know, we need
24 to wind --

25 MR. CORWIN: I think we need to

1
2 wind this up, adjourn this --

3 MS. WINGATE: There's little
4 tidbits that don't add up.

5 MR. CORWIN: -- adjourn this
6 hearing and go over --

7 CHAIRMAN MOORE: Well, we could --

8 MR. CORWIN: -- a lot of stuff
9 missing.

10 CHAIRMAN MOORE: How about we do
11 -- does the Board want to hear some
12 public comments?

13 MR. SALADINO: Yes.

14 CHAIRMAN MOORE: Because it has an
15 affect on the overall --

16 MS. MOORE: I just want to see the
17 notice of disapproval, wherever it
18 went.

19 MS. WINGATE: I took it back.

20 (Whereupon, several conversations
21 took place simultaneously.)

22 I'm sorry, we're having a lot of
23 back and forth. Perhaps what we'll do
24 then, we're still in the hearing stage,
25 we'll certainly have plenty of time to

1
2 talk about this some more, maybe we'll
3 just get some public input because one
4 way or the other, the request really is
5 about whether a multifamily house can
6 be sanctioned at that location, the
7 method by which that may or may not
8 occur, we're still talking about.

9 If you can decipher what that
10 actually is. It looks like a redo on
11 the original.

12 PODIUM SPEAKER: In.

13 MS. WINGATE: In that --

14 MR. LIAKEAS: For my own
15 clarification, can I ask, are there --
16 is there any -- is it arbitrary or is
17 there any legal -- what is the legal
18 rules beyond which, for example, I have
19 heard a lot of, well if I can prove
20 it's beyond 1971 than it's
21 grandfathered in, is it up to the
22 sitting Board at the time, or what is
23 exactly the process?

24 CHAIRMAN MOORE: As I understand
25 the process, if before this, a building

1
2 inspector had ample documentation that
3 it was a pre-existing multifamily
4 dwelling, I suppose that it would
5 simply be recorded as a pre-existing
6 nonconforming.

7 Maybe Mr. Prokop can better --

8 ATTORNEY PROKOP: It has to be
9 looked at in terms of the facts, and
10 there is a lot of facts involved here
11 that have to be brought out, and the
12 time to bring them out really isn't a
13 public hearing, you know, piece by
14 piece.

15 CHAIRMAN MOORE: Right.

16 ATTORNEY PROKOP: So I'll go
17 through the file --

18 CHAIRMAN MOORE: We're seeing
19 little bits of documents, but wouldn't
20 you suggest we take some public comment
21 or just --

22 ATTORNEY PROKOP: I think if it's
23 a public hearing, you need to take
24 public comments, yes.

25 CHAIRMAN MOORE: Okay. Just to

1
2 mention, I believe Mr. Pennessi has
3 come in. We just got your overnight
4 delivery of 24 changes to the site
5 plan. We he have no idea -- 22, I'm
6 sorry. We have no idea what that means
7 as far as the impact on the plan. We
8 were trying to complete the public
9 hearing about your proposal where we're
10 now at the stage of considering
11 variances, so we're prepared to table
12 this until next month so we can assess
13 what this means and perhaps when this
14 hearing is completed or adjourned, we
15 may ask you to perhaps just give us a
16 quick update on where we are --

17 MR. PENNESSI: I would like the
18 opportunity --

19 CHAIRMAN MOORE: -- we really
20 can't do much on a revised site plan
21 that has 22 changes in it without --
22 And the public can't comment much on it
23 either at this point because they don't
24 know what the changes are, so in a few
25 minutes, hopefully we'll hear just a

1
2 little bit of an update.

3 I think from here we can take some
4 comments from the public who would like
5 to talk about 610 Main Street.

6 MR. REED: Mike Reed, 430 First
7 Street. I have like two questions.

8 Is it a two- three- or four-family
9 unit, number one? How is it -- what is
10 the legality? What is it written down?
11 How do they have it structured as, is
12 it two-family?

13 MR. CORWIN: At this point in
14 time, it is a two-family house because
15 that is the Certificate of Occupancy
16 they have from Mr. Lessard.

17 MR. REED: Number two is, is it or
18 has it ever been conforming or not to
19 have to be brought up to code now?
20 Back in the day, that was back in the
21 day, we're talking about now, codes
22 change year to year. I know you are
23 trying to get things, you know,
24 situated, but codes do change and does
25 it have to -- it does apply to them

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2 that it would have to be brought up.
3 You said sprinkler systems if it's a
4 four-unit, right?

5 CHAIRMAN MOORE: Well --

6 MR. SALADINO: It would have to be
7 brought up to code. If it is decided
8 that it is a two-family and the
9 applicant progresses the application
10 variances to make it a four-family, it
11 would have the comply with the code.

12 MR. REED: My third question is:
13 Where is the legality where it stands
14 as grandfathered or not? Joe?

15 ATTORNEY PROKOP: So the question
16 is whether the use was a --

17 MR. REED: Pre-existing use that
18 can be grandfathered in.

19 ATTORNEY PROKOP: Whatever
20 happened, it would have had to have
21 been continuous. Whatever the use
22 they're claiming was pre-existing would
23 have had to have been continuous to the
24 present time.

25 MR. REED: How far is that, is

1
2 there any lapse or --

3 ATTORNEY PROKOP: I don't know.

4 There is no testimony right now about
5 that. That's one of the things we are
6 going to look into.

7 CHAIRMAN MOORE: On the site
8 visit, I would assume, but you can
9 confirm, it's currently configured as a
10 three-family with an essentially
11 non-official dwelling unit in the back
12 --

13 MR. REED: But on paper, you have
14 it registered as a two, correct?

15 CHAIRMAN MOORE: It's registered
16 on -- the paperwork we have establishes
17 it as a two-family house. There is an
18 additional document that indicates
19 under a notice of disapproval that it
20 is a three-family house, I believe
21 that's what it says on the form.

22 MS. WINGATE: Not on my form.

23 CHAIRMAN MOORE: The 1998 form.

24 MS. WINGATE: Yes.

25 CHAIRMAN MOORE: And that was a

1
2 direction to Zoning Board of Appeals
3 which was never made.

4 MR. REED: My last thing, I'm not
5 a lawyer, don't want to be, but with
6 the CO, no matter what a bank should
7 have to have, you provide a CO,
8 correct?

9 MS. WINGATE: Not necessarily.

10 CHAIRMAN MOORE: Apparently in
11 1998 Mr. Liakeas was indicating that
12 the bank was satisfied with what
13 documentation was available.

14 MR. LIAKEAS: Should I clarify?
15 The house -- what the bank saw is as it
16 is today.

17 MR. REED: Same structure.

18 MR. LIAKEAS: Same structure never
19 changed.

20 MR. REED: That just could be an
21 assessment or --

22 MR. LIAKEAS: There is like --

23 MR. CORWIN: Wait a minute. This
24 is a public hearing, you got to address
25 the Board. Mr. Chairman, we have to

1
2 wind this up and move on.

3 CHAIRMAN MOORE: Let's get some
4 public comments. I'd ask anybody to be
5 very brief, just say your point. Mr.
6 Reed had a few questions just as to
7 where the application is and as to the
8 property, and no someone else would
9 like to ask a question or make comments
10 perhaps we should say, public comments.

11 Yes.

12 MS. POLLACK: Karen Pollack, First
13 Street. I have a couple of comments
14 about this. Ms. Moore keeps saying
15 that the use as a four-family has been
16 in existence for 40 or 50 or 60 years,
17 but I still, I haven't heard any
18 evidence of that as of yet. I've heard
19 about affidavits from people who have
20 been there for ten, fifteen years,
21 affidavits from neighbors, but I
22 haven't heard anything where there is
23 proof that this four-family situation
24 has existed prior to 1971. The only
25 actual proof of anything that we have

1
2 is the pre-CO issued in 1998 by Victor
3 Lessard, and to me that's an official
4 document by, that was written by an
5 Official of the Village of Greenport
6 and in order to overcome that pre-CO,
7 there would need to be provided to you
8 a higher level of proof that before
9 that the structure existed four-family
10 prior to the 1971, which I'm not
11 hearing.

12 Also being that that property
13 owner did receive this CO in 1998, if
14 that were me, just my own opinion, if I
15 needed to provide a document to a bank
16 for financing, and I received a
17 document from the Village for my
18 four-family house that said I only have
19 a two-family house, my head would have
20 exploded and I would have approached
21 the Village at that time to have it
22 corrected or looked into or examined.
23 I wouldn't have just ignored something
24 like that.

25 Thank you very much.

1
2 CHAIRMAN MOORE: Would there be
3 anybody else?

4 MR. LIAKEAS: So --

5 CHAIRMAN MOORE: Let me just go
6 through the public comments. We're not
7 going to have a back and forth, you'll
8 be able to talk about details later.
9 We'll probably leave things open
10 tonight.

11 MR. LIAKEAS: Can I just comment
12 for the record? I mean, just for the
13 people because I hear you.

14 One, again, it's not -- I didn't
15 receive a CO, I received a piece of
16 paper saying that the house does not
17 require a CO. It was one sentence,
18 that's it.

19 Two, you're right, I'm sure Mr.
20 Lessard was a lovely gentleman, but
21 assuming we're going to go on the fact
22 that his paper is what's the law, that
23 piece of people is miswritten. It
24 doesn't even have my house in the right
25 zone, so there is already some reason

1
2 to believe that it was just here you
3 go, here is your piece of paper. I
4 mean, with all due respect, if that's a
5 legal document, this legal document is
6 in error.

7 And three, I hear you, but again,
8 I --

9 CHAIRMAN MOORE: We got your
10 point.

11 Anybody else that would like to
12 speak?

13 MR. LIAKEAS: And we also have
14 architect papers that say that the
15 structure appears to be --

16 MR. SALADINO: You're going to
17 have a chance to respond to everything
18 that the public is saying, so why don't
19 we let the public speak and then you
20 can respond.

21 MS. MCENTEE: Joann Mcentee 242
22 Fifth Avenue.

23 One, with this application, we
24 are, there is a very excessive amount
25 of variances. When you are asking for

1
2 the 9,100-square foot variance on a lot
3 size for 20,000-square feet and a lot
4 size of the 10,890, that's excessive.
5 The four units are like over excessive.
6 When I bought my house in 1985 on Sixth
7 Street, I was given a CO, I was clear
8 on what I was purchasing. It was
9 needed for the bank, it was clear. I
10 knew what I was purchasing. I believe
11 that he knew what he was purchasing as
12 well.

13 CHAIRMAN MOORE: Do you mean Sixth
14 Street?

15 MS. MCENTEE: Sixth Street.

16 CHAIRMAN MOORE: It was Sixth
17 Street. Okay.

18 MS. MCENTEE: So I do not own that
19 home anymore.

20 My other thing is that the parking
21 issues is extremely excessive that
22 they're looking for a variance for
23 parking. I mean, you have been to the
24 site today, it is tight there. To me,
25 I don't see that they're going to be

1 able to squeeze it in.

2 And there was reference to
3 affordable housing and, really, who
4 states that we need affordable housing
5 in our Village. Who sets those
6 standards. I don't believe that is an
7 issue here. Let's go with what, you
8 know, your variances are. I don't
9 believe that we need these extra rooms
10 in our house or in our properties.
11 It's taking away our privacy for
12 everyone involved that owns a property
13 within our Village.

14 I believe that's all I have to
15 say.

16 Thank you for listening.

17 CHAIRMAN MOORE: Thank you.

18 Anybody else that would like to speak.

19 (No response.)

20 I guess not. Now, I think we have
21 a lot of loose ends. The attorney, I
22 think the process could be resolved, I
23 suppose by providing information to the
24 attorney and building inspector to try
25 attorney and building inspector to try

1
2 and substantiate it. It seems the main
3 point you're speaking about is the
4 pre-existence --

5 MR. LIAKEAS: Right. So can I --

6 CHAIRMAN MOORE: We're here to
7 consider --

8 MR. LIAKEAS: -- one sentence.

9 MS. MOORE: Let him finish.

10 ATTORNEY PROKOP: I think if
11 there's additional documents coming in,
12 we would adjourn the public hearing,
13 keep it open so the public can respond
14 to documents that come in.

15 CHAIRMAN MOORE: Right. I think
16 that would be the important part that's
17 --

18 MR. LIAKEAS: But can I make it
19 clear? One, I did not purchase this
20 home. This home was given to me, so I
21 had no need to get a CO or have it
22 inspected or understand even what that
23 was at 25 years old.

24 And two, I'm not asking for a
25 variance. That is how it's coming out

1
2 on paper. I'm asking for it to be
3 grandfathered, whether you call it
4 three or four or whatever, I'm simply
5 saying, I didn't build the house this
6 way, nobody knows when it would have
7 been built this way, an architect in
8 affidavits believe as far back as the
9 mid '70s, there have not been any
10 changes. That's all I'm saying. I
11 don't know what the law is. I'm not
12 trying to get a variance.

13 CHAIRMAN MOORE: We understand.
14 Mr. Prokop indicated --

15 MR. SALADINO: But you are trying
16 to get a variance.

17 MR. LIAKEAS: Well, I don't know
18 what it's called but that's not exactly
19 the case.

20 MS. MOORE: That's alternative
21 relief because --

22 MR. CORWIN: Mr. Chairman, I'd
23 like to make a motion right now.

24 CHAIRMAN MOORE: Okay.

25 MR. CORWIN: I make a motion that

1 we adjourn this public hearing, we
2 investigate additional documents, and
3 we continue it at the July Zoning Board
4 of Appeals meeting.
5

6 MS. NEFF: Mr. Chairman, before we
7 second this, I just want it to be part
8 of the record that the members of the
9 Zoning Board of Appeals did physically
10 inspect the premises, and I think that
11 that ought -- I mean there are things
12 that aren't there when you physically
13 inspect the premises. We don't have to
14 talk about what they are, but I think
15 it's important that we actually did
16 that.

17 CHAIRMAN MOORE: We indicated what
18 we observed and that they also --

19 MR. CORWIN: There is a motion on
20 the table.

21 CHAIRMAN MOORE: Okay. The motion
22 is on the table. May I have a second.

23 MS. NEFF: Second.

24 CHAIRMAN MOORE: All in favor?

25 MR. CORWIN: Aye.

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MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Any opposed.

(No response.)

So that carries. We can adjourn
it until more information is analyzed.

MS. MOORE: Do you have a July
date already?

CHAIRMAN MOORE: The July date
would be --

MS. WINGATE: The 19th.

CHAIRMAN MOORE: Our regular
schedule --

MS. MOORE: I'm sorry. My client
--

MR. LIAKEAS: I'm not gonna be
here July.

MS. MOORE: Can we move it to
August just to be sure, if that's all
right? I'd like to have him here for
the hearing.

CHAIRMAN MOORE: Okay. This
obviously is a pressing issue, so what

1
2 I'll do is, I'll make a motion to amend
3 the adjournment until the regular
4 meeting in August for the Zoning Board
5 of Appeals.

6 So moved.

7 MS. NEFF: Regular meeting is
8 usually the third, this one was on the
9 second so which one are talking --

10 MS. WINGATE: I'm going to tell
11 you right now.

12 MS. NEFF: Thank you.

13 MS. WINGATE: No problem. Let's
14 find the calendar.

15 Third Tuesday would be August
16 16th.

17 CHAIRMAN MOORE: August 16th, so I
18 make that motion that this will be
19 brought up again on the August 16th ZBA
20 meeting, and with that, we haven't
21 voted yet, so I ask for second.

22 MR. SALADINO: Second.

23 CHAIRMAN MOORE: All in favor.

24 MR. CORWIN: Aye.

25 MR. SALADINO: Aye.

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MS. NEFF: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Motion carries.

So we are trying to get some headway into this process. We have Mr. Pennessi here. We are not going to be able to conclude our full analysis of the change because we are not even aware of what they are, but if you would like to speak to what the new document represents. I actually received it as I sat down tonight.

MR. PENNESSI: It's shocking and concerning.

CHAIRMAN MOORE: It was sent on June 9.

MS. WINGATE: It never came hard mail, it --

MR. PENNESSI: The revised site plan is responsive to the April 18th Department of Transportation comment letter that we had discussed on the record at, I believe certainly the May meeting, perhaps the April meeting as

1
2 well.

3 We can go through the DOT letter
4 in detail if you would like. It does
5 not impact the variances being
6 requested, but for the request by the
7 DOT to add a bike rack.

8 The bike rack being proposed is
9 not located on the property. It's
10 located within the public right of way
11 at the corner of Front and Third
12 Streets. I can direct you exactly to
13 where it's located on the plan,
14 otherwise we can go through the DOT
15 letter, each of them describe, each of
16 the items raised by the DOT described
17 means and methods for construction, a
18 requirement that when we do
19 construction we clear catch basins. If
20 we disrupt a sidewalk, we repair the
21 sidewalk. The granite curbing gets
22 disrupted, we repair the granite
23 curbing.

24 Additionally, to the extent any
25 right of way or easement is required

1
2 for the State to allow the traffic
3 signals to remain, we would have to
4 grant those easements.

5 Currently proposed, there is no
6 requirement for an easement because
7 they're located entirely off site.

8 CHAIRMAN MOORE: Well, I
9 understand now the bike rack is being
10 on public property, not on private
11 property; are you saying it's Village
12 --

13 MR. PENNESSI: It's located in the
14 public right of way. If you look,
15 it's, if you look on the plan, it's
16 kind of in the upper left corner, if
17 you see the course and distance north
18 forty-two eighteen forty-five east,
19 it's located just to the right of that.

20 So the remainder of the revisions
21 were basically the addition of notes.
22 You'll see on the left-hand side,
23 there's general notes 1 through 5 and
24 DOT general notes 1 through 11, that
25 was simply adding notes that the DOT

1
2 requested we add to the site plan to
3 make sure that we complied with the DOT
4 requirements when we commence
5 construction.

6 CHAIRMAN MOORE: So if you're
7 saying there are no substantial changes
8 to the overall plan, we could take any
9 additional public testimony. I don't
10 know if it is in our interest at this
11 point to move as quickly as possible to
12 close the hearing. I don't know that
13 we would since we need to digest any
14 information that you've supplied, but I
15 think it would be beneficial to take
16 any comments from the public since they
17 are aware this plan is on the table, on
18 the agenda for discussion; so is there
19 anybody from the public that would like
20 to talk regarding the SAKD proposal for
21 Third and Front Street.

22 MR. REED: All these new
23 proposals, have you had -- you haven't
24 had chance to --

25 I'm sorry, Mike Reed 430 Front

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Street.

With all these new proposals, you guys haven't had a chance to even peruse through all the changes, correct?

CHAIRMAN MOORE: No, we haven't and --

MR. REED: So that's kind of a moot point.

CHAIRMAN MOORE: But the public, we do want to take --

MR. REED: To be fair to you guys to go over everything.

CHAIRMAN MOORE: We're going to take the time to go over it.

MR. REED: All right. I'm just saying.

MR. SALADINO: But it's an ambitious application, it's --

MR. REED: Which should take time to --

MR. SALADINO: We understand that. Right now, I think what we're looking for from the public is an overall

1
2 comment on the project. As far as the
3 revised site plan, obviously you have
4 the right to comment about that when
5 you examine it, but there are some
6 other issues with the application that
7 I'm sure this Board would like to hear
8 from the public, parking, height, lot
9 coverage.

10 MR. REED: We didn't go over that
11 last time.

12 CHAIRMAN MOORE: We actually have
13 gone through the request for
14 interpretations which were numerous and
15 those were completed, and so now the
16 variances have to do with a small
17 excess of lot coverage. There are some
18 set-back issue for trellises, along two
19 property lines, there is a variance for
20 steps at the front. There is a front
21 yard set back for a raised outdoor
22 dining area that is proposed to be
23 within the required set back. There is
24 a variance for 24 parking spaces which
25 are required.

1
2 It is 24 still, or is it more; I'm
3 try to think, that number doesn't sound
4 right?

5 MR. SALADINO: Did you adjust the
6 seating in the restaurant?

7 CHAIRMAN MOORE: That would be
8 helpful to know.

9 MR. PENNESSI: The seating was
10 adjusted from 70 indoor and 10 exterior
11 to only 60 interior, which reduces the
12 parking requirement for that use from
13 16 to 12, so that would reduce the
14 parking requirement from 36 to 32.

15 CHAIRMAN MOORE: 36 to 32. This
16 still states 24. That may be a mistake
17 then, so you're saying it's now 32
18 spaces which is still --

19 MR. PENNESSI: With 12 provided
20 currently.

21 CHAIRMAN MOORE: Sorry. Yes.

22 MS. WINGATE: But there are things

23 --

24 You have eliminated all the
25 outside dining?

1
2 MR. PENNESSI: We have eliminated
3 the outside dining.

4 MS. WINGATE: And now your setback
5 is back the six feet.

6 MR. PENNESSI: We would like to
7 discuss and see what the Zoning Board
8 is willing to approve in the way of
9 variances.

10 To be specific, this response,
11 responsive site plan was for DOT
12 purposes, so we revised it according to
13 the DOT purposes. Excuse me responsive
14 to the DOT comments. This is not the
15 site plan that addresses the variances
16 that we are seeking, so to the extent
17 the variances are granted, the DOT
18 submission will need to be revised.
19 The only change to the site plan
20 offered for variance purposes is
21 addition of this bike rack that's not
22 located on site. Otherwise, the
23 structure has not changed.

24 CHAIRMAN MOORE: Just to continue
25 so the public knows, so we do

1
2 understand there is somewhat a changing
3 the required parking, 36 to 32.

4 There is a variance request for
5 off-street loading berth which is
6 required, and there is a variance
7 request for height, a 12-foot variance
8 from the maximum height of 35 feet; and
9 looking for number 3, if I can get to
10 it, there are eight, I believe. There
11 it is. Also the third story, two
12 stories being the maximum, so that is
13 the collection of eight variances that
14 are currently on the table, so that is
15 what we're seeking any additional
16 public comment on. The public has made
17 comments previously when we were
18 actually looking for technical issues
19 on interpretation, but we accepted
20 those --

21 MR. REED: What was your final on
22 that, your height with the elevator,
23 which you have a maximum of 35 with the
24 elevator, should be what? 42.

25 CHAIRMAN MOORE: It was an

1
2 additional 12 feet.

3 MR. REED: Twelve feet. What are
4 you deeming the elevator non -- how are
5 you deeming that elevator, is it still
6 considered at 42 feet? Doesn't it need
7 another variance for the height?

8 CHAIRMAN MOORE: The plan that's
9 currently proposed brings the height of
10 the building to 47 feet.

11 MS. GORDON: That's the height
12 variance of 12 feet.

13 CHAIRMAN MOORE: Let's just ask
14 for public comments at this point and
15 it's going to be -- there's a lot of
16 changing issues.

17 Yes.

18 MS. POLLACK: Karen Pollack, Third
19 Street. I'll try to make it as quick
20 as I can.

21 I live here. Greenport is my
22 home. Our code says we're supposed to
23 be reducing nonconformity. This
24 building is too high, it's too big,
25 doesn't have the proper setbacks. You

1 want to eliminate a loading zone. Just
2 try to pass a truck making a delivery
3 parked in the middle of the street.
4 You want to be excused from 20 required
5 parking spaces twenty-four twenty
6 (sic). I don't care, if you can't find
7 a place to park in the Village for six
8 months out of the year anyway and now
9 you want to be excused from these
10 requirements.
11

12 I just want to say I'm opposed to
13 all of there variances.

14 Thank you.

15 CHAIRMAN MOORE: Thank you.

16 MS. ALAN: Chatty Alan, Fifth
17 Avenue.

18 From the time I first heard about
19 the project, even though I think this
20 is a beautiful building, restaurant and
21 hotels, I have said from the very start
22 not on that teeny tiny lot. There is
23 no way you can put a restaurant and two
24 floors of hotels plus shops down below
25 on the tiny little square. There is no

1 way. You're going to have it butted
2 right up to the sidewalk. Turning
3 into, if you actually look as you're
4 coming up to the light, you're turning,
5 you're in the turning lane, so you're
6 talking anyone pulling in and out of
7 there, you got the traffic lane, you
8 want to get rid of a loading berth. I
9 drive a 66-passenger school buss. I
10 use that road Monday through Friday
11 September to June and during the
12 summer. It is hard enough coming up
13 Third Street in a car, try it in a
14 school bus when you've got trucks and
15 people blocking the turning lane. I'm
16 dealing with this with the ferry
17 because people don't stay in their
18 lane. You're gonna add more
19 congestion, more back ups. You're
20 going to have accidents at that corner.
21 It's a beautiful site. It's a
22 beautiful building, but it needs to
23 find a larger space to go on.

24 I can't see granting -- I mean, to

1 build something that needs eight
2 variances and they're not little tiny
3 ones, these are major variances, and I
4 strongly suggest you deny it all.

5 Thank you.

6 CHAIRMAN MOORE: Would there be
7 somebody else this evening?

8 (No response.) Okay.

9 I think as we indicated in
10 fairness to ourselves and also some of
11 the other applicants, we have to move
12 along; I'm going to propose that we
13 adjourn the public hearing until next
14 month, and we will take up the actual
15 final discussions from the public, and
16 then we can have time to work with the
17 applicant.

18 We gave him the option last time
19 of picking his variances one by one as
20 he would like for us to consider, and
21 we will deal with them, we'll discuss
22 them, and then at some point, we'll
23 have to complete coordinated review,
24 which we do have information on.

1
2 because we're going to do it anyway.

3 MR. PENNESSI: May I see a copy of
4 the comments from the Village Board?

5 CHAIRMAN MOORE: They should have
6 been sent to you.

7 MR. PENNESSI: No, they were not.

8 CHAIRMAN MOORE: It can be
9 provided, yes.

10 MR. PENNESSI: When did the
11 Village Board make the comments?

12 CHAIRMAN MOORE: The zoning?

13 MR. PENNESSI: When did the
14 Village Board make the comments?

15 CHAIRMAN MOORE: Let me look at
16 that. It was sent to me by e-mail, but
17 it --

18 ATTORNEY PROKOP: It was the Third
19 week of May.

20 CHAIRMAN MOORE: May 25, and it
21 may be revised. Although the
22 communications haven't been perfect. I
23 could give you this, it's from my own
24 e-mail, but here is a copy of the file
25 and then the notice.

1 MR. PENNESSI: Have we determined
2
3 when the notice was initially
4 distributed --

5 ATTORNEY PROKOP: No.

6 MR. PENNESSI: To commence
7 coordinated review.

8 ATTORNEY PROKOP: I think it was
9 the first week of April.

10 MR. PENNESSI: We don't have the
11 exact date?

12 ATTORNEY PROKOP: No, I don't.

13 MR. PENNESSI: Is there a draft
14 SEQRA resolution available yet?

15 ATTORNEY PROKOP: No. Not at this
16 point.

17 CHAIRMAN MOORE: I'll make the
18 motion that we adjourn the public
19 hearing until the July meeting and ask
20 for a second.

21 MR. SALADINO: Dinni Gordon second
22 already.

23 MS. GORDON: Second.

24 MR. CORWIN: Before we --

25 CHAIRMAN MOORE: Any discussion?

1
2 MR. CORWIN: Before we vote on it,
3 I think you should mention where you're
4 going to be in July. Maybe some --

5 CHAIRMAN MOORE: I'm not going to
6 be available in July to be here at the
7 scheduled meeting time. We have not
8 discussed the normal meeting is July
9 19, I have a family and medical
10 obligation, so I will be away the 18th
11 and 19th, so we could meet with four
12 people as scheduled. I'm trying to get
13 us on the third Tuesday of the month.
14 This was an exception.

15 If the Board wants to entertain a
16 different day, I suggest we stay with
17 that date and work with it.

18 MS. GORDON: Or we could do one
19 week earlier and --

20 CHAIRMAN MOORE: We're trying to
21 get back on schedule, so my plan is to
22 be absent next month, so we're
23 adjourning until July 19, which is our
24 next regular meeting at which we hope
25 to discuss directly, close the hearing

1
2 and discuss directly the eight variance
3 proposals.

4 Do I have a second on that? I
5 did.

6 All in favor?

7 MR. SALADINO: Aye.

8 MS. NEFF: Aye.

9 MS. GORDON: Aye.

10 MR. CORWIN: Aye.

11 CHAIRMAN MOORE: Any opposed?

12 (No response.)

13 That motion carries, and we will
14 discuss it again next month.

15 We're now on number 3 which is a
16 public hearing for an area variance
17 sought by Sarah Latham, 817 Main
18 Street, Greenport, New York 11944,
19 Suffolk County Tax Map 1001-2-1-25.
20 The property is located within the R-1
21 District and also within the Historic
22 District.

23 The applicant seeks a building
24 permit to increase the numbers or
25 rental bedrooms to an approved bed and

1
2 breakfast. The existing bed and
3 breakfast has an approved site plan
4 dated April 20, 1992 for use as a bed
5 and breakfast which is a conditional
6 use. The Village of Greenport code
7 section 150 B, 7C and the Planning
8 Board resolution limit the number of
9 rooms to three for lodging and serving
10 breakfast. The applicant seeks to
11 increase the number of bedrooms from
12 three to four rooms requiring a
13 variance of one bedroom capacity.

14 I will get out the
15 notifications.

16 I should just indicate in
17 background that the Village -- the
18 Village Board has already considered
19 changing the code from three to five
20 bedrooms. There was lots of
21 discussion. The Planning Board made
22 recommendations in support of that, and
23 the Village chose not to change the
24 code.

25 In passing, I guess I could say,

1
2 along with that, not act on changing
3 the code, they reference that any
4 request for changes and number of
5 bedrooms could be dealt with by the
6 Zoning Board of Appeals on a
7 case-by-case basis, and that's why
8 we're here.

9 The notifications, I don't seem to
10 have the notifications. I think I
11 might have the wrong --

12 MS. WINGATE: Right there.

13 CHAIRMAN MOORE: Okay. The owners
14 notified were Margo Grid (phonetic),
15 636 Second Street, Debra Shapiro, which
16 is a New York Address, but is the
17 property across the street and to the
18 north, Gregory Rhinow, 823 Main Street,
19 which is to the north, the Boatright
20 Group LLC, 639 Second Street, not sure
21 which place that is, it's to the south.
22 James Betts, which is immediately to
23 the south, that's a city address, the
24 Episcopal Church across the street,
25 Post Office Box 502, Greenport and 817

1
2 Main Street LLC, which is the address.
3 Those are the notifications. I believe
4 it appeared in the paper, and a placard
5 has been put out according to previous
6 discussion since a week ago Monday.
7 The applicant is here, and could speak
8 regarding the application.

9 MS. LATHAM: I just wanted to, I
10 guess, introduce myself and give a
11 little bit of information.

12 My name is Sarah Latham, and I am
13 the owner of the Fordham House Bed and
14 Breakfast located at 817 Main Street.

15 I'm requesting an area variance
16 that would allow for the rental of one
17 additional bedroom on the second floor
18 for a total of four rooms for lodging,
19 serving breakfast, and up to eight
20 transient roomers.

21 I am a graduate of Greenport High
22 School and I returned to the North Fork
23 in hopes of raising a family here. I
24 chose to run a B and B because I love
25 hosting visitors to our Village. I

1
2 love to help guests figure out which
3 beach, which winery, which restaurant,
4 or which event would be just right for
5 them. I market our beaches, our
6 wineries, our restaurants and our
7 events all year long. I shop at the
8 market. I buy gifts at Verbena. I
9 drink local wine.

10 AUDIENCE MEMBER: Excuse me. I
11 just think we have somebody here
12 standing and everybody up there is
13 talking. I just think --

14 CHAIRMAN MOORE: I just advised to
15 shush. Thank you.

16 AUDIENCE MEMBER: Thank you.

17 CHAIRMAN MOORE: We will try and
18 listen without speaking.

19 MR. SALADINO: We're following
20 along.

21 MS. LATHAM: And I sponsor the
22 Greenporters football team each year.
23 I chose to run a B and B because I
24 couldn't afford to pay the mortgage on
25 a house in Greenport otherwise, and I

1
2 wanted to live where I grew up and be
3 able to enjoy all of the things that
4 tourists visiting our Village enjoy.

5 But running the B and B is not a
6 moneymaker. I continue to work part
7 time and my husband works full time at
8 Peconic Landing. The B and B is, as my
9 accountant loves to remind me, a labor
10 of love. Renting another room could
11 make an important difference to our
12 success. There would be no changes to
13 the property, the exterior or the
14 interior of the home in order to meet
15 the existing regulations.

16 Both the State of New York and
17 the Town of Southold limit bed and
18 breakfast to a maximum of five rooms.

19 I encourage Greenport to allow me
20 to increase my own number of rooms to
21 four in an effort to grow my business.
22 A business that provides safe,
23 regulated rooms for visitors to
24 Greenport with owners on premises and
25 proper parking for each of the rooms.

1
2 Thank you, and I appreciate your time
3 and consideration.

4 CHAIRMAN MOORE: Just a quick
5 question before we open this to the
6 public.

7 It may be on some of your plan
8 diagrams, but could you indicate what
9 your lot size is?

10 MS. LATHAM: I believe I'm .48
11 acres, I want to say.

12 CHAIRMAN MOORE: So nearly half an
13 acre, it would be in the neighborhood
14 of --

15 MS. LATHAM: I have my --

16 CHAIRMAN MOORE: -- 22,000-square
17 feet.

18 I'm just trying to indicate the
19 range in which your property might or
20 might not fit to the minimum
21 requirement of 10,000. Is that
22 correct, Eileen?

23 MR. SALADINO: 10,000.

24 CHAIRMAN MOORE: 10,000. The only
25 reason I mention that is that during

1
2 discussion about the possibility of
3 expanding the code to accommodate more
4 bedrooms, there was some discussion
5 about increasing lot size requirements
6 along with bedrooms, so I just wanted
7 to see --

8 MS. WINGATE: It should be on the
9 survey.

10 MS. NEFF: It's on the survey,
11 which I believe we have a copy of.
12 It's 21,805. It is approximately 290
13 feet deep, it includes not only access
14 from Main Street but also from Webb
15 Street. In other words, it's an
16 L-shaped lot.

17 MR. SALADINO: I would just like
18 to comment that it's, in fact, true
19 that New York State allows up to five
20 rooms, but the next sentence in that
21 law, they decide to leave it to the
22 municipalities.

23 MS. LATHAM: I understand.

24 MR. SALADINO: Also, we mentioned
25 Southold. Southold technically doesn't

1 allow B&Bs. All B&Bs in the Town of
2 Southold are by special exception, so
3 there's no as of right for B&B. You go
4 before the Planning Board, you go
5 before Zoning, and they decide how many
6 rooms are allowed up to a maximum of
7 five.

8
9 MS. LATHAM: I think that might be
10 the reason that I felt it was
11 worthwhile bringing that up, is just
12 that I would still be within the
13 definition of a bed and breakfast, not
14 any larger, like a hotel or an inn --

15 MR. SALADINO: No, I certainly
16 understand that.

17 MS. LATHAM: And then a
18 case-by-case basis.

19 MR. SALADINO: I certainly
20 understand that, but I'm from Southold
21 also, B and Bs, the amount of rooms
22 that are allowed, how it's determined
23 is also by the size of the property.

24 In all the district, except
25 affordable housing, B and Bs are

1
2 allowed, again, by special exception,
3 and it just, I just find it at the last
4 public hearing it was mentioned that,
5 well Southold allows it. As the
6 hearing before that, it was mentioned,
7 well, Southold allows it; and that's,
8 in fact, true, but there are
9 conditions.

10 Nobody mentions -- and if we are
11 going to bring up Southold, we might as
12 well bring up Shelter Island. Shelter
13 Island allows B and Bs five rooms only
14 in the Business District, two rooms in
15 the Residential District. East Hampton
16 Town, two rooms, East Hampton Village,
17 two rooms. My own research, I stop
18 counting at 30 municipalities that in
19 New York State that limited to three
20 rooms, so I just wanted to clear that
21 up. It's just five rooms in the state
22 and in Southold Town is not as a right.
23 It's not automatic. It's decided by
24 the local municipality.

25 CHAIRMAN MOORE: I think you

1 concluded, yes.

2
3 Now we'll take it up for the
4 members of the public. Just before
5 that, I should just read, there were
6 two letters from the public. One is
7 from James Betts who is the property
8 owner to the south in the remodeled
9 house.

10 I'm writing in regard to the
11 request made by Sarah Latham of 817
12 Main Street LLC for an area variance to
13 increase the number of rental rooms
14 from three to four improved B&Bs. As a
15 neighbor to the Fordham House, I
16 support this request.

17 Second letter from Gregory Rhinow.

18 I am writing in regards to the
19 request made by Sarah Latham, 816 Main
20 Street LLC for an area variance to
21 increase the number of rental bedrooms
22 from three to four approved bed and
23 breakfast. As a neighbor to the
24 Fordham House, I support this request.

25 So members of the public who would

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like to speak.

MR. CORWIN: Can I just notice one thing.

CHAIRMAN MOORE: Yes.

MR. CORWIN: It's kind of a form letter, they're both the same.

CHAIRMAN MOORE: Yeah, they are quite similar, but they are signed by each owner.

MR. CORWIN: They're signed, yes.

MS. GORDON: They are the people who are directly to your north and south, correct?

MS. LATHAM: Yes. And I would say I have a good relationship with both of them.

CHAIRMAN MOORE: I have read the two letters and public comment.

Chatty Alan.

MS. ALAN: Chatty Alan, Fifth Avenue.

First of all, I support this 100 percent. I think because I was at most of the meetings when they discussed

1
2 going with bed and breakfasts from
3 three to five rooms, that I think the,
4 if I'm not mistaken that the Board and
5 the mayor felt her property is the only
6 one that can increase by another room.

7 None of the other B and Bs have
8 enough coverage to be able the expand,
9 Sarah does, and like she said, I've
10 known her since teeny tiny, so yeah,
11 I'm rooting for her. She is trying to
12 raise her business and still be able to
13 afford to be here. I think with all of
14 the illegal B and Bs, you might want
15 call them, with these houses, all
16 throughout Greenport and Southold Town
17 that are being rented out to fifteen
18 people, there is no regulation, no
19 nothing. She is following everything
20 to the letter, and I think the Board's
21 decision to have someone come to you
22 was the fact that these other B and Bs
23 don't have the room, so if they made,
24 okay B and Bs can go to five rooms now,
25 you're going to have more substandard

1
2 lots, and I think that was if I'm not
3 mistaken, the reasoning behind let's do
4 case-by-case. This B and B has ample
5 room to expand. It's one of the nicer
6 ones that I have seen around, and I
7 really hope that you do the right thing
8 and approve this variance. It's not
9 like the one on the corner that's
10 trying to put 16 hotel rooms in a
11 little box she's got plenty of room to
12 do this, and I encourage you to please
13 give her the variance.

14 Thank you.

15 CHAIRMAN MOORE: Yes. The
16 gentleman in the back.

17 MR. RUTTER: I'm Pat Rutter
18 (phonetic), the Boatright Group at 639
19 Second Street, and I received the
20 letter as you indicated last week.

21 CHAIRMAN MOORE: Yes.

22 MR. RUTTER: I am in support of
23 Sarah because, as Chatty said, we need
24 to help these local business people
25 grow their business. As opposed to the

1
2 Airbnb directly across the street from
3 me that nine bedrooms, but that's
4 beside the point in this meeting. I
5 urge you to support her expansion.

6 CHAIRMAN MOORE: Thank you. Mike.

7 MR. REED: Mike Reed, Front
8 Street.

9 She is a nice kid. She grew up
10 here like most of us here. I'd rather
11 see that, most of the people that have
12 a bed and breakfast are nice people,
13 they're cordial, nice neighbors, they
14 spend their money because that's their
15 equity for their livelihood. You put
16 everything in, correct, you and your
17 husband, you worked hard for it.

18 I'd rather see that than
19 affordable housing because you get all
20 kinds of trash, you know, and I'm just
21 Tired of seeing it. You got places,
22 you're over abundant of affordable
23 housing. These people live here. They
24 take care of it, not like the people
25 with affordable housing, they just

1 collect a check.

2 This kid lives here, you know,
3 she's doing the right thing. She came
4 to the Board. Most of the people,
5 running joke was for years, do it and
6 ask forgiveness afterwards, that was a
7 running tag in Greenport. You know.
8 I'd like to see it. It's a great deal,
9 you know. She works hard. She put her
10 equity into everything. Correct? You
11 know what; it's not like she like I
12 said, you're not some landlord who just
13 once a month takes a check or every
14 week you bang somebody illegal or
15 whatever 500 bucks a week. You know
16 who they are, so you know what, do the
17 right thing.

18 MR. WEISCOTT: Jack Weiscott
19 (phonetic), 229 Fifth Avenue. This is
20 just a suggestion I have that when you
21 first started this applicant's hearing,
22 you mentioned the letters that were
23 sent out to the various neighbors. I
24 just wanted to share something. I was

1 speaking with someone from another
2 jurisdiction goes before Zoning Board
3 and Planning Board all the time and
4 it's commonplace there, the letters are
5 sent out registered and the applicant
6 has to bring proof that they were
7 delivered because there have been quite
8 a few instances I know with the
9 variances that are being sought on our
10 street where all the letters are not
11 delivered to all the people, so I think
12 possibly you might consider requiring
13 registered mail for the notifications
14 of neighbors in the future, just a
15 suggestion.
16

17 MS. WINGATE: All of our notices
18 go out certified mail. They go out
19 certified mail --

20 MR. WEISCOTT: Now they do?

21 MS. WINGATE: They always have.
22 As long as I've been here for ten
23 years, they have always been certified
24 mail.

25 MR. WEISCOTT: Four years ago,

1
2 several people on our street did not
3 get the notification.

4 MS. WINGATE: Can I finish?

5 MR. WEISCOTT: Yes.

6 MS. WINGATE: We use a program
7 that's given to us by the Town of
8 Southold and it's tied into their tax
9 assessor's office. If you have the
10 wrong address listed with the tax
11 assessor, if you live in the city and
12 you get your mail there, that's where
13 your mail is going to go. If you own
14 multiple buildings in the Town of
15 Greenport, wherever your tax bill goes,
16 that's where you'll get your certified
17 mail, that's the way it's always been
18 done.

19 MR. WEISCOTT: It's kind of
20 flawed.

21 MS. WINGATE: Excuse me.

22 MR. WEISCOTT: It's flawed because
23 on Fifth Avenue, we never got it.

24 AUDIENCE MEMBER: It's your
25 mailman.

1 MS. LATHAM: It could be your
2 mailman.

3 (Whereupon, several conversations
4 took place simultaneously.)

5 CHAIRMAN MOORE: Any comments
6 regarding the application?

7 MR. KEHL: Bob Kehl, 242 Fifth
8 Avenue.

9 I'm in favor of this. They have
10 the property. They've got plenty of
11 room there, they got room for parking.
12 They're not asking for an addition on
13 the house, and it's hard work doing B
14 and B, I used to do it. They're from
15 the community, they live in the house
16 themselves, so they're owner-occupied,
17 they're not going to let it go to hell,
18 so I'm very much in favor of it.

19 CHAIRMAN MOORE: Okay.

20 MS. POLLACK: There has to be one.
21 Karen Pollack, First Street. I'm sorry
22 to swim against the tide, I am quite
23 sure and convinced that Ms. Latham is a
24 lovely person and runs a wonderful
25

1
2 business, but in my opinion in a
3 Village with the population density as
4 high as it is in Greenport, I feel that
5 the three- bedroom B and B law that we
6 have is extremely generous on its face.
7 To be able to rent out three bedrooms
8 and operate a hotel, I feel is generous
9 enough, and that if you approve
10 additional bedroom or bedrooms for any
11 applicant, how are you going to say no
12 to the next one.

13 Thank you.

14 CHAIRMAN MOORE: All right.

15 Anybody else?

16 MS. PETERSON: Diane Peterson, 228
17 Sixth Avenue.

18 Seeing as this particular variance
19 would not change the outside of the
20 house or she's not asking for anything
21 large as far as variances go. She can
22 provide the parking, everything can be
23 met within the codes that you're
24 working with. I feel that this should
25 be accepted and allowed. There are

1
2 other issues in the Village obviously,
3 the Airbnbs, different time, different
4 conversation going that way, but in
5 this particular case, she is doing
6 things the right way. She has the
7 room. She has the parking. Everything
8 fits within the codes. I think this
9 should be granted.

10 CHAIRMAN MOORE: Chatty, did you
11 want to add one quick comment?

12 MS. ALAN: Yeah, I just want to
13 add one quick comment to what was said
14 prior to that.

15 That if you let one, if you let
16 her do it, they're all going to want to
17 do it. It dovetails with what Diane
18 just said, she's not asking for yardage
19 for variance for, you know, not enough
20 parking, everything is contained.

21 Another B and B comes, they're gonna
22 want setbacks, they're going to want
23 not to have the right parking, and
24 that's where you can say no. This is a
25 structure that is there. There is

1 room. She's not building out, she's
2 not moving her yard, she has ample room
3 to do it. That's the difference
4 between her B and B and say the one on
5 the corner of Fifth the Front, and as
6 far as more people in the Village,
7 there are more -- I went on Airbnb,
8 just to look, there are more houses
9 within -- within the, just the Village
10 that are renting them out, ten, twenty
11 people for a weekend. She's adding
12 what, two extra people every now and
13 then, and that's why I strongly
14 suggest, like everyone else said, she
15 should be granted the variance.
16

17 Thank you.

18 MR. SALADINO: Where is there a B
19 and B on Fifth and Front?

20 MS. ALAN: Isn't the old --

21 AUDIENCE MEMBER: Tapestry.

22 (Whereupon, several conversations
23 took place simultaneously.)

24 CHAIRMAN MOORE: Any other members
25 of the public wish to comment?

1 MR. SALADINO: Sarah, you were
2 going to give us an updated --

3 MS. LATHAM: Do that now?

4 MR. SALADINO: Sure.

5 MS. LATHAM: So at the last
6 meeting in May, I guess it was, there
7 had been a concern about the square
8 footage of one of the rooms, so I went
9 back to that room, and I was doing the
10 measurements, and so I just want to
11 pass these down (handing).
12

13 I had had plans for the rooms
14 given to me by the previous owner that
15 she had had them done by somebody that
16 she knew, an architect. I had had
17 these done, so I remeasured and here is
18 the situation: The room is a total of
19 a hundred and -- I need to take one of
20 the copies back for myself, sorry.

21 130-square feet, but I was counting the
22 closet, which I was told is not livable
23 space, so then when you subtract that,
24 it's just shy, like a foot-and-a-half
25 shy of the square-footage requirement

1
2 per the code, so then I'm all worried
3 and I'm looking again and I noticed
4 there is molding all around the side
5 because it's a beautiful house, I'd
6 invite anybody to come to take a look,
7 it's got really great woodwork,
8 beautiful molding, so when you subtract
9 the molding, it will be 120.5 square
10 feet, which is within the code, so if I
11 must, I would remove the molding so
12 that my floor space is enough. I don't
13 know, that's something that you have to
14 tell me.

15 MR. SALADINO: My contention is,
16 We have a hand-drawn drawing from you,
17 and we have the set of plans by the
18 licensed architect. The licensed
19 architect says that there's, with the
20 molding 120.8-square feet. If you
21 subtract -- the licensed architect says
22 there's 9.7 square feet of closet
23 space.

24 MS. LATHAM: I get 126.875 less
25 the 9.722 for the plans per the

1 drawing.

2
3 CHAIRMAN MOORE: Perhaps what I
4 could do is just kind of displace this
5 question a bit. We're approving
6 basically a conceptual issue, the
7 allowance for a certain number of
8 bedrooms. The building inspector
9 through the code requirements and I
10 believe this does become a Planning
11 Board approval for a revised plan.
12 They could certainly handle it, and
13 even though we might permit you a
14 variance or not, but if we do, Planning
15 Board still has to approve it, and they
16 can deal with it. I like to let other
17 people do things that are hard to
18 figure out.

19 MR. SALADINO: I just have a
20 problem approving a concept as opposed
21 to the actual space. The actual space
22 is illegal by New York State Fire and
23 Building Code, how can we say you can
24 put the bedroom?

25 CHAIRMAN MOORE: With a condition

1
2 in any kind of motion that it must meet
3 the standard. I just think we're kind
4 of spinning our wheels if we don't
5 know.

6 MR. CORWIN: I think it's an
7 important question because it would
8 require a variance at some point if it
9 went back to the Planning Board. It
10 wasn't accurate, so why don't we leave
11 the hearing, adjourn or open to --

12 MS. LATHAM: Well, I can tell -- I
13 mean.

14 MR. CORWIN: -- somebody to the
15 point that we're confident the
16 information is correct.

17 MS. GORDON: I don't think this
18 has much to do with the question that's
19 been put before us, which is about the
20 extra room, and I wouldn't like to
21 think that a consideration of that
22 which might be a Planning Board
23 decision is going to color the decision
24 that we have been asked to make as the
25 ZBA, so I hope we're through with this

1
2 part of the discussion and we move on
3 to what the ZBA is supposed to be
4 doing.

5 MR. SALADINO: The -- well, the
6 ZBA deals with building and land uses
7 and dimensions and sizes and --

8 MS. GORDON: But what's before us
9 today is --

10 MR. SALADINO: What's before us is
11 an illegal room, is the concept that
12 this room doesn't meet New York State
13 Building Code.

14 MS. GORDON: I thought what was
15 before us today was consideration of
16 whether or not a fourth -- essentially,
17 the Village Board has passed the buck
18 to us to make individual decisions
19 based on, kind of a discretionary
20 evaluation of the validity of the
21 application and the appropriateness of
22 the applicant; and I think that's what
23 we should be doing here, and leave the
24 room size, if we approve a fourth room
25 to the consideration of the Planning

1 Board.

2
3 MS. NEFF: I also, we're talking
4 about a very small amount of space and,
5 in fact, although you talked about,
6 somebody on the Board talked about
7 floor and molding and included, in fact
8 when you measure a room, you're
9 interested in the volume of the room as
10 well, so the molding is not, I mean,
11 it's substantial in this case, we've
12 got a baseboard, we've got the molding
13 in front, it's got to be at least
14 three-and-a-half or four to:
15 Four-and-a-half inches, so I don't see
16 -- I'd like the Planning Board to make
17 this decision, but on the other hand,
18 neither do I see the differences
19 between this room and what would meet
20 the needs of a bedroom in a B and B, I
21 don't see that there is a problem.

22 MR. SALADINO: I see my role here
23 as dealing with the code, not with what
24 --

25 AUDIENCE MEMBER: Excuse me.

1
2 MR. SALADINO: One second. I feel
3 our job here is to deal with the code,
4 and if we follow the code, that's fine,
5 if we don't, you know, however this
6 Board goes is decided by individual
7 vote. I kind of think that if it's in
8 the code, you should consider it, it
9 shouldn't be all consuming, but you
10 should at least consider it.

11 I'm sorry.

12 CHAIRMAN MOORE: Bob, very
13 quickly.

14 BOB: In all my years of building
15 Houses, it's over 35 now, they never
16 determine the size of your the room
17 based on your baseboard, it is
18 wall-to-wall not
19 baseboard-to-baseboard.

20 MR. SALADINO: It's floor space.

21 MR. CORWIN: Floor space.

22 BOB: It's wall to wall.

23 MR. SALADINO: No, it's floor
24 space.

25 BOB: It's wall to wall.

1
2 ATTORNEY PROKOP: We're not
3 talking about the molding. If her
4 architect said it's 126 less nine feet
5 for the closet, we're not talking about
6 the moldings, it's something else.

7 CHAIRMAN MOORE: Do we have a
8 determination, is there any clear
9 determination whether the room meets
10 adequate building codes.

11 ATTORNEY PROKOP: I think it seems
12 clear that it does not meet, I think
13 that the only -- if you want, if you're
14 inclined to approve this, it could only
15 be with the condition that the room is
16 brought into -- she is allowed to have
17 four rooms provided the rooms conform
18 with the other requirements of the
19 code.

20 CHAIRMAN MOORE: That was my
21 suggestion.

22 Eileen, do you have a clear idea
23 of this room situation that you can
24 determine?

25 MS. WINGATE: I would --

1
2 ATTORNEY PROKOP: The other thing
3 is, what Eileen and I were discussing,
4 if this is a New York State
5 requirement, you cannot override a New
6 York State requirement.

7 CHAIRMAN MOORE: No. I would not
8 -- you can't give variances against New
9 York State code, but --

10 MS. WINGATE: No, you can't do
11 that. I'm trying to figure out if it's
12 New York State code that says 120 feet,
13 I know it's our local code, but I'm
14 trying the confirm if --

15 CHAIRMAN MOORE: It's in the B and
16 B code.

17 MS. WINGATE: It's definitely in
18 the local code, I don't know if it's in
19 the State code. I don't believe it's
20 part of the State code.

21 ATTORNEY PROKOP: There is no
22 request or notice for the room
23 variance, that's the problem.

24 CHAIRMAN MOORE: I mean if we --

25 MR. SALADINO: I don't have a

1
2 problem closing the hearing and my
3 opinion will be reflected in my vote.

4 MS. WINGATE: There is also --

5 MS. LATHAM: Like I said, I can
6 take that piece of molding up if that's
7 all it takes to have the room --

8 CHAIRMAN MOORE: The confusion is,
9 at this point, we don't know whether it
10 meets the minimum standard in the
11 building codes to say that that could
12 be a legal bedroom. I think in the bed
13 and breakfast --

14 MS. WINGATE: In New York State
15 code, a legal bedroom is only 70-square
16 feet.

17 ATTORNEY PROKOP: But for two
18 people, it's 110.

19 MS. WINGATE: But for two, it's --

20 ATTORNEY PROKOP: 110.

21 MS. WINGATE: Right. But that's
22 not a B and B, so just give me a second
23 here.

24 CHAIRMAN MOORE: Yes, minimum, the
25 room size under the B&B code is 120, so

1 that's the threshold.

2
3 ATTORNEY PROKOP: The only thing
4 you can do for tonight, if you wanted
5 to take action on this would be to
6 approve it based on the room, if the
7 room is brought to conformance.

8 CHAIRMAN MOORE: Is the Board
9 agreeable to bring the hearing to a
10 close and at least make some kind of
11 determination tonight?

12 MR. SALADINO: I'm willing to
13 close the hearing.

14 CHAIRMAN MOORE: If the public
15 could just hold it down a little bit.

16 We have a motion, I think I made a
17 motion to close the public hearing,
18 then there was some discussion, and I
19 don't know if we a had a second or not.

20 Motion to close to public hearing,
21 and I'll ask for a second.

22 MS. GORDON: Second.

23 CHAIRMAN MOORE: All in favor.

24 MR. SALADINO: Aye.

25 MS. GORDON: Aye.

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CHAIRMAN MOORE: Any opposed.

MR. CORWIN: Opposed.

CHAIRMAN MOORE: David. One
opposed.

So four and one, so the motion
carries; so now we're at the
deliberation point. Although we have
other things on the agenda, but we have
closed the hearing.

Thank you, Ms. Latham. I'm trying
to get some progress here.

On the regular meeting, we have
the Gleason, does the Board wish to
discuss the Gleason issue or continue
with Latham. We probably can only get
another one item, and I think the
gentleman is here. We have Gleason, so
we're going to, I think do that if
that's agreeable.

MR. CORWIN: Wait a minute. Mr.
Gleason changed his application by
tearing the garage down. It's a new
application and a new public hearing.

CHAIRMAN MOORE: It's not an

1
2 increase in variance, and as far as I
3 know, a new public hearing is not
4 required if there is not an increase in
5 --

6 ATTORNEY PROKOP: If the
7 individual variances did not increase,
8 there is no --

9 CHAIRMAN MOORE: The overall
10 setback required in the variance --

11 ATTORNEY PROKOP: But there is no
12 obligation to proceed tonight, if there
13 is an objection because there is a
14 change, you can review that change.

15 CHAIRMAN MOORE: In other words,
16 we have a public closed as of last
17 month, so the question is whether we
18 would reopen the hearing or --

19 I can explain the changes,
20 although -- do you have a
21 representative?

22 ATTORNEY PROKOP: Yes.

23 CHAIRMAN MOORE: Why don't you
24 just explain what the changes are.
25 There was originally, I'll just

1
2 mention, the shed was going to be
3 modified to be a pool house, pool
4 equipment building. The proposal has
5 changed to remove that former garage
6 and build a new shed which is
7 conforming.

8 MS. WINGATE: The shed is
9 conforming.

10 CHAIRMAN MOORE: The shed is
11 conforming.

12 The other issue was, there was a
13 single variance of 15 feet, I believe
14 prior and there are now two smaller
15 variances that add up to ten feet of
16 side yard set back.

17 MS. WINGATE: We also chose at the
18 last meeting to separate the house from
19 the pool.

20 CHAIRMAN MOORE: Right. We're
21 talking right now about the pool. We
22 could proceed with the house variance,
23 if you wish.

24 Go ahead, why don't you just, if I
25 didn't already take --

1
2 MR. LEHMAN: No, you did a pretty
3 good job of it.

4 At our last meeting, we began to
5 discuss and we didn't get into the
6 discussion part, could we center the
7 pool on the property as a way to
8 minimize the side yard requirements on
9 the pool. In speaking to my client, we
10 decided to work with that and to make
11 it less of a variance. We move the
12 pool dead center on the property by
13 demolishing the existing garage. The
14 existing garage is in poor shape, and
15 we decided if we could put the shed on
16 the back of the property in a
17 conforming location, and also we pulled
18 the pool away from the rear yard lot
19 line to a conforming location. The
20 previous application, we were eight
21 feet off of the sidewalk plus or minus,
22 and twelve feet off of the rear yards.

23 We pulled them both in. We
24 centered the pool on the side yard and
25 pulled it off of the rear yard to a

1
2 conforming location.

3 So I think it was the direction
4 that the Board wanted to go. When we
5 started the discussion, we didn't have
6 a chance to finish last month, it's
7 really the best for everything, it's
8 centered on the property, minimizing
9 all the set backs.

10 CHAIRMAN MOORE: What's happening
11 is that there are, instead of one
12 variance or two variances, but an
13 aggregate of the variance requested is
14 now smaller than the original variance
15 request for a single larger set back,
16 so essentially, the set back is less
17 from the property line.

18 So the Board, let's hear a little
19 discussion on that, what you want to do
20 about where we are with the public
21 hearing and the change to the plans.

22 MR. SALADINO: I think the revised
23 plan enhances the application, but if a
24 new -- I just don't know if a new
25 public hearing --

1
2 ATTORNEY PROKOP: If there is one
3 variance that's reduced, then you can
4 proceed. If there's now two variances,
5 where before there was one, then that's
6 a problem, even if the combined total
7 is less.

8 MS. WINGATE: There were always
9 two and there is still two.

10 ATTORNEY PROKOP: That's not what
11 Doug said.

12 CHAIRMAN MOORE: There were two,
13 now there are three, if we're counting
14 the building.

15 MS. WINGATE: Right. Leave the
16 building out, there were two and now
17 there is still two.

18 CHAIRMAN MOORE: What was the
19 other variance, there was only one
20 variance?

21 MS. WINGATE: There was a rear
22 yard and a north yard and now there --

23 CHAIRMAN MOORE: Okay. There was
24 a rear yard variance.

25 MR. LEHMAN: Correct. There were

1
2 two yard setback variances requested
3 and there are still two yard setback
4 variances.

5 CHAIRMAN MOORE: And in aggregate

6 --

7 MR. LEHMAN: They're not --

8 CHAIRMAN MOORE: The only concern
9 I have is that the garage as it existed
10 sat behind the adjoining lot to the
11 east, you know, the other lot to the
12 west is well screened. I do see you
13 have plantings in your site plan, but
14 the loss of that garage does open up
15 certain degree of this building that
16 the old garage provided. We haven't
17 heard from --

18 Mr. Kramer I believe owns that
19 property. I've talked to him casually,
20 I can't testify on his behalf, but it
21 wasn't an issue, but he wasn't aware of
22 the change.

23 MR. LEHMAN: I believe Mr. Gleason
24 did --

25 MR. GLEASON: He is aware of the

1
2 change and he didn't have a problem
3 with it. I didn't get a letter from
4 him, which I should have. I can but he
5 is actually for it.

6 CHAIRMAN MOORE: The only issue we
7 have is we worry that adjacent property
8 owners might feel differently about the
9 plans when changed, we would want to
10 reopen the hearing. We have two
11 variances going to two variances which
12 are slightly different, but less in
13 aggregate, I believe.

14 What's the Board's pleasure? We
15 can always discuss the house at this
16 point which was a closed issue.

17 MR. GLEASON: We're also taking
18 down the non-conforming building, the
19 one built with the plumbing if that
20 matters.

21 CHAIRMAN MOORE: The
22 non-conforming building could have
23 remained, but it was non-conforming.
24 Do you have any -- can I have comment
25 from the Board on what their pleasure

1
2 is?

3 MS. NEFF: I see that as the plans
4 as revised enhance the application in
5 my view.

6 MS. GORDON: I agree, and also the
7 movement was in the directions we
8 suggested. If we want to think it's
9 important to have a communication with
10 applicants, this is presumably a good
11 example of doing that successfully.

12 MR. SALADINO: I also compliment
13 the applicant. He kind of listened to
14 the offhanded suggestions that we made
15 and incorporated it into the plan.

16 CHAIRMAN MOORE: Then why don't we
17 --

18 MR. SALADINO: You know,
19 everything about the revision in my
20 eyes, I mean from the size of the pool
21 to the placement of the pool to getting
22 rid of the garage, in my mind works in
23 favor of this application.

24 CHAIRMAN MOORE: Okay. So I think
25 --

1
2 MR. CORWIN: This requires like
3 three parking spaces, right?

4 MR. SALADINO: Why?

5 CHAIRMAN MOORE: It's a one-family
6 house, correct?

7 MR. LEHMAN: It was a two-family
8 residence, Mr. Gleason is converting it
9 back to a single-family residence.

10 MR. CORWIN: So it requires one or
11 two parking places because what's
12 happened now is this parking is in-road
13 parking which really doesn't work.

14 CHAIRMAN MOORE: I don't follow
15 what you are saying.

16 MR. CORWIN: The driveway, as it
17 exists now is one driveway, so if you
18 have more than one car, you really
19 can't call it a parking space when
20 you're blocking another car.

21 CHAIRMAN MOORE: I think we
22 generally apply that when we're dealing
23 with unrelated occupants, like a
24 two-family house. I didn't know if --

25 MR. SALADINO: Or B and B.

1
2 CHAIRMAN MOORE: -- that would be
3 a really pertinent issue when we're
4 talking about a single-family dwelling
5 because that's what exists now. The
6 parking hasn't changed.

7 MR. CORWIN: It looks to me like
8 it's going to be an Airbnb rental.

9 MR. SALADINO: My thought on that,
10 David, is it was a one-car garage.

11 There was a one car garage there,
12 so there would be linear of parking
13 regardless, even if you didn't take the
14 garage down. If you have two cars,
15 there would be linear parking anyway,
16 one car in the garage, one car in the
17 driveway. This, now it's one car where
18 the garage almost was and one car
19 behind it.

20 I respect your concern but.

21 ATTORNEY PROKOP: It needs two
22 off- street parking spaces.

23 MR. SALADINO: Do they have to be

24 --

25 ATTORNEY PROKOP: They have to be

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2 -- he has to provide two off-street
3 spaces. It doesn't have to do with the
4 garage, he just has to provide parking.

5 MR. LEHMAN: The driveway, as
6 configured could handle two cars
7 easily. He asked about side-by-side,
8 but this lot would never allow that
9 because of the existing condition.

10 MR. SALADINO: I've got to agree
11 because that's how my lot is.

12 CHAIRMAN MOORE: What it was is
13 what it is.

14 MR. LEHMAN: Exactly.

15 CHAIRMAN MOORE: I think if there
16 was a change in use or conversion to a
17 two-family --

18 Too much noise. Does the Board
19 want to adjourn this hearing as
20 postponed so we can chose to reopen it
21 at this point? We could move forward
22 with that if you like.

23 MS. NEFF: Aye.

24 CHAIRMAN MOORE: So we prompted
25 last month, we're going to deal with

1
2 this in two sections, we're going to
3 decide on the variance for the house
4 which was a, if I can find it right
5 here, the side aggregate side yard set
6 back for the house was 15.25 feet
7 requiring a 9.75 foot combined side
8 yard variance. The reason for that
9 since the house already occupies, that
10 setback was the porch which is being
11 replaced, had no foundation and now a
12 foundation is being added which
13 increases the footprint, so we felt it
14 necessary to bring that into the
15 consideration and support the building
16 inspector on her determination.

17 So the first issue is to declare
18 lead agency and according the SEQRA
19 regulations, this item would be
20 Classified as a Type 2 under 617.512
21 and 13, which has to do with granting
22 setback and lot line variances as well
23 as granting area variances for single
24 two-family and three-family residences;
25 so I would make the motion that this is

1
2 a Type 2 Action and the ZBA is lead
3 agency.

4 I ask for a second.

5 MS. NEFF: Second.

6 CHAIRMAN MOORE: Mr. Corwin, care
7 to vote?

8 MR. CORWIN: Yes.

9 CHAIRMAN MOORE: Ms. Gordon?

10 MS. GORDON: Yes.

11 CHAIRMAN MOORE: Ms. Neff?

12 MS. NEFF: Yes.

13 CHAIRMAN MOORE: Mr. Saladino?

14 MR. SALADINO: Yes.

15 CHAIRMAN MOORE: And I vote yes.

16 That has been declared. What I'll do
17 is first address the house issue with
18 the addition of the porch. That has to
19 do with granting a 9.75 combined side
20 yard variance for the new porch,
21 replacing the old.

22 First question is whether an
23 undesirable change is produced in the
24 character of the neighborhood or
25 detriment to nearby properties will be

1 created by granting the area variance.

2 I'm referencing the porch.

3 Mr. Corwin?

4 MR. CORWIN: Yes.

5 CHAIRMAN MOORE: Ms. Gordon?

6 MS. GORDON: No.

7 CHAIRMAN MOORE: Ms. Neff?

8 MS. NEFF: No.

9 CHAIRMAN MOORE: Mr. Saladino?

10 MR. SALADINO: No.

11 CHAIRMAN MOORE: And I vote no.

12 That motion passes. Whether the
13 benefit sought by the applicant can be
14 achieved by some method feasible for
15 the applicant to pursue other than an
16 area variance. This is regarding the
17 porch.
18

19 Mr. Corwin?

20 MR. CORWIN: No.

21 CHAIRMAN MOORE: Ms. Gordon?

22 MS. GORDON: No.

23 CHAIRMAN MOORE: Ms. Neff?

24 MS. NEFF: No.

25 CHAIRMAN MOORE: Mr. Saladino?

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MR. SALADINO: No.

CHAIRMAN MOORE: And I will vote
no.

That passes. Whether the
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: No.

CHAIRMAN MOORE: And I vote no.
Four and one. Passes. Whether the
proposed variance will have an adverse
effect or impact on physical and
environmental conditions of the
neighborhood or district.

Mr. Corwin?

MR. CORWIN: Just to, we're just
talking about the house now?

CHAIRMAN MOORE: The porch, we'll
go back through again on the swimming

1
2 pool.

3 MR. CORWIN: No.

4 CHAIRMAN MOORE: Ms. Gordon?

5 MS. GORDON: No.

6 CHAIRMAN MOORE: Ms. Neff?

7 MS. NEFF: No.

8 CHAIRMAN MOORE: Mr. Saladino?

9 MR. SALADINO: No.

10 CHAIRMAN MOORE: I vote no. That
11 motion passes.

12 Whether the alleged difficulty
13 was self-created which consideration
14 shall be relevant to the decision of
15 Court of Appeals but shall not
16 necessarily preclude the granting of
17 the area variance.

18 Mr. Corwin?

19 MR. CORWIN: No.

20 CHAIRMAN MOORE: Ms. Gordon?

21 MS. GORDON: No.

22 CHAIRMAN MOORE: Ms. Neff?

23 MS. NEFF: No.

24 CHAIRMAN MOORE: Mr. Saladino?

25 MR. SALADINO: No.

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CHAIRMAN MOORE: And I vote no.
That motion passes. Finally, I will
make a motion that we approve the
setback variance for the construction
of the porch as presented in the plans,
and I don't believe we have any
conditions stipulated.

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
variance is granted.

We can now go back to the swimming
pool.

ATTORNEY PROKOP: I have one
question on the pool before you take a
vote on it.

CHAIRMAN MOORE: Yes.

ATTORNEY PROKOP: The plans, as I

1
2 understand the plans, the plans now
3 reflect what's called the pool shed,
4 and I think it has to be clarified
5 whether it's pool house or shed or what
6 exactly it is.

7 CHAIRMAN MOORE: I believe the
8 mechanicals still are intended to be
9 inside the shed.

10 MR. LEHMAN: That is correct.

11 CHAIRMAN MOORE: And the other
12 uses for the shed?

13 MR. LEHMAN: Storage. Storage of
14 furniture, that type of thing. There
15 is no bathroom, no running water.

16 CHAIRMAN MOORE: No indoor shower.

17 MR. LEHMAN: No.

18 CHAIRMAN MOORE: I think that's
19 clear.

20 ATTORNEY PROKOP: Okay.

21 CHAIRMAN MOORE: So then we go
22 again through the questions.

23 If the Board would allow, I'll
24 just read the abbreviated form since we
25 have been through them.

1
2 First of all, whether there is
3 undesirable change and character of the
4 neighborhood.

5 Mr. Corwin?

6 MR. CORWIN: Yes.

7 CHAIRMAN MOORE: Ms. Gordon?

8 MS. GORDON: No.

9 CHAIRMAN MOORE: Ms. Neff?

10 MS. NEFF: No.

11 CHAIRMAN MOORE: Mr. Saladino?

12 MR. SALADINO: No.

13 CHAIRMAN MOORE: And I vote no.

14 That motion passes. Achieve it by
15 another method without a variance. Mr.
16 Corwin?

17 MR. CORWIN: Say that again,
18 please.

19 CHAIRMAN MOORE: I'll read it.
20 Whether the benefits sought by the
21 applicant can be achieved by some
22 method feasible for the applicant to
23 pursue other than an area variance.

24 MR. CORWIN: No.

25 CHAIRMAN MOORE: Ms. Gordon?

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MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: No.

CHAIRMAN MOORE: And I'll vote no,
so that motion passes.

Whether the 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: No.

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

Mr. Corwin?

MR. CORWIN: Yes, I think this is

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2 gonna end up a B and B type
3 establishment.

4 CHAIRMAN MOORE: Okay. Ms.
5 Gordon?

6 MS. GORDON: Repeat the thing --

7 CHAIRMAN MOORE: Whether the
8 proposed variance will have an adverse
9 effect or impact on the physical or
10 environmental conditions in the
11 neighborhood or district.

12 MS. GORDON: No.

13 CHAIRMAN MOORE: Ms. Neff?

14 MS. NEFF: No.

15 CHAIRMAN MOORE: Mr. Saladino?

16 MR. SALADINO: No.

17 CHAIRMAN MOORE: I vote no.
18 Motion passes. And lastly, whether the
19 alleged difficulty was self-created
20 which consideration shall be relevant
21 to the decision of the Court of
22 Appeals, but shall not necessarily
23 preclude granting an area variance.

24 Mr. Corwin?

25 MR. CORWIN: Yes.

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CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: Yes.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: Yes.

CHAIRMAN MOORE: And I would also
vote yes.

That's a fail. Finally, if I
can find the revised application. So
finally, for the resolution I will make
a motion that the Zoning Board of
Appeals approve the revised plan which
has a side yard setback variance of
five feet on the west and an additional
variance five feet to the east with the
understanding that the pool is
conforming relative to the back yard
set back.

I would make that motion. I don't
believe we have applied it to
additions.

MS. NEFF: Second.

CHAIRMAN MOORE: Mr. Corwin.

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MR. CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff.

MS. NEFF: Yes.

CHAIRMAN MOORE: Mr. Saladino.

MR. SALADINO: On granting the
pool?

CHAIRMAN MOORE: On granting the
pool.

MR. SALADINO: Yes.

CHAIRMAN MOORE: And I would vote
yes, so that motion also passes.

We actually accomplished something
tonight.

MR. LEHMAN: Thanks very much.
Thank you for your time.

MR. GLEASON: Thank you.

CHAIRMAN MOORE: Please tell your
names to the court reporter.

MR. LEHMAN: Kirk Lehman, K-I-R-K
L-E-H-M-A-N and James Gleason.

CHAIRMAN MOORE: Where we are in
the process is we are in the agenda and

1
2 would be addressing the application of
3 Sarah Latham because we are to that
4 point in the agenda. That is item
5 number 4, and that is we would want to
6 be having discussion, considering the
7 time, I'm going to propose that we
8 differ the discussion and we could
9 table our discussion until next month's
10 meeting for the vote, and get on to the
11 other administrative activities that we
12 have, which are a number of
13 applications for acceptance. People
14 have been sitting here waiting to hear
15 about it, so I'll make that motion to
16 table --

17 MS. NEFF: Mr. Chairman, the
18 applicant is therefore puts off being
19 able to --

20 CHAIRMAN MOORE: It does.

21 MS. NEFF: -- and we need to ask
22 that the Planning Board to take a look
23 at this as well, correct?

24 CHAIRMAN MOORE: We do.

25 MS. NEFF: I don't see a reason

1
2 why we can't as a ZBA make a decision.

3 CHAIRMAN MOORE: Why don't I just
4 make the motion and we'll --

5 ATTORNEY PROKOP: My suggestion
6 would be with all due respect, the
7 possibility is -- I'm just concerned
8 about this application bouncing back
9 and forth a couple times because of the
10 situation with the room.

11 It's easier for me if it's
12 resolved tonight, but on the other
13 hand, putting this over for the 30 plus
14 days because we're going from the
15 second Tuesday to the third Tuesday, I
16 think that one of the things that she
17 could, she could clear this up by
18 either rearranging the bedroom or maybe
19 putting another -- if it's a Village
20 Code violation and not a State code
21 violation, she could then at the next
22 meeting, we could add that in with a
23 public notice and then resolve the
24 whole thing without having to worry
25 about --

1
2 CHAIRMAN MOORE: Then appeal for a
3 variance on room size.

4 ATTORNEY PROKOP: Right. And that
5 would be fine, and that way --

6 CHAIRMAN MOORE: And that's not
7 contesting New York State code and that
8 which is lower. What's the New York
9 State requirement?

10 MS. WINGATE: I can't get it on my
11 phone, don't believe that --

12 CHAIRMAN MOORE: I would be less
13 than 12.

14 MS. WINGATE: I don't know. I
15 have to read the book.

16 CHAIRMAN MOORE: If there were a
17 new variance, there would be a new
18 hearing.

19 MS. LATHAM: If I -- Just out of
20 curiosity, if I were to remove the
21 molding or the closet or something and
22 have this plan --

23 CHAIRMAN MOORE: The reluctance
24 is, we don't know if that's according
25 to the code in the Bed and Breakfast

1 requirements. If we knew for sure, we
2 could just decide, but we apparently
3 don't because we don't seem to have a
4 consistent accurate measurement. I
5 don't know who would supply that.
6

7 ATTORNEY PROKOP: We need an
8 architect's measurement that says that
9 it's --

10 CHAIRMAN MOORE: Well, the
11 architect's measurement shows it's not
12 up to standard, and that's what we have
13 on paper.

14 MS. LATHAM: And the architect's
15 measurement includes, is not
16 wall-to-wall, I mean, it's significant
17 molding, so it's further out than that
18 on the floor, but it's only on the
19 floor.

20 MR. SALADINO: I'm not sure where
21 it says that. I'm not sure where
22 that's displayed.

23 I don't want to be obtuse and I
24 apologize, but a lot of stuff that's
25 being said here is actually not the

1
2 truth, it's not fact. Nowhere is that
3 displayed. Nowhere is that discussed.
4 I mean you have to assume that this,
5 the architect's rendering, and that's
6 the dimension of the room. Somebody
7 here said they were a builder, I mean a
8 builder would go by an architect's
9 drawing, not by a homeowner saying that
10 they have a certain size molding. I
11 mean I assume the way you can measure a
12 room, the architect could also, and
13 it's reflected in his calculations.

14 ATTORNEY PROKOP: The room that
15 we're talking about, is this the new
16 fourth room?

17 CHAIRMAN MOORE: Yes. It's not an
18 existing room.

19 MS. LATHAM: To my knowledge,
20 there is nothing on --

21 ATTORNEY PROKOP: No, but it's not
22 on of the three that you're renting
23 out. It's the one that you're going to
24 rent out, correct?

25 CHAIRMAN MOORE: It's the fourth

1
2 room.

3 MS. LATHAM: It's a fourth room.

4 CHAIRMAN MOORE: Yeah, it's the
5 new addition.

6 We could proceed in taking a vote
7 with the provision that it is pending
8 confirmation that it meets code; is
9 that agreeable to the Board? I mean it
10 serves a lot contingent on it, but our
11 decision would be contingent on that.

12 ATTORNEY PROKOP: We need to
13 approve it provided all bedrooms meet
14 the requirements of Greenport Code.

15 CHAIRMAN MOORE: Would that be
16 agreeable to the Board?

17 MS. GORDON: Yes.

18 MR. CORWIN: I think it would be
19 better to have a professional or the
20 building inspector go in there.

21 MS. WINGATE: I have a brand new
22 laser measurer.

23 MR. SALADINO: Before we go any
24 further, you know, it's obvious I can
25 hear the grumbling and I heard the

1
2 testimony here. I wasn't going to read
3 this because I thought perhaps it might
4 be inappropriate, but just to let the
5 people in the audience know, the Zoning
6 Board goes to training classes, they're
7 taught by Suffolk County Village
8 Officials, New York Consulates of
9 Mayors, and I get this at the training
10 session before, and it tells what not
11 to do to the Zoning Board.

12 The following are reasons that
13 should never be used to justify a
14 variance: Good guy variance is
15 reasonable, the variance makes common
16 sense, the applicant needs the variance
17 to grow a business and compete, to deny
18 the variance would have an adverse
19 economic effect upon the business or
20 the community, lost jobs, applicant has
21 been a good -- it goes on to like 20
22 different reasons.

23 I understand the sentiment of the
24 public, and I'm saying this because I
25 don't know how the vote is going to go;

1
2 my opinion will be reflected in my
3 vote, but I would always like the
4 people to understand how I vote or why
5 I vote a certain way. Again, I can't
6 speak for my colleagues, but I mean to
7 say, well, this is a no-cost item, the
8 Village held two public hearings on
9 this issue, one was widely attended and
10 the consensus was that no, they didn't
11 want to change the code. The second
12 hearing was held, less people attended,
13 and the Board again decided no, they
14 didn't want to change the code.

15 This says the variance will not
16 hurt anybody, it will help the
17 applicant out, we got to look out for
18 the little guy; and those are all the
19 comments that I've heard here tonight.

20 I'm willing to vote. I'm not
21 looking to hold the proceeding up, you
22 know, how I vote is how I vote. I also
23 believe that, just to say, that part of
24 the discussion should be the reason
25 that this particular village decided on

1
2 three rooms where there were houses
3 that could accommodate five rooms was
4 because, again my opinion, it's a
5 commercial enterprise in a residential
6 area. People that own Airbnbs have a
7 different opinion about people that
8 don't, people that own a business have
9 different opinions about people that
10 live in a residential area. If we look
11 at adjacent, because a lot of what's
12 being said here is well, Southold, New
13 York State, if we look at an adjacent
14 township, they limit it, they're
15 allowed five rooms, only in commercial
16 district, two rooms in residential
17 district.

18 So I'm prepared to vote. I just
19 thought I should say that.

20 MS. LATHAM: I'd like to just say
21 one thing.

22 I'm not -- I appreciate all the
23 support, and I'm proud to be a part of
24 this community, but I'm not looking to
25 receive a variance that I don't have

1
2 the appropriate lot size or room size
3 or anything like that. I do ask that
4 -- I'd be happy to, you know, have
5 Eileen help me determine the best way
6 to first measure the room, second give
7 that information to you and if I need
8 to remove molding, if I need to remove
9 a closet and use an armoire in that
10 room, I can look to those options, but
11 I am also asking not to be delayed
12 more. I started this process last year
13 and as you know it went to the Village
14 Board and they weren't, they didn't
15 want to look at it that way and I can
16 understand why, but it has gone on and
17 on and on and it's --

18 CHAIRMAN MOORE: Just my comments,
19 I'm not trying to counter Mr. Saladino,
20 but the decisions are based, and Zoning
21 Board of Appeal's decisions are based
22 on case-by-case basis, not all variance
23 requests are approved because the last
24 one was. It's also based on the
25 questions, the five questions which

1
2 show a justification or lack of for a
3 requested variance. I do share the
4 sentiment that I do object somewhat to
5 Village Board kind of passing the buck.
6 Maybe there was some wisdom in it, the
7 a case-by-case basis will weed out the
8 allowable ones and approve them and
9 eliminate the ones that aren't
10 appropriate and not approve them. I do
11 think it's sort of precedent-setting
12 because the basic conditions for a bed
13 and breakfast include the number of
14 rooms, and to me that's something
15 that's less negotiable for a variance
16 than say a setback because of the
17 hardship of something impeding some
18 project in the household where a
19 setback would be needed.

20 On the other hand, I think it is
21 appropriate for the Zoning Board to
22 make this decision because it has been
23 put in our hands and until the Village
24 decides it wants to change the code or
25 not, then we will be facing these on a

1 case-by-case basis.

2 I'd like to proceed if it's
3 agreeable with the Board.

4 MS. NEFF: Yes.

5 MS. GORDON: Yes.

6 MR. SALADINO: Okay.

7 CHAIRMAN MOORE: So there's
8 acknowledgment of most of us.

9 First of all, we're declared, the
10 Zoning Board of Appeals as lead agency
11 and again, as an area variance it is
12 classified as a Type 2 Action according
13 to SEQRA; and I make that motion with
14 the request for a second.

15 MR. SALADINO: Second.

16 MS. NEFF: Second.

17 CHAIRMAN MOORE: Mr. Saladino,
18 second.

19 All in favor?

20 MR. SALADINO: Aye.

21 MS. NEFF: Aye.

22 MS. GORDON: Aye.

23 MR. CORWIN: Aye.

24 CHAIRMAN MOORE: Any opposed,
25

1
2 abstaining?

3 (No response.)

4 So that motion carries. First of
5 all, the questions and this is a
6 variance which is to approve a fourth
7 bedroom which is a variance of an
8 additional one bedroom and the
9 conditions are, of course that the
10 parking, number of parking spaces will
11 increase with the number of rooms, so
12 there would be a requirement for four
13 guest parking places, and that is
14 contingent on the additional room as
15 proposed to or whatever else might be
16 proposed meets the requirement of code
17 for a Bed and Breakfast 120-square
18 feet, so you're considering that, and
19 the first question is whether or not an
20 undesirable change is being produced
21 and the character of the neighborhood
22 or detriment to nearby properties will
23 occur by the granting of the area
24 variance.

25 Mr. Corwin? Do you need a moment?

1
2 MR. CORWIN: No. I thought I knew
3 what I was doing and now I'm confused.

4 CHAIRMAN MOORE: Okay. We're on
5 question number one and this is
6 regarding approval of --

7 MR. CORWIN: Right. I got it.
8 Yes, it will produce a detriment to the
9 neighborhood properties.

10 CHAIRMAN MOORE: Ms. Gordon.

11 MS. GORDON: No.

12 CHAIRMAN MOORE: Ms. Neff.

13 MS. NEFF: No.

14 CHAIRMAN MOORE: Mr. Saladino.

15 MR. SALADINO: Yes.

16 CHAIRMAN MOORE: I would vote no.
17 That question is passed. Whether the
18 benefit sought by the applicant can be
19 achieved by some method feasible to
20 pursue other than an area variance.

21 Mr. Corwin?

22 MR. CORWIN: Yes.

23 CHAIRMAN MOORE: Ms. Gordon?

24 MS. GORDON: No.

25 CHAIRMAN MOORE: Ms. Neff?

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MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: I vote yes.

CHAIRMAN MOORE: I vote no.

Motion passes.

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

MR. CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: Yes.

CHAIRMAN MOORE: I vote no. That
particular piece failed. Whether the
proposed variance will have an adverse
effect or impact on the physical or the
environmental conditions in the
neighborhood or district.

Mr. Corwin?

MR. CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

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CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino.

MR. SALADINO: Yes.

CHAIRMAN MOORE: I vote no. That part passes. Whether the alleged difficulty was self-created which consideration shall be relevant to the decision of Court of Appeals, but shall not necessarily preclude the granting of an 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 also vote yes.

That's a fail.

And finally, the motion is to approve the requested variance for an

1
2 increase of one room to a total of four
3 rooms for the Fordham House and a
4 stipulation is that the room must meet
5 the minimum requirements according to
6 the bed and breakfast code for room
7 area and of course a proper number of
8 parking spaces will be provided.

9 I make that motion and ask for a
10 second.

11 MR. SALADINO: Second.

12 CHAIRMAN MOORE: I'll go roll
13 call.

14 Mr. Corwin?

15 MR. CORWIN: Before you call the
16 roll.

17 CHAIRMAN MOORE: Yes.

18 MR. CORWIN: I did not have an
19 opportunity to make a statement, and
20 we're discussing the size of the room,
21 but my problem with this was, when the
22 Village Code said three bedrooms bed
23 and breakfast, it was presented as
24 something that people with big houses
25 could use these extra bedrooms. All

1
2 right, fair enough. But what has
3 happened in this situation is the "big"
4 has changed, I don't know what room it
5 was before, a dining room, living room
6 to a bedroom on the first floor to make
7 room on the second floor for another
8 bedroom, so it's reconfiguring the
9 whole idea of the whole idea, and I'm
10 opposed to that.

11 CHAIRMAN MOORE: So your vote is?

12 MR. CORWIN: No.

13 CHAIRMAN MOORE: Ms. Gordon?

14 MS. GORDON: Yes.

15 CHAIRMAN MOORE: Ms. Neff?

16 MS. NEFF: Yes.

17 CHAIRMAN MOORE: Mr. Saladino?

18 MR. SALADINO: No.

19 CHAIRMAN MOORE: And I vote yes.

20 The motion carries, so the variance is
21 granted.

22 MS. LATHAM: Thank you.

23 MS. WINGATE: Back to Planning.

24 CHAIRMAN MOORE: Now you have
25 another step, and the measurements I

1
2 hope will be done accurately and
3 promptly.

4 MS. WINGATE: Yes.

5 CHAIRMAN MOORE: We are making
6 progress.

7 ***A motion to accept an
8 application for an area variance,
9 publically noticed schedule public
10 hearing for Ralph and Maureen Caouette,
11 447 Sixth Street, Suffolk County Tax
12 Map 1001-6-3-3.

13 The property is located in the R-2
14 District. The applicant seeks a
15 building permit to construct an open
16 carport with a second floor deck.

17 Section 150-12A of the Village of
18 Greenport Code requires a side yard
19 setback of 15 feet. The proposed
20 carport has an 8.2-foot side yard
21 setback on the south property line
22 requiring an area variance of 6.8 feet.

23 Just for information, this is
24 actually a household renovation with
25 new construction which other than the

1 carport would be conforming with code.

2 The carport construction is
3 outside the building footprint
4 requiring a variance.
5

6 I would make a motion to accept
7 that application.

8 I know there have been some
9 problems with it. Maybe before we move
10 to accept it, would the Board like to
11 discuss any lingering deficiencies in
12 this current application?

13 MR. CORWIN: Yes, I would. We
14 have a letter that they're going to
15 submit some new information; is that
16 correct or am I confused?

17 MR. SALADINO: No we have -- I
18 thought we had -- I have a letter that
19 just --

20 MR. CORWIN: We wanted it to
21 August.

22 CHAIRMAN MOORE: Is it a letter of
23 authorization.

24 MS. WINGATE: Yes, you all have --

25 CHAIRMAN MOORE: There is a new

1 letter of authorization for the --

2 MS. WINGATE: That's all there is.

3 CHAIRMAN MOORE: -- that is
4 correct, Mr. Corwin, additional items.

5 Mr. Corwin had some concerns that
6 according to Eileen Wingate, this
7 application came in page by page and it
8 was a difficult process.

9 MS. WINGATE: It was dreadful.

10 CHAIRMAN MOORE: There is a
11 missing address. The mailing address
12 on the front page of the appeal is
13 missing, Holden, Massachusetts, but it
14 does appear on the short form.

15 We do now have an authorization
16 letter from Mr. Finney (phonetic) --

17 MS. WINGATE: For Mr. Finney.

18 CHAIRMAN MOORE: For Mr. Finney --

19 MS. WINGATE: From Mr. Caouette,
20 correct.

21 CHAIRMAN MOORE: -- serving as
22 representative, and I think the other
23 issues that we, the plan which depicts
24 the carport is an excerpt of the
25

1
2 property plan, and as such doesn't have
3 a north arrow, so we have to go to the
4 full survey to remember which
5 orientation it is and the --

6 MR. CORWIN: Doesn't have a scale
7 either.

8 CHAIRMAN MOORE: And a
9 notarization was somewhat sloppy in
10 that the notarized part was on a
11 separate sheet from the actual --

12 MR. CORWIN: Wait a minute. The
13 notarization was improper, period. I
14 do not think we should accept this
15 application.

16 ATTORNEY PROKOP: You can't have a
17 notary on a second sheet.

18 CHAIRMAN MOORE: This is what we
19 have. We have the sheet that was
20 filled out. It's the application of
21 the justifications and this the part
22 where the writing occurred, so that's
23 the question.

24 MR. CORWIN: The problem is the
25 application originally as it was

1
2 presented to me had no notarization.

3 Then there was a blank sheet for
4 the last page of the application that
5 was notarized. It looks to me like the
6 applicant took the form just the last
7 page to the notary, signed it and had
8 it notarized but didn't have the
9 application in front of the notary. It
10 was not notarized properly.

11 ATTORNEY PROKOP: The application
12 is not signed, the notary, he signed a
13 blank sheet.

14 CHAIRMAN MOORE: I'll make a
15 motion to return the application to the
16 applicant with the deficiencies noted
17 and can be revised.

18 MS. WINGATE: Anything else while
19 you're there?

20 CHAIRMAN MOORE: The plan, one
21 concern I had is that it looked like an
22 unofficial addition to a property
23 survey to show the new construction
24 that may have been drawn in by the
25 owner. Perhaps that could be done more

1
2 professionally because right on the
3 same plan, it says can't be modified,
4 it's a violation of -- Mr. Corwin
5 recently pointed that out that amateur
6 drawings on top of official survey is
7 --

8 ATTORNEY PROKOP: Is this a house?

9 CHAIRMAN MOORE: It's an addition
10 to a cottage with a carport attached to
11 the addition.

12 The owner has apparently penciled
13 in what it should look like. I would
14 think we would want to do better than
15 that.

16 MS. WINGATE: I said it six times,
17 and I just couldn't say it again.

18 CHAIRMAN MOORE: The other --
19 again, Mr. Corwin asked, we have a
20 front elevation and a rear elevation,
21 the side which may be called the south
22 elevation facing south would be
23 helpful, so we can see the carport
24 overall.

25 So with that, I'll make a motion

1
2 that we do not accept this application
3 pending the requested changes.

4 MR. CORWIN: Second.

5 CHAIRMAN MOORE: All in favor?

6 MR. SALADINO: Aye.

7 MS. NEFF: Aye.

8 MS. GORDON: Aye.

9 MR. CORWIN: Aye.

10 CHAIRMAN MOORE: Any opposed
11 abstaining?

12 (No response.)

13 So we'll expect a new application.

14 ***Next, we have two additional

15 Applications for acceptance. I
16 would like the first go to number seven
17 which is the application of Mr.
18 Olinkiewicz for 238 Fifth Avenue. We
19 have a letter, an undated letter from
20 Mr. Olinkiewicz which is to the ZBA
21 Board.

22 Due to a miscommunication between
23 myself and the design professional, I'm
24 asking if you could please postpone my
25 application for the 238 Fifth Avenue

1 subdivision for one month until the
2 July meeting so we can make some
3 corrections to the building permits.
4

5 The point is that my understanding
6 is the proposed building is not of
7 sufficient square footage to meet
8 Village code. It requires additional
9 variances to be proposed or the plan
10 has to be changed, so I would just ask
11 the Board to acknowledge that we will
12 not accept the application and wait for
13 a revised application.

14 MR. SALADINO: Yeah. That's fine.
15 Can I just ask the attorney, is there a
16 difference between postponing an
17 application and rejecting an
18 application?

19 ATTORNEY PROKOP: My
20 recommendation is that there is a
21 motion to table this until the July
22 meeting.

23 CHAIRMAN MOORE: I would make the
24 motion that we table a decision to
25 accept the application until our next

1 meeting.

2 I ask for a second.

3 MR. SALADINO: Not accept, table.

4 ATTORNEY PROKOP: Don't accept,
5 table.

6 CHAIRMAN MOORE: Yes. I said we'd
7 table the motion to accept until next
8 month and ask for a second.

9 MR. SALADINO: Second.

10 CHAIRMAN MOORE: All in favor?

11 MR. SALADINO: Aye.

12 MS. NEFF: Aye.

13 MS. GORDON: Aye.

14 MR. CORWIN: Aye.

15 CHAIRMAN MOORE: Opposed?

16 (No response.)

17 So that carries. We're going to
18 table until July. ***One thing I'd
19 like to mention as we address item
20 number six. It would be beneficial, I
21 think, if these two applications do
22 come up to the Board at the same time.

23 I would not want to be delaying one
24 while another is being considered for a

1
2 length of time because they were in
3 very close proximity and the effect of
4 both of them definitely may have more
5 impact.

6 AUDIENCE MEMBER: That's
7 acceptable to the applicant. As long
8 as it's also tabled until the July
9 meeting.

10 CHAIRMAN MOORE: I'm sorry.

11 AUDIENCE MEMBER: As long as 221
12 Fifth is also tabled until the July
13 meeting.

14 CHAIRMAN MOORE: There's no reason
15 we couldn't accept the additional
16 application that you're requesting.

17 If you're requesting it be tabled,
18 we can act on that.

19 AUDIENCE MEMBER: I thought that
20 you were suggesting that it be done
21 that way.

22 CHAIRMAN MOORE: I'm suggesting
23 that when public testimony occurs in
24 our deliberations, that it be happening
25 simultaneously with the Board, whether

1 they accept them this month or next.

2 The application that we're tabling
3 would potentially be accepted next
4 month, would be coming up in August.

5 While we could well accept an
6 application tonight for 221, the
7 hearing would be opened next month but
8 would be no reason we would have to
9 close it next month, so we could start
10 on that one if that's acceptable to the
11 Board or we can just -- you could ask
12 us to table both until they come up for
13 acceptance in July. It's up to you
14 really.

15 MR. CORWIN: My preference is to
16 table them both because the chairman
17 isn't going to be here for the July
18 meeting, and I'd like to have a full
19 board for the August meeting to discuss
20 this.

21 AUDIENCE MEMBER: That's
22 agreeable. Okay so then I would make
23 the same motion to table accepting the
24 application for the area variance on
25 Flynn Stenography & Transcription Service

1
2 221 Fifth Avenue until our July
3 meeting. So moved.

4 Do I have a second?

5 MR. SALADINO: Second.

6 CHAIRMAN MOORE: All in favor?

7 PODIUM SPEAKER: Just to clarify,
8 I'm sorry to backtrack here but if the
9 221 Fifth application can be accepted
10 tonight, and you defer the public
11 hearing on both applications, 221 Fifth
12 and 238 Fifth, that would be acceptable
13 to us.

14 CHAIRMAN MOORE: We could accept
15 the application and schedule the
16 hearing for August.

17 AUDIENCE MEMBER: Very well.
18 Thank you.

19 CHAIRMAN MOORE: There's no reason
20 we couldn't do that.

21 MR. CORWIN: Yes.

22 CHAIRMAN MOORE: Then I will read
23 the application details: This is a
24 motion to accept an application for an
25 area variance publically noticed,

1
2 schedule a public hearing for James
3 Olinkiewicz, 221 Fifth Avenue.
4 1001-4-4-29. The applicant requests
5 Several area variances required to
6 subdivide an existing lot and construct
7 a conforming house.

8 This subdivision will create two
9 new substandard lots requiring an area
10 variance as follows:

11 The proposed subdivision creates
12 lot 1 which is 6,587-square feet where
13 Section 150-12(A) requires a minimum
14 lot size of 7,500-square feet,
15 requiring a variance of 913-square
16 feet.

17 The proposed lot width is 47.82
18 feet where Section 150-12 (A) requires
19 a minimum lot width of 60 feet
20 requiring a variance of 12.18 feet.

21 Second lot, lot 2, the proposed
22 lot width is 52.35 feet where Section
23 150-12(A) requires a minimum lot width
24 of 60 feet requiring a variance of 7.65
25 feet.

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2 The proposed combined side yard is
3 17.9 feet where Section 150-12(A)
4 Requires a combined yard setback of 25
5 feet requiring a variance of 7.1 feet.

6 I'd just like to ask one question
7 in connection with this. This property
8 is not located within the Historic
9 District.

10 MS. WINGATE: Correct.

11 CHAIRMAN MOORE: The setback of
12 proposed lot two on the house to the
13 north appears to be substandard five
14 feet.

15 MS. WINGATE: Say that again.

16 CHAIRMAN MOORE: The setback for
17 the proposed lot with the existing
18 house, I don't know what the north side
19 yard setback is --

20 MS. WINGATE: I'll look at that.

21 CHAIRMAN MOORE: -- combined is --

22 MS. WINGATE: I will look at that.

23 CHAIRMAN MOORE: Because it may be
24 less than ten feet, and if it is, that
25 would require an additional variance.

1
2 I don't know from the plans if it is or
3 not.

4 MS. WINGATE: I just put
5 everything away.

6 CHAIRMAN MOORE: Attorney, do you
7 know what the north setback on the
8 proposed lot is?

9 MS. WINGATE: I'll look it up.
10 221.

11 CHAIRMAN MOORE: 221, and the
12 existing house, the setback to the
13 north.

14 MS. GORDON: I have a question, it
15 may be a sort of stupid question.

16 It seems to me these lots are not
17 separable, right? Is it the possible
18 --

19 CHAIRMAN MOORE: Not without a
20 variance.

21 MS. GORDON: It doesn't seem to be
22 possible to accept variances on one and
23 not on the other.

24 CHAIRMAN MOORE: There are
25 variances on both lots.

1
2 MS. WINGATE: The existing house
3 is five foot off of the property line.

4 CHAIRMAN MOORE: There is an
5 additional variance required.

6 Did the Board want to see a new
7 notice of disapproval and a new
8 proposal to accept because we're not
9 going to meet until August anyway.

10 AUDIENCE MEMBER: Can I just say
11 something. I'm the property north that
12 you're referring to.

13 CHAIRMAN MOORE: It cannot be
14 relative to the merit of the
15 subdivision, it can only be if there is
16 some technical problem with the --

17 AUDIENCE MEMBER: It is because
18 four years ago, we started this
19 process. Four years ago, the proposed
20 house was going to be ten feet from my
21 property line. What he has done in
22 essence with this new, although I don't
23 know this one because I only know the
24 one that was put in for two months ago,
25 so I don't know if it's change, but he

1
2 made it closer to his own and moved it
3 to 15 feet from mine.

4 MS. WINGATE: Twelve.

5 AUDIENCE MEMBER: Or 12 feet, so
6 in other words, he has increased the
7 space between my house and his house
8 and decreased the space between the
9 ***? He proposes and the house he
10 already owns because he is not going to
11 complain about that, it's a big issue.

12 CHAIRMAN MOORE: The lot is
13 substandard but the proposed new house
14 meets code requirements for setbacks.

15 AUDIENCE MEMBER: Does he have the
16 included, a proposed house is included
17 because I was at the last hearing --

18 CHAIRMAN MOORE: I believe the
19 plan shows conforming setbacks.

20 AUDIENCE MEMBER: Does it show the
21 house though that he has, I wanted to
22 see the house?

23 CHAIRMAN MOORE: The house plan is
24 available, yes.

25 AUDIENCE MEMBER: Okay.

1 CHAIRMAN MOORE: That would be
2
3 available to the public as well. And
4 August will be the first that the
5 hearing will be open.

6 What I'm going to do is --

7 MR. SALADINO: Can I ask one more
8 question?

9 CHAIRMAN MOORE: Yes.

10 MR. SALADINO: Eileen, you said 12
11 feet.

12 MS. WINGATE: I believe I'm
13 looking at the most accurate one, and I
14 have 12 feet on the north side.

15 AUDIENCE MEMBER: Twelve feet.

16 CHAIRMAN MOORE: It's showing it
17 as conforming, but it's showing it's
18 ten feet.

19 MS. WINGATE: Do you have it at
20 ten?

21 CHAIRMAN MOORE: The plan --

22 MS. WINGATE: I just.

23 MR. SALADINO: The plan John has
24 shows it as ten.

25 THE WITNESS: I was looking at --

1
2 yeah, it's getting late. Sorry folks.

3 AUDIENCE MEMBER: That hasn't
4 changed in four years.

5 MS. WINGATE: Right.

6 CHAIRMAN MOORE: Perhaps not.

7 AUDIENCE MEMBER: That's the big
8 issue with me being right next to him.

9 MR. SALADINO: I truly understand
10 your concern, but right now the plan
11 that we have in front of us has it at
12 ten feet to the property line.

13 AUDIENCE MEMBER: No. One that I
14 saw which I don't have here with me
15 tonight, what he had done is he had
16 shifted that ten to the twelve or
17 fifteen, I don't remember the number --

18 MR. SALADINO: Closer to the --

19 AUDIENCE MEMBER: -- and then
20 closer to the house he's subdividing
21 which is his own property.

22 CHAIRMAN MOORE: Moving away from
23 your property, but we'll have to check.
24 We can look at the old plans, but
25 that's --

1 AUDIENCE MEMBER: It's irrelevant,
2
3 they're both wrong.

4 CHAIRMAN MOORE: -- considering
5 that --

6 AUDIENCE MEMBER: -- substandard
7 lot.

8 CHAIRMAN MOORE: We're going to
9 then make the motion to table accepting
10 this application pending its revision
11 to the next ZBA meeting.

12 I make that motion and ask for a
13 second.

14 MR. SALADINO: Second.

15 CHAIRMAN MOORE: All in favor?

16 MR. SALADINO: Aye.

17 MS. NEFF: Aye.

18 MS. GORDON: Aye.

19 MR. CORWIN: Aye.

20 CHAIRMAN MOORE: Opposed?

21 (No response.)

22 Motion carried. So we are out of
23 that and we get out the final page.

24 ***Motion to accept the ABA minutes of
25 May 17, 2016. I'd like to say they

1
2 must have only recently come out. I
3 have no hard copy. I have no idea how
4 it looks. Unless the Board wants to
5 accept it.

6 MS. WINGATE: You didn't get it
7 e-mailed to you?

8 CHAIRMAN MOORE: I picked it up
9 off the Village website but haven't had
10 a chance to read it. It might have
11 come out in the last day or two.

12 Does the Board want to consider
13 accepting it or delay it for next month
14 too, after we have had the chance to
15 see it. We not approving it we're just
16 accepting it.

17 MR. CORWIN: Let's delay it.

18 CHAIRMAN MOORE: So I'll make a
19 motion to delay the accepting until
20 next month and ask for a second.

21 MS. NEFF: Second. All in favor?

22 MR. SALADINO: Aye.

23 MS. NEFF: Aye.

24 MS. GORDON: Aye.

25 MR. CORWIN: Aye.

1 CHAIRMAN MOORE: Opposed?

2 (No response.) So that carries.

3 We'll deal with that next month.

4 ***Secondly, Item number 9 Motion to
5 approve the ZBA minutes from April 19,
6 2016.

7 Ask for a second.

8 MS. NEFF: Second.

9 CHAIRMAN MOORE: All in favor.

10 MR. SALADINO: Aye.

11 MS. NEFF: Aye.

12 MS. GORDON: Aye.

13 CHAIRMAN MOORE: Any opposed,
14 abstained?

15 MR. CORWIN: I'm going to abstain.

16 CHAIRMAN MOORE: Abstain Mr.
17 Corwin.

18 Now we're going to need to
19 schedule --

20 MS. WINGATE: Not site visits.

21 CHAIRMAN MOORE: We don't have --
22 we don't have Olinkiewicz, so we can
23 skip number ten.

24 Ask we have a motion to schedule

1
2 the next ZBA meeting for Tuesday July
3 19 at 6:00 p.m.

4 MR. CORWIN: In the firehouse.

5 CHAIRMAN MOORE: In the firehouse,
6 and we will have somebody check to be
7 sure it's available.

8 MS. WINGATE: Tuesday the 19th.

9 CHAIRMAN MOORE: Yes, July 19.

10 MS. WINGATE: That's the third,
11 okay.

12 CHAIRMAN MOORE: We're trying to
13 stay on schedule.

14 MS. WINGATE: I will Confirm.

15 MS. NEFF: It's 6:00 p.m.?

16 CHAIRMAN MOORE: 6:00 p.m. We'll
17 have no site visits.

18 ATTORNEY PROKOP: Is there any
19 interest in having a work session
20 involving Front and Third?

21 MS. WINGATE: Yes.

22 CHAIRMAN MOORE: Work session
23 meaning it would be to further discuss
24 --

25 ATTORNEY PROKOP: It would be a

1
2 public meeting, but there would be no
3 public discussion, it would be just for
4 the Board to hash out --

5 CHAIRMAN MOORE: Dealing with the
6 variances.

7 We could, it would be part of the
8 regular agenda.

9 ATTORNEY PROKOP: It's really not,
10 whatever is happening with this guy
11 rushing in and rushing out is really
12 not constructive.

13 CHAIRMAN MOORE: We would have to
14 consult with him to --

15 MS. GORDON: Are you saying we can
16 take votes in such a meeting?

17 ATTORNEY PROKOP: No.

18 CHAIRMAN MOORE: It's a work
19 session.

20 We would have to contact him and
21 confirm that he would be available
22 because --

23 ATTORNEY PROKOP: Well, he doesn't
24 have to be there, but you could let him
25 know.

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MS. GORDON: He sort of has --
he's going to want to be there because
there is this issue of responding to
the DOT.

CHAIRMAN MOORE: I think it to his
benefit to be here.

How shall we deal with scheduling
a work session, would we consult with
him.

MR. SALADINO: Should we vote on

--

CHAIRMAN MOORE: We did schedule
it, but we didn't vote, so I make that
motion and ask for a second for the
19th.

MS. GORDON: Second.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MR. SALADINO: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: I'll abstain
since I won't be here.

MR. SALADINO: You can't vote?

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CHAIRMAN MOORE: I could vote but

--

ATTORNEY PROKOP: You could contact him and see what dates are available and we could discuss it.

CHAIRMAN MOORE: And then properly notice the meeting, so it has to be at least a couple weeks, two three weeks.

MS. WINGATE: I'll call him.

MS. NEFF: Could I ask what kind of timeframe? You would be there; is that correct?

CHAIRMAN MOORE: Yes.

MS. NEFF: Are we talking about 6 o'clock some night or are we talking about a more reasonable hour?

ATTORNEY PROKOP: 4 o'clock in the afternoon, whatever you want to do.

MS. NEFF: We can meet even at Village Hall upstairs.

ATTORNEY PROKOP: Yes.

CHAIRMAN MOORE: We could but that's --

MR. CORWIN: Not upstairs, it's

1 not handicap accessible.

2
3 CHAIRMAN MOORE: It's not
4 accessible, I would object to meeting
5 there.

6 MS. WINGATE: You could use the
7 smaller conference room downstairs.

8 CHAIRMAN MOORE: But the public --

9 MR. CORWIN: No. No. We would
10 have to have it at the firehouse or
11 here.

12 CHAIRMAN MOORE: It could be here
13 or the firehouse. For a work session,
14 I wouldn't mind having a roundtable.

15 Okay. We're going to work on the
16 work session, and we don't need a
17 motion for that. I'll get in contact
18 once we know and then --

19 MR. CORWIN: Hold on.

20 CHAIRMAN MOORE: Yes.

21 MR. CORWIN: We're going to work
22 on work session or we're going to say
23 we want to have a work session.

24 CHAIRMAN MOORE: We want to have a
25 work session and we cant schedule it

1
2 yet until we find an agreeable time, so
3 it's going to have some back and forth,
4 so I don't know. Do we need a motion?

5 MR. CORWIN: Why can we decide a
6 place and time now?

7 CHAIRMAN MOORE: We don't know the
8 availability --

9 MR. SALADINO: Because I have a
10 conflict, I'm going back and forth to
11 Manhattan everyday, so for me, I would,
12 I can kind of adjust my schedule.

13 CHAIRMAN MOORE: Understood.
14 Probably yours will be the principal
15 among the Board members as far as
16 availability, yours can be most
17 constraining and we need to talk to the
18 applicant.

19 MR. CORWIN: What would be the
20 best day for you, Mr. Saladino?

21 MR. SALADINO: My wife is getting
22 chemotherapy, so, you know, it depends
23 on when the doctor schedules. I would
24 need at least -- I couldn't possibly
25 know tonight about next week or two

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weeks from now.

CHAIRMAN MOORE: Why don't we let Eileen coordinate and we can all communicate and decide.

MS. WINGATE: If it's okay, I would look to later in the afternoon.

MS. NEFF: 4:00 p.m. 3:00.

MS. WINGATE: Yes, because mornings are hard.

CHAIRMAN MOORE: The other thing is, if we can't get a date, then it will just become part of the regular meeting and we'll have another marathon session. It will work.

**Finally, item number 12 is a motion to adjourn --

MR. CORWIN: Wait. Wait. Wait.

CHAIRMAN MOORE: Yes.

MR. CORWIN: Before that, we have to pick a chairman for the July meeting.

CHAIRMAN MOORE: Very good. Would anybody care to make a motion who would serve as acting chair, I'll not

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participate.

MR. CORWIN: I move that Mr. Saladino is acting chair for the July regular meeting.

MR. SALADINO: I would be glad to do it, but we had said we would like to alternate. When Doug went away we had said we would alternate.

MS. GORDON: I think you should do it.

MR. SALADINO: No. I'll offer it to Dinni, if you --

MS. GORDON: I'm a newbie and I'm a little nervous about it, but if you, you've been coming to these meetings.

CHAIRMAN MOORE: I would agree with John, I think, but with the extra pressure he has for family, I would like to recommend somebody else.

MS. GORDON: I'll get a little technical assistance from you before, one or both of you.

CHAIRMAN MOORE: Anybody want to make the motion? John you could make

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the motion.

MR. SALADINO: I make a motion
that Dinni Gordon chair the next
meeting.

CHAIRMAN MOORE: Do I have second?

MS. NEFF: I guess I second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: David did you
vote?

MR. CORWIN: Call the nays.

CHAIRMAN MOORE: Okay. Mr.
Corwin.

MR. CORWIN: Nay.

CHAIRMAN MOORE: Mr. Corwin says
not, so we have three to one.

Finally, motion to adjourn. I
would like a second on that.

MR. CORWIN: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

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MS. GORDON: Aye.

MR. CORWIN: Aye.

(Time noted: 9:12 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

) ss:

COUNTY OF SUFFOLK)

I, STEPHANIE O'KEEFFE, a Reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on June 14, 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 14th day of June, 2015.

STEPHANIE O'KEEFFE

ATTORNEY PROKOP: [50] 51/24 52/17 62/7 62/15 62/21 65/14 65/18 66/2 74/9 93/17 94/4 94/7 94/11 94/14 124/25 125/10 125/25 126/20 127/16 127/19 128/2 130/5 130/10 130/21 133/25 134/9 139/20 139/24 146/20 146/24 147/19 154/4 155/3 156/6 157/13 157/20 158/11 174/15 175/10 176/7 178/18 179/4 193/17 193/24 194/8 194/16 194/22 196/3 196/17 196/21
AUDIENCE MEMBER: [27] 9/18 11/2 57/12 58/17 100/9 100/15 113/23 117/20 123/24 180/5 180/10 180/18 181/21 182/16 186/9 186/16 187/4 187/14 187/19 187/24 188/14 189/2 189/6 189/12 189/18 189/25 190/5
BOB: [3] 124/13 124/21 124/24
CHAIRMAN MOORE: [389]
MR. CORWIN: [107] 10/15 10/22 11/15 15/18 15/23 23/5 23/7 23/13 23/19 23/25 24/8 24/22 25/3 25/7 25/10 25/23 42/9 42/12 46/14 46/17 47/6 47/11 58/12 58/15 59/18 59/20 59/24 60/4 60/7 64/12 67/22 75/21 75/24 76/18 76/24 78/23 92/20 94/23 94/25 96/9 107/2 107/5 107/10 121/5 121/13 124/20 129/2 129/20 137/25 138/9 138/15 139/6 142/7 143/4 143/19 144/7 144/21 145/2 145/18 146/9 148/5 148/16 148/23 149/11 149/24 150/24 151/25 158/17 164/23 165/25 166/6 166/21 167/8 167/22 168/13 169/14 169/17 170/11 172/12 172/19 174/5 174/11 174/23 177/3 177/8 179/14 181/15 182/20 190/18 191/16 191/24 192/15 193/3 195/18 196/24 197/8 197/18 197/20 198/4 198/18 199/17 199/19 200/2 201/13 201/16 201/21 202/2
MR. GLEASON: [3] 135/24 136/16 152/18
MR. KEHL: [1] 114/7
MR. LEHMAN: [12] 131/25 134/24 135/6 135/22 138/6 140/4 140/13 147/9 147/12 147/16 152/16 152/21
MR. LIAKEAS: [56] 18/11 18/14 18/22 19/6 19/19 20/10 21/12 23/11 25/19 29/7 29/11 29/16 30/18 31/17 32/8 32/13 33/25 34/5 34/22 35/2 36/21 36/24 37/4 37/9 37/17 38/15 38/18 39/5 39/8 41/23 42/11 42/14 43/10 46/23 47/4 47/8 47/13 50/3 56/4 57/17 58/13 58/19 58/24 59/7 61/13 67/13 67/17 67/21 70/3 70/10 71/12 74/4 74/7 74/17 75/16 77/17
MR. PENNESSI: [17] 63/16 79/13 79/19 81/12 85/8 85/18 85/25 86/5 92/21 93/2 93/6 93/9 93/12 93/25 94/5 94/9 94/12
MR. REED: [18] 64/5 64/16 65/11 65/16 65/24 66/12 67/3 67/16 67/19 82/21 83/8 83/12 83/16 83/20 84/9 87/20 88/2 110/6
MR. RUTTER: [2] 109/16 109/21
MR. SALADINO: [127] 7/5 11/12 11/16 18/16 19/17 19/24 20/5 20/7 22/11 22/22 26/24 27/4 27/18 33/9 33/12 33/16 33/23 34/3 34/15 34/19 34/23 36/19 36/22 37/2 37/6 37/11 38/11 38/16 39/3 54/12 54/20 54/25 55/6 55/24 56/18 60/12 65/5 71/15 75/14 76/25 78/21 78/24 83/18 83/22 85/4 94/20 96/6 100/18 102/22 103/16 103/23 104/14 104/18 117/17 117/25 118/4 119/14 120/18 122/4 122/9 123/21 123/25 124/19 124/22 126/24 128/11 128/23 133/21 137/11 137/17 138/3 138/24 139/8 139/22 140/9 142/13 143/10 143/25 144/13 145/8 145/24 146/15 148/11 149/5 149/17 150/15 151/6 152/7 152/11 156/19 158/22 164/6 164/15 164/20 166/14 167/3 167/14 168/4 168/19 169/10 170/17 172/16 177/5 178/13 179/3 179/9 179/11 182/4 188/6 188/9 188/22 189/8 189/17 190/13 190/15 191/21 192/10 195/10 195/20 195/24 198/8 198/20 200/5 200/11 201/2 201/8 201/23
MR. WEISCOTT: [6] 111/18 112/19 112/24 113/4 113/18 113/21
MS. ALAN: [4] 89/15 107/20 116/11 117/19

MS. GORDON: [56] 52/23 53/2 53/5 77/2 79/2 88/10 92/19 94/22 95/17 96/8 107/11 121/16 122/7 122/13 128/21 128/24 137/5 142/9 143/6 143/21 144/9 145/4 145/20 146/11 148/7 148/25 149/13 150/5 150/11 151/2 152/3 158/16 164/5 164/22 166/10 166/23 167/10 167/24 168/15 170/13 177/7 179/13 185/13 185/20 190/17 191/23 192/12 194/14 194/25 195/16 195/19 200/9 200/13 200/20 201/9 201/25
MS. LATHAM: [20] 99/8 100/20 102/9 102/14 103/22 104/8 104/16 107/14 113/25 118/3 118/5 119/23 121/11 127/4 155/18 156/13 157/18 158/2 161/19 170/21
MS. MCENTREE: [3] 71/20 72/14 72/17
MS. MOORE: [89] 12/3 12/13 12/15 14/4 14/9 15/21 15/25 18/12 18/19 19/5 19/21 20/3 20/6 21/3 21/7 21/10 21/14 21/24 22/25 23/6 23/9 23/18 23/24 24/4 24/12 25/2 25/6 25/9 25/12 25/22 25/25 26/7 26/12 26/15 26/20 28/3 28/22 29/5 29/19 29/23 30/5 30/11 30/20 30/24 31/4 31/18 32/10 32/14 33/8 33/14 33/21 34/10 34/18 39/6 41/17 42/20 44/2 44/10 47/25 49/21 50/7 50/15 50/19 51/3 51/17 52/20 52/25 53/4 53/6 53/10 53/18 54/15 54/18 54/23 55/4 55/9 56/3 56/6 56/17 56/20 57/7 57/10 57/15 60/15 74/8 75/19 77/8 77/15 77/19
MS. NEFF: [67] 5/4 5/6 6/3 6/12 7/4 53/17 53/19 53/22 54/11 56/8 56/22 57/3 57/9 76/5 76/22 77/3 78/6 78/11 78/25 96/7 103/9 123/2 137/2 140/22 142/4 142/11 143/8 143/23 144/11 145/6 145/22 146/13 148/9 149/3 149/15 150/13 151/4 151/23 152/5 153/16 153/20 153/24 164/4 164/16 164/21 166/12 166/25 167/12 168/2 168/17 170/15 177/6 179/12 190/16 191/20 191/22 192/8 192/11 193/14 195/21 196/10 196/14 196/19 199/7 201/6 201/10 201/24
MS. PETERSON: [1] 115/15
MS. POLLACK: [3] 68/11 88/17 114/20
MS. WINGATE: [87] 5/18 10/4 10/8 10/11 10/18 10/23 11/7 11/21 11/25 22/15 27/8 27/21 28/10 29/17 29/21 44/15 47/12 54/9 56/24 57/5 59/11 59/15 60/2 60/18 61/12 66/21 66/23 67/8 77/12 78/9 78/12 79/17 85/21 86/3 98/11 103/7 112/16 112/20 113/3 113/5 113/20 125/24 126/9 126/16 127/3 127/13 127/18 127/20 131/7 131/16 134/7 134/14 134/20 155/9 155/13 158/20 170/22 171/3 172/23 173/2 173/9 173/17 173/19 175/17 176/15 184/9 184/14 184/19 184/21 185/3 185/8 185/25 187/3 188/11 188/18 188/21 189/4 191/5 192/20 193/7 193/9 193/13 193/20 196/9 197/5 199/5 199/8
PODIUM SPEAKER: [2] 61/11 182/6
THE WITNESS: [1] 188/24

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'40s [1] 52/22
'46 [4] 23/24 24/4 24/10 24/24
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'60s [2] 42/16 42/20
'70s [3] 35/18 35/24 75/9
'71 [6] 14/24 19/6 24/3 24/8 24/21 53/10
'79 [1] 55/12
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10 [1] 85/10
10,000 [3] 102/21 102/23 102/24
10,890 [1] 72/4
10,890-square [1] 9/2
100 [1] 107/23
1001-2-1-25 [1] 96/19
1001-3-4-3 [1] 7/12
1001-4-4-29 [1] 183/4
1001-6-3-3 [1] 171/12
11 [1] 81/24
110 [2] 127/18 127/20
11944 [1] 96/18
11971 [1] 7/11
12 [11] 85/13 85/19 88/2 88/12 155/13 183/13 183/18 187/5 188/10 188/14 199/16
12-foot [1] 87/7
12.18 [1] 183/20
12/07/15 [1] 8/8
120 [2] 126/12 127/25
120-square [1] 165/17
120.5 [1] 119/9
120.8-square [1] 119/20
126 [1] 125/4
126.875 [1] 119/24
128 [1] 2/7
128-152 [1] 2/10
12A [1] 171/17
13 [2] 12/21 141/21
130 [1] 12/20
130-square [1] 118/21
139 [1] 13/9
14 [3] 1/8 46/5 203/11
14th [1] 203/17
15 [6] 8/8 31/17 43/14 131/13 171/19 187/3
15,000-square [1] 8/20
15.25 [1] 141/6
150 [3] 16/4 51/6 97/7
150-12 [2] 183/13 183/18
150-12A [1] 171/17
150-8 [5] 7/20 8/9 50/15 50/21 51/8
150-12 [1] 183/23
152 [1] 2/10
152-171 [1] 2/13
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**VILLAGE OF GREENPORT – ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
June 14, 2016 - 6:00 PM**

* * * *

PUBLIC HEARINGS

Item # 1. Continued public hearing on Area Variances sought by SAKD Holdings LLC, Daniel Pennessi, President.

The property is located on the south east corner of Front Street and Third Street, Greenport, New York 11944, SCTM # 1001-5-4-5.

The variance appeals are listed in the **REGULAR MEETING** section of the agenda under **Item #2.**

Item # 2. Public hearing regarding area variances sought by George Liakeas, 610 Main Street, Greenport, NY 11971, SCTM # 1001-3-4-3.

The applicant seeks a Building Permit for the construction of two additional dwelling units in an existing 2 family house in the R-2, One and Two family residential district. The property is located within the Historic District.

Article IV - Section 150-8. In an R-2 One and Two Family Residential District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part any purpose except for the use as a one or two family dwelling.

The house has 4 separate and independent apartments, as represented on existing floor plans as submitted dated 12/07/15.

Article IV- Section 150-8 B (2). - Conversion of an existing dwellings to a multifamily dwelling subject to the following standards and subject to Planning Board approval.

- (a) Said structure shall have not less than 1,000 square feet of livable floor area for each dwelling unit created, requiring a variance for each of the 4 units.
- (b) The lot on which such structure is located shall contain a minimum of 15,000 square feet of lot area and shall contain at least 5,000 square feet of lot area for each dwelling unit.
- (c) One and one-half (1 ½) parking spaces shall be provided for each dwelling unit.

The lot size is 10,890 square feet with 4 units proposed requiring a lot size of 20,000 sq. ft., thus requiring an area variance of 9,110 sq. ft.

The property provides 2 parking spaces where a total of 6 parking spaces are required, thus requiring a variance for 4 parking spaces.

Item # 3. Public hearing for an area variance sought by Sarah Latham, 817 Main Street, Greenport, NY 11944, SCTM # 1001-2.-1-25. The property is located within the R-1 district and also within the Historic Preservation District.

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The applicant seeks a Building Permit to increase the number of rental bedrooms in an approved Bed and Breakfast. The existing Bed and Breakfast has an approved site plan dated April 20, 1992 for use as a Bed and Bed, which is a conditional use.

The Village of Greenport Code Section 150-7 B. (7) (c) and the Planning Board resolution limit the number of rooms to three for lodging and serving breakfast.

The applicant seeks to increase the number of bedrooms from 3 to 4 rooms requiring a variance of 1 bedroom in capacity.

REGULAR MEETING

Item # 1. Discussion and possible action on the application for area variances for James Gleason, 144 Central Avenue; SCTM # 1001-5.-1-16.1. The applicant proposes to install an in-ground swimming pool and a single story addition with deck above. The proposed addition is to replace an existing covered porch and existing exterior cellar door. Note: The application was revised 5/24/16 to eliminate the North pool setback variance and to center the pool requiring two 5 ft. side yard pool setback variances.

1. Section 150-7c.(3a) of the Village of Greenport code requires the edge of the pool shall be kept a distance of not less than 20 ft. from all property lines, in the R-2 District.

The proposed swimming pool setback is 15 ft. on the west and 15 ft. of the east property lines, requiring two area variances of 5 ft.

2. Section 150-12 A. of the Village of Greenport code requires a 25 ft. combined side yard setback in the R-2 District.

The proposed aggregate side yard setback is 12.7 ft. requiring a 12.3 ft. combined side yard variance due to the location of the existing house.

This house is located within the Historic District. Plans were reviewed by the Historic Preservation Commission: plans for all proposed exterior changes and materials were approved with the exception of the metal porch roof. The applicant and Board will continue the discussion at the May meeting.

Item # 2. Discussion and possible action on the application for of SAKD Holdings LLC, Daniel Pennesi, President. The property is located on the south east corner of Front Street and Third Street, Greenport, New York 11944, SCTM # 1001-5-4-5. The Applicant proposes to construct a new, mixed use, three-story building, having an 80 seat restaurant, and 715 sq. ft. of retail use, on the ground floor, and hotel uses for 16 units on the second and third floors, as well as a roof deck. The proposed uses are conditional uses under Greenport Village Code Sections 150-11(b)(1), (2) and (3). The property is located in the WC – Waterfront Commercial District. The property is not located in the Greenport Village Historic District.

Requested Variances

1. The applicant requests a lot coverage variance of 590 square feet, or 6% in that the proposed building construction has a lot coverage of 4,123 square feet representing 46% of the lot, requiring a variance of the maximum lot coverage limitations of 590 sq. ft., or 6%, of the total area of the lot (8,834.2 sq. ft.). Section 150-12B of the Village of Greenport Code requires maximum lot coverage of 40% (3,533 sq. ft.) in the WC-Waterfront Commercial district.
2. Front yard setback variance of 6 feet for wood trellises on Third Street.



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Section 150-12(B) of the Greenport Village Code requires a front yard setback of 6 feet in the WC Waterfront Commercial District. The applicant proposes overhead wood trellises on the west property line, along Third Street (which is a front yard in accordance with the Greenport Village Code), that are proposed to be built to the property line. The applicant therefore requests front yard setback variance of 6 feet for the overhead wood trellises proposed along Third Street.

3. Front yard setback variance of 1.3 feet for front steps on Front and Third Streets.

Section 150-12(B) of the Greenport Village Code requires a front yard setback of 6 feet in the WC - Waterfront Commercial District. The applicant proposes front entrance steps at the intersection of Front and Third Streets that have a front yard setback of 4.7 feet. The applicant therefore requests a front yard setback variance of 1.3 feet for the front steps at the intersection of Front and Third Streets.

4. Front Yard setback variance of 2.42 feet for raised outdoor dining area on Front Street.

Section 150-14(C) of the Greenport Village Code requires a front yard setback of that is equal to the average front yard setback of two existing nonresidential buildings with the greatest front yard setback within 200 feet on each side and that are on the same side of the street, and within the same block and the same district as the proposed nonresidential building, and the average, which is the required front yard setback, is 2.42 feet. The proposed raised outdoor dining area (on the Front Street or north property line which is a front yard pursuant to Greenport Village Code, and the applicant proposes a front yard setback of "0" feet, requiring a front yard setback variance of 2.42 feet.

5. Variance of 24 spaces from parking space requirement.

In the event that the Zoning Board of Appeals determines in its consideration of the interpretation of the application of the off-street parking requirement requested by the applicant that the project is not exempt from the off-street parking requirement of Section 150-16(A)(1) of the Greenport Village Code, then the applicant requests a variance of the off street parking requirement of Section 150-16(A)(1) of the Greenport Village Code. The proposed mixed use building proposed 12 parking spaces. Section 150-16A.(1) of the Village of Greenport Code requires 36 parking space based on square footage calculations and requirements for hotel occupancy requiring a variance of 24 parking spaces of the parking space requirement of Section 150-16(A)(1) of the Greenport Village Code.

6. Variance from requirement of an off-street loading berth.

The applicant is requesting a variance of the requirement for one off-street loading berth in that the proposed building does not provide for an off-street loading berth and Section 150-16 B.(c) of the Village of Greenport Code requires one off-street loading berth for each 8,000 to 25,000 sq. ft. of floor area requiring a variance of 1 loading berth.

7. Height variance of 12.0 feet.

The applicant requests a height variance of 12' where Section 150-12B of the Greenport Village Code limits the height of buildings to 2 stories or 35 feet, and the proposed building height is 47'0", based on the height of the elevator bulkhead located on the roof, requiring a height variance of 12'0".



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8. Height variance for third story

A height variance for a three story building where Section 150-12B of the Greenport Village Code limits the height of buildings to "2 stories or 35 ft." and the applicant proposes a three story building in violation of Section 150-12B.

Item # 3. Discussion and possible action for area variances sought by George Liakeas, 610 Main Street, Greenport, NY 11971, SCTM # 1001-3-4-3.

The applicant seeks a Building Permit for the construction of two additional dwelling units in an existing 2 family house in the R-2, One and Two family residential district. The property is located within the Historic District.

Article IV - Section 150-8. In an R-2 One and Two Family Residential District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part any purpose except for the use as a one or two family dwelling.

The house has 4 separate and independent apartments, as represented on existing floor plans as submitted dated 12/07/15.

Article IV- Section 150-8 B (2). - Conversion of an existing dwellings to a multifamily dwelling subject to the following standards and subject to Planning Board approval.

- (a) Said structure shall have not less than 1,000 square feet of livable floor area for each dwelling unit created, requiring a variance for each of the 4 units.
- (b) The lot on which such structure is located shall contain a minimum of 15,000 square feet of lot area and shall contain at least 5,000 square feet of lot area for each dwelling unit.
- (c) One and one-half (1 ½) parking spaces shall be provided for each dwelling unit.

The lot size is 10,890 square feet with 4 units proposed requiring a lot size of 20,000 sq. ft., thus requiring an area variance of 9,110 sq. ft.

The property provides 2 parking spaces where a total of 6 parking spaces are required, thus requiring a variance for 4 parking spaces.

Item #4. Discussion and possible action for an area variance sought by for Sarah Latham, 817 Main Street, Greenport, NY 11944, SCTM # 1001-2.-1-25. The property is located within the R-1 district and also within the Historic Preservation District.

The applicant seeks a Building Permit to increase the number of rental bedrooms in an approved Bed and Breakfast. The existing Bed and Breakfast has an approved site plan dated April 20, 1992 for use as a Bed and Bed, which is a conditional use.

The Village of Greenport Code Section 150-7 B. (7) (c) and the Planning Board resolution limit the number of rooms to three for lodging and serving breakfast.

The applicant seeks to increase the number of bedrooms from 3 to 4 rooms requiring a variance of 1 bedroom in capacity.

Item # 5. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for Ralph and Maureen Caouette, 447 Sixth Street, SCTM #



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1001-6.-3-3. The property is located in the R-2 District. The applicants seek a building permit to construct an open carport with a second floor deck.

Section 150-12A of the Village of Greenport Code requires a side yard setback of 15 feet.

The proposed carport has an 8.2 ft. side yard setback on the south property line requiring an area variance of 6.8 ft.

Item # 6. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for James Olinkiewicz, 221 Fifth Avenue, SCTM 1001-4.-4-29. The applicant requests several area variances required to subdivide an existing lot and construct a conforming house. This subdivision will create 2 new substandard lots requiring Area variance as follows:

Lot 1:

- The proposed subdivision creates lot 1 which is 6,587 sq. ft. where section 150-12 (A) requires a min. lot size of 7,500 sq. ft., requiring a variance of 913 sq. ft.
- The proposed lot width is 47.82 ft. where section 150-12 (A) requires a min. lot width of 60 ft., requiring a variance of 12.18 ft.

Lot 2:

- The proposed lot width is 52.35 ft. where section 150-12(A) requires a min. lot width of 60 ft., requiring a variance 7.65 ft.
- The proposed combined side yard is 17.9 ft. where section 150-12(A) requires a combine yard setback of 25', requiring a variance of the 7.10 feet.

This Property is not located within the Historic District.

Item # 7. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for James Olinkiewicz, 238 Fifth Ave Greenport Inc., 238 Fifth Avenue, SCTM 1001-4.-8-3. The applicant requests several area variances required to subdivide an existing lot and construct a non-conforming house. This subdivision will create 2 new substandard lots requiring Area variance as follows:

Lot 1:

- The proposed subdivision creates lot 1 which is 5,389.5 sq. ft. where section 150-12 (A) requires a min. lot size of 7,500 sq. ft., the proposal requires an area variance of 2,110.50 sq. ft.
- The proposed lot width is 50 ft. where section 150-12 (A) requires a min. lot width of 60 ft., requiring an area variance of 10 ft.
- The proposed lot coverage is 37 % (2,024 sq. ft.). Section 150-12 A. of the Village of Greenport Code requires a minimum of 35% lot coverage for a two family house in the R-2 District requiring an area variance of 2% (107.75 sq. ft.).

Lot 2:

- The proposed subdivision creates lot 2 which is 4022 sq. ft. where section 150-12 (A) of the Village of Greenport code requires a min. lot size of 7,500 sq. ft., requiring an area variance of 3,478 sq. ft.
- The proposed lot depth is 50 ft. where section 150-12 (A) requires a min. lot depth of 100 ft. requiring an area variance of 50 ft.
- The proposed cottage is 15 ft. from the front (west) property line, where section 150-12A. of the Village of Greenport code requires a minimum 30' front yard setback; this will require a 15 ft. front yard area variance.



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- The proposed cottage is 10 ft. from the rear (east) property line, where section 150-12A. of the Village of Greenport code requires a minimum 30' rear yard setback; this will require a 20 ft. rear yard area variance.

This Property is not located within the Historic District.

Item # 8. Motion to accept the ZBA minutes of May 17, 2016.

Item # 6. Motion to approve the ZBA minutes for April 19, 2016.

Item # 7. ZBA to schedule site visit times for Items #5, #6 and #7, above.

Item # 7. Motion to schedule the next ZBA meeting for *Tuesday*, July 19, 2016 at 6:00 PM.

Item # 8. Motion to adjourn.