VILLAGE OF GREENPORT COUNTY OF SUFFOLK
STATE OF NEW YORK

---------------------------------
ZONING BOARD OF APPEALS
REGULAR MEETING

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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'Keeffe
Court Reporter
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CHAIRMAN MOORE: We'd like to get started. It's about seven after six. It's a regular meeting of the Village of Greenport Zoning Board of Appeals.

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

Just for your information at the beginning here on item number one, it's a continued public hearing on area variances sought by SAKD Holdings LLC, Daniel Pennessi, President. This deals with the Front and the Third Street proposal for hotel, retail, and restaurant. Is there a representative here for SAKD Holdings by chance? The only reason we have an issue is that only a moment ago, we had been presented with a list of 22 revisions to the site plan, so the plan has been.
changed. We have had no way of
absorbing these. Normally these would
come in at least ten days before the
meeting. We have the public hearing
open so that the public who has spoken
already on a number of times, but we
have been mostly dealing with
interpretations regarding that
variances that were required by the
building inspector. We wanted to give
the public additional opportunity to
make comments. I don't know if anybody
specifically came tonight to speak to
SAKD regarding their proposal, but the
proposal has changed. I have no idea
what the changes are, so you may be
commenting on changes that have been
made, so I'm going to propose to the
Board that we basically table, is that
the proper term, table the public
Hearing until next month when we can,
and the public can, absorb any of the
changes and what their significance is.
I have no idea, even if this changes

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the eight variances that are on the
list of requirements that are before
us.

MS. NEFF: Can I ask a question?

CHAIRMAN MOORE: Yes.

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

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

MS. WINGATE: I have not.

CHAIRMAN MOORE: -- review them to
know if they affect the variances
that's written in the Notice of
Disapproval, so I don't know if he is
coming or not. We haven't had any
contact. There is, I think there is a
notice on the firehouse to come here, so he does drive a long distance.

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

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

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

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

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

(No response.)

Okay, so what we'll do is, I'm just going to say we will deal with item number 1 before we move on to the regular agenda, if Mr. Pennessi, I can,
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we can just change the order of the
agenda for now.

Is that agreeable to everybody?

MS. NEFF: Yes.

MR. SALADINO: Yes.

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

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

Article 4 - 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 four separate and independent apartments, as represented on existing floor plans as submitted dated 12/07/15.

**Article 4, 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.

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 four units. 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. One and one-half 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-square feet, thus requiring an area variance of 9,110-square feet.

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

I already mentioned that the parking spaces are also substandard. I'll just mention the notification, I believe this was noticed in the Suffolk Times, there is a placard that has appeared in front of the building. I imagine it has been there for ten days.

AUDIENCE MEMBER: Excuse me, Mr. Chairman, may I speak? I'm sorry to interrupt you, but the placards for both of the public hearing items on today's agenda were not there posted as of Wednesday of last week, they appeared on Thursday, so that's only
five days that they have been posted to
my knowledge because as I drove by, I
looked for them and they weren't there.

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

CHAIRMAN MOORE: A week ago
Monday.

MS. WINGATE: A week ago Monday.

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

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

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

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

MR. CORWIN: You took them down --

MS. WINGATE: Yes, actually Sarah
brought them to me and then we sent
AUDIENCE MEMBER: So they were incorrect and then they were changed to be corrected.

CHAIRMAN MOORE: They were correct --

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

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

MR. CORWIN: Public hearing.

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

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

MS. WINGATE: Hand me the file.

CHAIRMAN MOORE: The other file had those little cards showing the mailings.
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MS. WINGATE: I don't have the little cards, Pat has the cards.

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

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

MS. MOORE: Affidavit of mailing.

CHAIRMAN MOORE: And this is --

MS. MOORE: Affidavit of Mailing from us.

CHAIRMAN MOORE: Just for the record, I will read that Asa Elmforse (phonetic), the address listed is 130 Mulberry Street, Apartment 13, New York, New York and that is on the diagonal corner to the southwest of the property. David Angenari (phonetic), 530 Carpenter Street, obviously to the
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rear. Patricia Hamos (phonetic), 179 Grand Street, Apartment 6C, New York, New York and that is directly across the street, across Main Street. Deloras Ambroborgo (phonetic), a New York address, 1550 New York Avenue, apartment 3B, that is to the rear on Carpenter and Robert Moore, 139 Fifth Street, Greenport, New York, that is property owner to the north. Obviously George Liakeas, we know where you are. Greg Riveras (phonetic) is 28 Carpenter Street, directly behind the property. Juliet Weber (phonetic) Post Office Box 635 Greenport, New York, that is the property directly to the south. Those were all that were notified.

I just want to confirm, I was given a bunch of papers, some of which may apply to this one and there might be a letter there. There is one letter. I can read that after the owner and before or after public comments. I have it.
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Okay. Normally we have the owner or representative speak, and if you would like to make some comments --

MS. MOORE: Yes.

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

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

At that point, we investigated the paperwork, and we discovered that the Pre-CO that had been issued was technically defective. It was actually, the property had been a pre-existing four-family since prior to zoning, prior to '71; and the Pre-CO that has been issued which the code
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enforcement officer was relying on, which I attached, for your reference, I have a packet that has exhibit tabs and I'll refer to the exhibit tabs for your, for clarification.

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

We vehemently disagree with that --

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

Did you say an M-2 zone?

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

MR. CORWIN: It's an R-2 Zone, right.
MS. MOORE: You're absolutely right, and, in fact, I attached the zoning regulations of Chapter 150 to show that there is no such M-2, it was, in fact, R-2; so there were some technical deficiencies on the pre-CO as the matter of writing.

We believe that there were technical deficiencies in the fact that we don't believe that Mr. Lessard came into the structure because had he come into the building for the inspection, he would have seen what you have seen today on your inspection, which is that there are four living units with four kitchens. There is a separate exterior entrance with a separate address and separate mailboxes. There is separate living quarters. There is parking for separate occupants. There is a separate fire escape to the second floor that was obviously built some time in the 1950s based on the fact it's a cast iron fire escape.
was also evidence of exterior doors, parking, separate addresses. If that was not sufficient, the interior specifications of the existing structure would have clearly shown that the dwelling contained four units. I know Mr. Lessard from way back, he, a bright man, would have obviously seen what is there today.

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

At that time, the bank went in and
did an independent appraisal, as they should; and that's when they requested the pre-CO. Nobody obviously looked at that pre-CO, it never came to my client. When I asked him do you have it, he never even had it, it would have been a document that he requested a pre-CO and somehow it magically got to the bank, I don't know how, but very accommodating.

MR. LIAKEAS: It did --

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

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

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

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

MR. LIAKEAS: Right. In 1998, I had called, there was this very nice -- I asked for, I said this is the
situation, the bank needs a CO, do you know how I get one, and the response was, you don't need one, the house was before 1985, or sorry, 1960.

MS. MOORE: '71.

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

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

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

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

MR. SALADINO: So the Village, in
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fact, did tell you that it was a four-family?

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

MR. SALADINO: A two-family.

MS. MOORE: Yes.

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

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

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

MS. MOORE: Yes.

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

MS. MOORE: Correct.

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


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

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

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

MS. MOORE: Well, in 1998, nobody
really, nobody -- the properties were rented with independent renters. In fact, later on in, when was it, my client got a permit to replace the roof, that was issued in 2013. The building permit was issued, its permit number 02402 for reroofing and re-sheathing. It was still a four-unit, four renters and it continued to be as it always has been.

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

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

MR. SALADINO: Thank you.

CHAIRMAN MOORE: The roof doesn't --
MS. MOORE: In addition, one of the tenants is a Section 8 tenant. The Section 8 Housing does require inspection.

MR. CORWIN: Not anymore.

MS. MOORE: Pardon me?

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

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

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

MR. CORWIN: Let me correct something else.

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

MS. MOORE: Okay.

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

MS. MOORE: And the zoning --
MR. CORWIN: There may have been some changes in '71, but the body of the building code was '46 or '47.

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

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

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

MR. CORWIN: Well, if it was prior to '46 and '47 when the original 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.
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MS. MOORE: Division of Historic Preservation put it on their inventory in 1977. That's the only record I could find.

CHAIRMAN MOORE: Can I just interrupt for one --

MS. MOORE: Sure.

CHAIRMAN MOORE: Just so we keep things in order.

You said you were issued a violation.

MS. MOORE: Yes.

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

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

CHAIRMAN MOORE: That's not in our paperwork.

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

CHAIRMAN MOORE: Okay.

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
package with the notice.

Can I just ask you --

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

CHAIRMAN MOORE: You have a package with the tabs and everything.

In the file is a copy which I don't know if this is part of your presentation.

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

CHAIRMAN MOORE: It's from your file.

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

MS. MOORE: Well interesting because that notice was never, if it was issued, it was never served on
anybody; so it could have been one that
was produced and tucked away or not --

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

MS. MOORE: That would be my
client.

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

CHAIRMAN MOORE: Oh. Well --

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

CHAIRMAN MOORE: Early
recognition, I guess.

But anyway --

MR. LIAKEAS: I had not graduated.

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

MS. MOORE: That's whose
handwriting?

MS. WINGATE: David Abatelli's
handwriting.

MS. MOORE: All right. I'm not
aware of that, and my client was never
served with a notice. And that's saying three-family?

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

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

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

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

CHAIRMAN MOORE: I have no information on it.

MR. LIAKEAS: What address did they have?

MS. MOORE: What address did they have?

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

MS. MOORE: Okay.
CHAIRMAN MOORE: Anyway continue if you will just to get background on this.

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

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

MR. LIAKEAS: Yes.

MS. MOORE: The second-floor tenant, Joan Tennant who was, again, was receiving Section 8 and because of the criminal case pending, my client could not sign off on Section 8 on her behalf because of the pending criminal action, but she did provide an
affidavit at the time based on her knowledge of the house. Also we provided an affidavit by Deloras Amigaro (phonetic) who had lived across the street and also her daughter was a tenant in one of the apartments while she was --

MR. LIAKEAS: Before I got the house.

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

MR. LIAKEAS: Magda.

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

Those affidavits speak for themselves. I didn't need to read them
on the record, they're already part of
the record.

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

MS. MOORE: And Delores also.

MR. SALADINO: No.

CHAIRMAN MOORE: Delores is the
earliest.

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

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

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

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

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

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

MR. SALADINO: Looking for somebody --

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

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

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

MS. MOORE: I understand.

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

MR. LIAKEAS: Right.

MR. SALADINO: In all fairness and in all fairness to us, you can say
anything you want.

MR. LIAKEAS: But it is a
defective CO, so I don't want to jump
out of turn, but look I'm a doctor, I'm
a family doctor in New York City. I'm
not a high-wheeling plastic surgeon,
whatever. This house I inherited from
a neighbor, it's very dear to me. I'm
not trying to get a two-family house to
become a four-family house, I'm asking
that the house stay as it is. I didn't
touch the house, no renovations from
structure were done by me, for sure the
affidavits say that, and my contention
is that this single elderly woman also
did not do these renovations, at least
as far back as the early '70s. I don't
know what the laws are, but if there is
a grandfather clause that says, well,
you don't have to tear it down and
rebuild it if you can prove it goes
back to what date. Well, that date is
at least as early as the '70s as I'm
aware and the affidavits because I
I remember being a young boy who used to
go and visit this neighbor which over
the years developed into a beautiful
relationship and I don't have to tell,
you know, the public here whose Pampers
I was changing before this woman passed
away, but I definitely want to set the
record straight that it is not my
intent to make this into a multifamily
dwelling, for example for the purpose
of a financial gain. This is the way
the house was, I'm asking for it to be
grandfathered in as such. I don't know
what the laws are, I know that when I
received this letter for the CO, I was
told, you know, give this to the bank,
you'll be fine, great, it worked, the
bank didn't ask for anything else.

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

MR. LIAKEAS: Well, if the CO --

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

MR. LIAKEAS: On the contrary, I
sorry, but on the contrary --

MR. SALADINO: -- you get a letter --

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

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

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

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

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

As for the two-family,

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

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

MR. LIAKEAS: Well, by the way --

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

MR. LIAKEAS: I will say the Village inspected the house for ten years in a row, and I will say the trigger for this violation was not Joan, my tenant calling to complain, she was saying the downstairs tenant smokes, is there any way to get to
evict him. My understanding of what happen --

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

MR. LIAKEAS: I hope so.

MS. MOORE: Section 8 would have it.

MR. LIAKEAS: My understanding incidentally was that that phone call happened years earlier, and what triggered the very recent violation was that my mother called to say I may need to have the house appraised because I have an IRS issue from a restaurant, it's a long story that I should not have gotten involved in, and my mother called to ask if we need the house appraised, does the Village have it appraised and I understand that she was told, well, we don't do that, you would have to get an appraisal, but by the way, and my understanding is we've known for some time, those were the words that I feel that I was told to,
that the house has multiple tenants,
and I said, ugh, this is the worst time
to hear this, that this is a violation
but all right, well, I guess we'll have
to deal with this and it was generous
that I received the violation notice a
few months later, rather than the next
day, which I thought was very fair
whatever given the situation that I was
going through.

The point of the story is that
this is not like I was hiding under the
radar. The house is very clearly
multiple family if you see it, there's
multiple dwellings, multiple exits, et
ceetera, and it is impossible for me to
believe that the house was inspected
and nobody asked Joan, the tenant, are
there other people living in the this
house or that they assumed that she was
living in one quarter of the house and
the rest of the house was empty, so I'm
not -- I don't know what the
responsibility of Section 8 is, but I
am certain that it is reasonable to believe that this was not an attempt to hide a house, and again I am not -- I am very fond of Greenport. I remember Hurricane Gloria, I mean, my memories go way back. I'm not asking to make a two-family house into a four-family house; I'm asking not to be forced to bring it, to have to pay to bring it back to something that has been like this for over what appears to be 60 years. That's simply my -- 45 years, that's my contention.

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

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

MR. LIAKEAS: She was a single woman, she had been married for a month
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and then her husband left her, and she
had that whole house to herself and
needed to rent it. I remember this as
I was growing up. She's not here to
give her side of the story, but I'm
certain she didn't do major renovations
herself. I don't think she would be in
the capacity as a single --

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

MR. LIAKEAS: I'm sorry?

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

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

MS. MOORE: Finally, as far as the
throughout the Village and the Town,
there is always a statement that we
need affordable housing, well here we
have an existing house that's been
affordable, it's been four apartments where the families that have lived, there are, have been able to afford, they all live and work in the, either in the Village or the Town and Mr. Loeb points out that he is a fireman in East Marion, so this is a house that has supported the local community and my client --

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

CHAIRMAN MOORE: And I guess
you're coming to your conclusion.

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

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

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

MS. MOORE: No, not to my knowledge.

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

MS. WINGATE: Just one.

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

I am the domestic partner of Juliet Weber, the owner of 604 Main Street which abuts the property in question. Juliet has owned our home for nearly 20 years and we have lived there full time for the past four
years, whereas, the residents of 610 Main Street have largely been wonderful neighbors, I say largely because the recently-departed tenant had a dog that barked nonstop for 30 minutes at a time.

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

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

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

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

MR. CORWIN: Excuse me, Mr.
Chairman.

CHAIRMAN MOORE: Yes.

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

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

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

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left.

CHAIRMAN MOORE: It's immediately next door.

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

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

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

MR. CORWIN: Can you --

MS. WINGATE: It's south.

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

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

I'd just like to say that the process where we are now is, this is actually an application for a variance, so to the grandfathering issue is just support for the fact that it already exists, but you are actually requesting a variance.
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MS. MOORE: Well, I would like to point out, what happens is that when you have a pre-existing use, you can't, the Village can't unilaterally extinguish it, so I'm not precluded from arguing that constitutionally this was a pre-existing use that should be recognized. If the Board isn't persuaded that it's not, that we haven't given you adequate information that it's a pre-existing use, then the variance kicks in to convert the structure from a two, from a permitted two-family to a four, a multi-use structure.

The fact that the structure has been there as-is for 40, 50 years is evidence in and of itself that it does not change the character of the neighborhood. It would be the multi-family is not more than what is already there and what has already, has continued to be there for all this time, so the history of this property...
does lend itself to meet all the
criteria of an area variance, but more
importantly for us, it's very important
to recognize this as one of the issues
that we face with the Building
Department is that if we declare that
that we are bringing in a multi-family
then we are subject to let's say
pretend that none of this structure
exists as-is and we would have to
install sprinkler, fire extinguisher,
sprinkler systems throughout building
and go through site plan and everything
else when, in fact, the structure has
been as it is for, as I said, decades.

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

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

CHAIRMAN MOORE: There's nothing
in the paperwork that's asking for a
reversal or protest of a notice of the building inspector; is that correct?

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

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

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

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

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

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

MS. MOORE: Okay. And then the second part is Section 150-8 which is variances from unit size, variance from lot size and number of parking spaces, so the way I presented it was to recognize the pre-existing nature of
CHAIRMAN MOORE: Let me catch up.

MS. MOORE: Sure.

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

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

ATTORNEY PROKOP: I think we
needed more information, but I don't know -- but I don't know what the situation is, but the pre-existing use, if it's not in existence right now, you know, it could be pre-existing 60 years ago, it only matters what it is now. It would have been extinguished if it's not --

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

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

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

MS. GORDON: Building Inspector 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.
as a three-family. I mean because the tenant in the front really has access to the rear, other tenants use part of the rear, but my question is: Is the phrase "multifamily" inclusive of a three-family? I know three-family has not been mentioned anywhere except by me at this moment.

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

MS. NEFF: Thank you.

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

MS. MOORE: No. Not Buffamonte.

CHAIRMAN MOORE: Somebody that referenced.

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

MR. SALADINO: I didn't know. I didn't know she died.

MS. MOORE: That would be quite a feat on my part.
MR. SALADINO: It's someone that knew her and the person that knew her, their contention is --

MS. MOORE: Yes, well because she --

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

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

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

MR. SALADINO: His affidavit says
that he knows that tenants have been living in the house.

MS. MOORE: Yes.

MR. LIAKEAS: There were no changes.

MS. MOORE: There have been no changes.

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

--

MS. MOORE: Correct.

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

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

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

MS. WINGATE: Well, the note in

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

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

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

MS. MOORE: But it was addressed to --

MS. NEFF: Is there a date there?

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

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

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

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

May I?

(Perusing document.)

So I can swear and testify that I have never set my eyes on this letter, and if I had, I would have responded by...
hiring, for example, Ms. Moore at that
time to rectify the situation because,
again, if there was any intent to hide
multiple apartments, then I wouldn't
have had a Section 8 person in there
for ten years, so I can definitely
attest that it would not make sense to
not only respond to this, but also that
it took 20 years for the Town to then
bring it up again, if this was really
in somehow the forefront of my file.

MR. CORWIN: The Village.

MR. LIAKEAS: All right, the
Village.

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

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

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

CHAIRMAN MOORE: -- building
inspector.

MR. LIAKEAS: In fact, I'm
surprised this wouldn't have been certified or something, I mean, if it's -- if it's a violation, a criminal violation at that because --

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

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

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

MS. WINGATE: Basically --

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

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

MR. CORWIN: Mr. Chairman.

CHAIRMAN MOORE: Yes.

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

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

MR. CORWIN: I think we need to
wind this up, adjourn this --

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

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

CHAIRMAN MOORE: Well, we could --

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

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

MR. SALADINO: Yes.

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

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

MS. WINGATE: I took it back.

(Whereupon, several conversations took place simultaneously.)

I'm sorry, we're having a lot of back and forth. Perhaps what we'll do then, we're still in the hearing stage, we'll certainly have plenty of time to
talk about this some more, maybe we'll just get some public input because one way or the other, the request really is about whether a multifamily house can be sanctioned at that location, the method by which that may or may not occur, we're still talking about.

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

PODIUM SPEAKER: In.

MS. WINGATE: In that --

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

CHAIRMAN MOORE: As I understand the process, if before this, a building
inspector had ample documentation that it was a pre-existing multifamily dwelling, I suppose that it would simply be recorded as a pre-existing nonconforming.

Maybe Mr. Prokop can better --

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

CHAIRMAN MOORE: Right.

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

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

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

CHAIRMAN MOORE: Okay. Just to
mention, I believe Mr. Pennessi has come in. We just got your overnight delivery of 24 changes to the site plan. We have no idea -- 22, I'm sorry. We have no idea what that means as far as the impact on the plan. We were trying to complete the public hearing about your proposal where we're now at the stage of considering variances, so we're prepared to table this until next month so we can assess what this means and perhaps when this hearing is completed or adjourned, we may ask you to perhaps just give us a quick update on where we are --

MR. PENNESSI: I would like the opportunity --

CHAIRMAN MOORE: -- we really can't do much on a revised site plan that has 22 changes in it without -- And the public can't comment much on it either at this point because they don't know what the changes are, so in a few minutes, hopefully we'll hear just a
little bit of an update.

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

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

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

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

MR. REED: Number two is, is it or has it ever been conforming or not to have to be brought up to code now? Back in the day, that was back in the day, we're talking about now, codes change year to year. I know you are trying to get things, you know, situated, but codes do change and does it have to -- it does apply to them.
that it would have to be brought up. You said sprinkler systems if it's a four-unit, right?

CHAIRMAN MOORE: Well --

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

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

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

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

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

MR. REED: How far is that, is
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there any lapse or --

ATTORNEY PROKOP: I don't know. There is no testimony right now about that. That's one of the things we are going to look into.

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

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

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

MS. WINGATE: Not on my form.

CHAIRMAN MOORE: The 1998 form.

MS. WINGATE: Yes.

CHAIRMAN MOORE: And that was a
direction to Zoning Board of Appeals which was never made.

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

MS. WINGATE: Not necessarily.

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

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

MR. REED: Same structure.

MR. LIAKEAS: Same structure never changed.

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

MR. LIAKEAS: There is like --

MR. CORWIN: Wait a minute. This is a public hearing, you got to address the Board. Mr. Chairman, we have to
wind this up and move on.

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

MS. POLLACK: Karen Pollack, First
Street. I have a couple of comments
about this. Ms. Moore keeps saying
that the use as a four-family has been
in existence for 40 or 50 or 60 years,
but I still, I haven't heard any
evidence of that as of yet. I've heard
about affidavits from people who have
been there for ten, fifteen years,
affidavits from neighbors, but I
haven't heard anything where there is
proof that this four-family situation
has existed prior to 1971. The only
actual proof of anything that we have
is the pre-CO issued in 1998 by Victor
Lessard, and to me that's an official
document by, that was written by an
Official of the Village of Greenport
and in order to overcome that pre-CO,
there would need to be provided to you
a higher level of proof that before
that the structure existed four-family
prior to the 1971, which I'm not
hearing.

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

Thank you very much.
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CHAIRMAN MOORE: Would there be anybody else?

MR. LIAKEAS: So --

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

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

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

Two, you're right, I'm sure Mr. Lessard was a lovely gentleman, but assuming we're going to go on the fact that his paper is what's the law, that piece of people is miswritten. It doesn't even have my house in the right zone, so there is already some reason
to believe that it was just here you
go, here is your piece of paper. I
mean, with all due respect, if that's a
legal document, this legal document is
in error.

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

CHAIRMAN MOORE: We got your
point.

Anybody else that would like to
speak?

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

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

MS. MCENTEE: Joann Mcentee 242
Fifth Avenue.

One, with this application, we
are, there is a very excessive amount
of variances. When you are asking for
the 9,100-square foot variance on a lot size for 20,000-square feet and a lot size of the 10,890, that's excessive. The four units are like over excessive. When I bought my house in 1985 on Sixth Street, I was given a CO, I was clear on what I was purchasing. It was needed for the bank, it was clear. I knew what I was purchasing. I believe that he knew what he was purchasing as well.

CHAIRMAN MOORE: Do you mean Sixth Street?

MS. MCENTEE: Sixth Street.

CHAIRMAN MOORE: It was Sixth Street. Okay.

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

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

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

I believe that's all I have to
say.

Thank you for listening.

CHAIRMAN MOORE: Thank you.

Anybody else that would like to speak.

(No response.)

I guess not. Now, I think we have
a lot of loose ends. The attorney, I
think the process could be resolved, I
suppose by providing information to the
attorney and building inspector to try
and substantiate it. It seems the main point you're speaking about is the pre-existence --

MR. LIAKEAS: Right. So can I --

CHAIRMAN MOORE: We're here to consider --

MR. LIAKEAS: -- one sentence.

MS. MOORE: Let him finish.

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

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

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

And two, I'm not asking for a variance. That is how it's coming out
on paper. I'm asking for it to be grandfathered, whether you call it three or four or whatever, I'm simply saying, I didn't build the house this way, nobody knows when it would have been built this way, an architect in affidavits believe as far back as the mid '70s, there have not been any changes. That's all I'm saying. I don't know what the law is. I'm not trying to get a variance.

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

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

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

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

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

CHAIRMAN MOORE: Okay.

MR. CORWIN: I make a motion that
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we adjourn this public hearing, we
investigate additional documents, and
we continue it at the July Zoning Board
of Appeals meeting.

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

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

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

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

MS. NEFF: Second.

CHAIRMAN MOORE: All in favor?

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

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

So moved.

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

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

MS. NEFF: Thank you.

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

Third Tuesday would be August 16th.

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

MR. SALADINO: Second.

CHAIRMAN MOORE: All in favor.

MR. CORWIN: Aye.

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
well.

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

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

Additionally, to the extent any right of way or easement is required
for the State to allow the traffic signals to remain, we would have to grant those easements.

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

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

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

So the remainder of the revisions were basically the addition of notes. You'll see on the left-hand side, there's general notes 1 through 5 and DOT general notes 1 through 11, that was simply adding notes that the DOT
requested we add to the site plan to make sure that we complied with the DOT requirements when we commence construction.

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

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

I'm sorry, Mike Reed 430 Front
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
comment on the project. As far as the revised site plan, obviously you have the right to comment about that when you examine it, but there are some other issues with the application that I'm sure this Board would like to hear from the public, parking, height, lot coverage.

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

CHAIRMAN MOORE: We actually have gone through the request for interpretations which were numerous and those were completed, and so now the variances have to do with a small excess of lot coverage. There are some set-back issue for trellises, along two property lines, there is a variance for steps at the front. There is a front yard set back for a raised outdoor dining area that is proposed to be within the required set back. There is a variance for 24 parking spaces which are required.
It is 24 still, or is it more; I'm try to think, that number doesn't sound right?

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

CHAIRMAN MOORE: That would be helpful to know.

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

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

MR. PENNESSI: With 12 provided currently.

CHAIRMAN MOORE: Sorry. Yes.

MS. WINGATE: But there are things --

You have eliminated all the outside dining?
MR. PENNESSI: We have eliminated the outside dining.

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

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

To be specific, this response, responsive site plan was for DOT purposes, so we revised it according to the DOT purposes. Excuse me responsive to the DOT comments. This is not the site plan that addresses the variances that we are seeking, so to the extent the variances are granted, the DOT submission will need to be revised. The only change to the site plan offered for variance purposes is addition of this bike rack that's not located on site. Otherwise, the structure has not changed.

CHAIRMAN MOORE: Just to continue so the public knows, so we do.
understand there is somewhat a changing
the required parking, 36 to 32.

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

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

CHAIRMAN MOORE: It was an
MR. REED: Twelve feet. What are you deeming the elevator non -- how are you deeming that elevator, is it still considered at 42 feet? Doesn't it need another variance for the height?

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

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

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

Yes.

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

I live here. Greenport is my home. Our code says we're supposed to be reducing nonconformity. This building is too high, it's too big, doesn't have the proper setbacks. You
want to eliminate a loading zone. Just try to pass a truck making a delivery parked in the middle of the street. You want to be excused from 20 required parking spaces twenty-four twenty (sic). I don't care, if you can't find a place to park in the Village for six months out of the year anyway and now you want to be excused from these requirements.

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

Thank you.

CHAIRMAN MOORE: Thank you.

MS. ALAN: Chatty Alan, Fifth Avenue.

From the time I first heard about the project, even though I think this is a beautiful building, restaurant and hotels, I have said from the very start not on that teeny tiny lot. There is no way you can put a restaurant and two floors of hotels plus shops down below on the tiny little square. There is no
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way. You're going to have it butted right up to the sidewalk. Turning into, if you actually look as you're coming up to the light, you're turning, you're in the turning lane, so you're talking anyone pulling in and out of there, you got the traffic lane, you want to get rid of a loading berth. I drive a 66-passenger school bus. I use that road Monday through Friday September to June and during the summer. It is hard enough coming up Third Street in a car, try it in a school bus when you've got trucks and people blocking the turning lane. I'm dealing with this with the ferry because people don't stay in their lane. You're gonna add more congestion, more back ups. You're going to have accidents at that corner. It's a beautiful site. It's a beautiful building, but it needs to find a larger space to go on.

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

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

Thank you.

CHAIRMAN MOORE: Would there be
somebody else this evening?

(No response.) Okay.

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

We gave him the option last time
of picking his variances one by one as
he would like for us to consider, and
we will deal with them, we'll discuss
them, and then at some point, we'll
have to complete coordinated review,
which we do have information on.
And one of the other issues is, the Village Board sent their concerns. There were four concerns they had as far as the impact for a SEQRA review and a coordinated review. I then followed up, they sent, the Village Clerk sent me the notification that they were considering changing that letter of concern because one of the trustees did not agree that that was what they discussed, we need to confirm that as well how that impacts on the coordinated review. The Planning Board, I don't believe is going to respond to us, at least hasn't so for.

So I'll make a motion that we adjourn the public hearing on this project.

MS. GORDON: Second.

MR. CORWIN: Mr. Chairman.

MR. PENNESSI: May I ask a question?

CHAIRMAN MOORE: Yes. Well, would it be all right after the adjournment
because we're going to do it anyway.

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

CHAIRMAN MOORE: They should have
been sent to you.

MR. PENNESSI: No, they were not.

CHAIRMAN MOORE: It can be
provided, yes.

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

CHAIRMAN MOORE: The zoning?

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

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

ATTORNEY PROKOP: It was the Third
week of May.

CHAIRMAN MOORE: May 25, and it
may be revised. Although the
communications haven't been perfect. I
could give you this, it's from my own
e-mail, but here is a copy of the file
and then the notice.
MR. PENNESSI: Have we determined when the notice was initially distributed --

ATTORNEY PROKOP: No.

MR. PENNESSI: To commence coordinated review.

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

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

ATTORNEY PROKOP: No, I don't.

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

ATTORNEY PROKOP: No. Not at this point.

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

MR. SALADINO: Dinni Gordon second already.

MS. GORDON: Second.

MR. CORWIN: Before we --

CHAIRMAN MOORE: Any discussion?
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MR. CORWIN: Before we vote on it, I think you should mention where you're going to be in July. Maybe some --

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

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

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

CHAIRMAN MOORE: We're trying to get back on schedule, so my plan is to be absent next month, so we're adjourning until July 19, which is our next regular meeting at which we hope to discuss directly, close the hearing.
and discuss directly the eight variance proposals.

Do I have a second on that? I did.

All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. CORWIN: Aye.

CHAIRMAN MOORE: Any opposed?

(No response.)

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

We're now on number 3 which is a public hearing for an area variance sought by Sarah Latham, 817 Main Street, Greenport, New York 11944, Suffolk County Tax Map 1001-2-1-25.

The property is located within the R-1 District and also within the Historic District.

The applicant seeks a building permit to increase the numbers or rental bedrooms to 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 breakfast which is a conditional use. The Village of Greenport code section 150 B, 7C 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 three to four rooms requiring a variance of one bedroom capacity.

I will get out the notifications.

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

In passing, I guess I could say,
along with that, not act on changing
the code, they reference that any
request for changes and number of
bedrooms could be dealt with by the
Zoning Board of Appeals on a
case-by-case basis, and that's why
we're here.

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

MS. WINGATE: Right there.

CHAIRMAN MOORE: Okay. The owners
notified were Margo Grid (phonetic),
636 Second Street, Debra Shapiro, which
is a New York Address, but is the
property across the street and to the
north, Gregory Rhinow, 823 Main Street,
which is to the north, the Boatright
Group LLC, 639 Second Street, not sure
which place that is, it's to the south.
James Betts, which is immediately to
the south, that's a city address, the
Episcopal Church across the street,
Post Office Box 502, Greenport and 817
Main Street LLC, which is the address.
Those are the notifications. I believe it appeared in the paper, and a placard has been put out according to previous discussion since a week ago Monday. The applicant is here, and could speak regarding the application.

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

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

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

I am a graduate of Greenport High School and I returned to the North Fork in hopes of raising a family here. I chose to run a B and B because I love hosting visitors to our Village.
love to help guests figure out which
beach, which winery, which restaurant,
or which event would be just right for
them. I market our beaches, our
wineries, our restaurants and our
events all year long. I shop at the
market. I buy gifts at Verbena. I
drink local wine.

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

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

AUDIENCE MEMBER: Thank you.

CHAIRMAN MOORE: We will try and
listen without speaking.

MR. SALADINO: We're following
along.

MS. LATHAM: And I sponsor the
Greenporters football team each year.
I chose to run a B and B because I
couldn't afford to pay the mortgage on
a house in Greenport otherwise, and I
wanted to live where I grew up and be able to enjoy all of the things that tourists visiting our Village enjoy.

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

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

I encourage Greenport to allow me to increase my own number of rooms to four in an effort to grow my business. A business that provides safe, regulated rooms for visitors to Greenport with owners on premises and proper parking for each of the rooms.
Thank you, and I appreciate your time and consideration.

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

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

MS. LATHAM: I believe it's .48 acres, I want to say.

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

MS. LATHAM: I have my --

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

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

MR. SALADINO: 10,000.

CHAIRMAN MOORE: 10,000. The only reason I mention that is that during
discussion about the possibility of expanding the code to accommodate more bedrooms, there was some discussion about increasing lot size requirements along with bedrooms, so I just wanted to see --

MS. WINGATE: It should be on the survey.

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

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

MS. LATHAM: I understand.

MR. SALADINO: Also, we mentioned Southold. Southold technically doesn’t
allow B&Bs. All B&Bs in the Town of Southold are by special exception, so there's no as of right for B&B. You go before the Planning Board, you go before Zoning, and they decide how many rooms are allowed up to a maximum of five.

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

MR. SALADINO: No, I certainly understand that.

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

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

In all the district, except affordable housing, B and Bs are
allowed, again, by special exception, and it just, I just find it at the last public hearing it was mentioned that, well Southold allows it. As the hearing before that, it was mentioned, well, Southold allows it; and that's, in fact, true, but there are conditions.

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

CHAIRMAN MOORE: I think you
concluded, yes.

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

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

Second letter from Gregory Rhinow.

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

So members of the public who would
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
going with bed and breakfasts from
three to five rooms, that I think the,
if I'm not mistaken that the Board and
the mayor felt her property is the only
one that can increase by another room.

None of the other B and Bs have
enough coverage to be able the expand,
Sarah does, and like she said, I've
known her since teeny tiny, so yeah,
I'm rooting for her. She is trying to
raise her business and still be able to
afford to be here. I think with all of
the illegal B and Bs, you might want
call them, with these houses, all
throughout Greenport and Southold Town
that are being rented out to fifteen
people, there is no regulation, no
nothing. She is following everything
to the letter, and I think the Board's
decision to have someone come to you
was the fact that these other B and Bs
don't have the room, so if they made,
okay B and Bs can go to five rooms now,
you're going to have more substandard
 lots, and I think that was if I'm not mistaken, the reasoning behind let's do case-by-case. This B and B has ample room to expand. It's one of the nicer ones that I have seen around, and I really hope that you do the right thing and approve this variance. It's not like the one on the corner that's trying to put 16 hotel rooms in a little box she's got plenty of room to do this, and I encourage you to please give her the variance.

Thank you.

CHAIRMAN MOORE: Yes. The gentleman in the back.

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

CHAIRMAN MOORE: Yes.

MR. RUTTER: I am in support of Sarah because, as Chatty said, we need to help these local business people grow their business. As opposed to the
Airbnb directly across the street from me that nine bedrooms, but that's beside the point in this meeting. I urge you to support her expansion.

CHAIRMAN MOORE: Thank you. Mike.

MR. REED: Mike Reed, Front Street.

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

I'd rather see that than affordable housing because you get all kinds of trash, you know, and I'm just tired of seeing it. You got places, you're over abundant of affordable housing. These people live here. They take care of it, not like the people with affordable housing, they just
collect a check.

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

MR. WEISCOTT: Jack Weiscott (phonetic), 229 Fifth Avenue. This is just a suggestion I have that when you first started this applicant's hearing, you mentioned the letters that were sent out to the various neighbors. I just wanted to share something. I was
speaking with someone from another jurisdiction goes before Zoning Board and Planning Board all the time and it's commonplace there, the letters are sent out registered and the applicant has to bring proof that they were delivered because there have been quite a few instances I know with the variances that are being sought on our street where all the letters are not delivered to all the people, so I think possibly you might consider requiring registered mail for the notifications of neighbors in the future, just a suggestion.

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

MR. WEISCOTT: Now they do?

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

MR. WEISCOTT: Four years ago,
several people on our street did not get the notification.

MS. WINGATE: Can I finish?

MR. WEISCOTT: Yes.

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

MR. WEISCOTT: It's kind of flawed.

MS. WINGATE: Excuse me.

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

AUDIENCE MEMBER: It's your mailman.
MS. LATHAM: It could be your mailman.

(Whereupon, several conversations took place simultaneously.)

CHAIRMAN MOORE: Any comments regarding the application?

MR. KEHL: Bob Kehl, 242 Fifth Avenue.

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

CHAIRMAN MOORE: Okay.

MS. POLLACK: There has to be one.

Karen Pollack, First Street. I'm sorry to swim against the tide, I am quite sure and convinced that Ms. Latham is a lovely person and runs a wonderful

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

Thank you.

CHAIRMAN MOORE: All right.

Anybody else?

MS. PETERSON: Diane Peterson, 228 Sixth Avenue.

Seeing as this particular variance would not change the outside of the house or she's not asking for anything large as far as variances go. She can provide the parking, everything can be met within the codes that you're working with. I feel that this should be accepted and allowed. There are
other issues in the Village obviously, the Airbnbs, different time, different conversation going that way, but in this particular case, she is doing things the right way. She has the room. She has the parking. Everything fits within the codes. I think this should be granted.

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

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

That if you let one, if you let her do it, they're all going to want to do it. It dovetails with what Diane just said, she's not asking for yardage for variance for, you know, not enough parking, everything is contained. Another B and B comes, they're gonna want setbacks, they're going to want not to have the right parking, and that's where you can say no. This is a structure that is there. There is
room. She's not building out, she's not moving her yard, she has ample room to do it. That's the difference between her B and B and say the one on the corner of Fifth the Front, and as far as more people in the Village, there are more -- I went on Airbnb, just to look, there are more houses within -- within the, just the Village that are renting them out, ten, twenty people for a weekend. She's adding what, two extra people every now and then, and that's why I strongly suggest, like everyone else said, she should be granted the variance.

Thank you.

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

MS. ALAN: Isn't the old --

AUDIENCE MEMBER: Tapestry.

(Whereupon, several conversations took place simultaneously.)

CHAIRMAN MOORE: Any other members of the public wish to comment?
MR. SALADINO: Sarah, you were
going to give us an updated --

MS. LATHAM: Do that now?

MR. SALADINO: Sure.

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

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

130-square feet, but I was counting the
closet, which I was told is not livable
space, so then when you subtract that,
it's just shy, like a foot-and-a-half
shy of the square-footage requirement.
per the code, so then I'm all worried
and I'm looking again and I noticed
there is molding all around the side
because it's a beautiful house, I'd
invite anybody to come to take a look,
it's got really great woodwork,
beautiful molding, so when you subtract
the molding, it will be 120.5 square
feet, which is within the code, so if I
must, I would remove the molding so
that my floor space is enough. I don't
know, that's something that you have to
tell me.

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

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

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

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

CHAIRMAN MOORE: With a condition
in any kind of motion that it must meet
the standard. I just think we're kind
of spinning our wheels if we don't
know.

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

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

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

MS. GORDON: I don't think this
has much to do with the question that's
been put before us, which is about the
extra room, and I wouldn't like to
think that a consideration of that
which might be a Planning Board
decision is going to color the decision
that we have been asked to make as the
ZBA, so I hope we're through with this
part of the discussion and we move on
to what the ZBA is supposed to be
doing.

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

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

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

MS. GORDON: I thought what was
before us today was consideration of
whether or not a fourth -- essentially,
the Village Board has passed the buck
to us to make individual decisions
based on, kind of a discretionary
evaluation of the validity of the
application and the appropriateness of
the applicant; and I think that's what
we should be doing here, and leave the
room size, if we approve a fourth room
to the consideration of the Planning
MS. NEFF: I also, we're talking about a very small amount of space and, in fact, although you talked about, somebody on the Board talked about floor and molding and included, in fact when you measure a room, you're interested in the volume of the room as well, so the molding is not, I mean, it's substantial in this case, we've got a baseboard, we've got the molding in front, it's got to be at least three-and-a-half or four to: Four-and-a-half inches, so I don't see -- I'd like the Planning Board to make this decision, but on the other hand, neither do I see the differences between this room and what would meet the needs of a bedroom in a B and B, I don't see that there is a problem.

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

AUDIENCE MEMBER: Excuse me.
MR. SALADINO: One second. I feel our job here is to deal with the code, and if we follow the code, that's fine, if we don't, you know, however this Board goes is decided by individual vote. I kind of think that if it's in the code, you should consider it, it shouldn't be all consuming, but you should at least consider it.

I'm sorry.

CHAIRMAN MOORE: Bob, very quickly.

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

MR. SALADINO: It's floor space.

MR. CORWIN: Floor space.

BOB: It's wall to wall.

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

BOB: It's wall to wall.
ATTORNEY PROKOP: We're not talking about the molding. If her architect said it's 126 less nine feet for the closet, we're not talking about the moldings, it's something else.

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

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

CHAIRMAN MOORE: That was my suggestion.

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

MS. WINGATE: I would --
ATTORNEY PROKOP: The other thing is, what Eileen and I were discussing, if this is a New York State requirement, you cannot override a New York State requirement.

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

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

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

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

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

CHAIRMAN MOORE: I mean if we --

MR. SALADINO: I don't have a
problem closing the hearing and my
opinion will be reflected in my vote.

MS. WINGATE: There is also --

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

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

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

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

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

ATTORNEY PROKOP: 110.

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

CHAIRMAN MOORE: Yes, minimum, the
room size under the B&B code is 120, so
that's the threshold.

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

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

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

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

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

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

MS. GORDON: Second.

CHAIRMAN MOORE: All in favor.

MR. SALADINO: Aye.

MS. GORDON: Aye.
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
increase in variance, and as far as I know, a new public hearing is not required if there is not an increase in --

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

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

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

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

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

ATTORNEY PROKOP: Yes.

CHAIRMAN MOORE: Why don't you just explain what the changes are.

There was originally, I'll just
mention, the shed was going to be modified to be a pool house, pool equipment building. The proposal has changed to remove that former garage and build a new shed which is conforming.

MS. WINGATE: The shed is conforming.

CHAIRMAN MOORE: The shed is conforming.

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

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

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

Go ahead, why don't you just, if I didn't already take --
MR. LEHMAN: No, you did a pretty good job of it.

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

We pulled them both in. We centered the pool on the side yard and pulled it off of the rear yard to a
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conforming location.

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

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

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

MR. SALADINO: I think the revised plan enhances the application, but if a new -- I just don't know if a new public hearing --
ATTORNEY PROKOP: If there is one variance that's reduced, then you can proceed. If there's now two variances, where before there was one, then that's a problem, even if the combined total is less.

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

ATTORNEY PROKOP: That's not what Doug said.

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

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

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

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

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

MR. LEHMAN: Correct. There were
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two yard setback variances requested
and there are still two yard setback
variances.

CHAIRMAN MOORE: And in aggregate

--

MR. LEHMAN: They're not --

CHAIRMAN MOORE: The only concern

I have is that the garage as it existed
sat behind the adjoining lot to the
east, you know, the other lot to the
west is well screened. I do see you
have plantings in your site plan, but
the loss of that garage does open up
certain degree of this building that
the old garage provided. We haven't
heard from --

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

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

MR. GLEASON: He is aware of the
change and he didn't have a problem
with it. I didn't get a letter from
him, which I should have. I can but he
is actually for it.

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

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

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

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

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

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

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

CHAIRMAN MOORE: Then why don't we --

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

CHAIRMAN MOORE: Okay. So I think --
MR. CORWIN: This requires like three parking spaces, right?

MR. SALADINO: Why?

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

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

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

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

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

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

MR. SALADINO: Or B and B.
CHAIRMAN MOORE: -- that would be a really pertinent issue when we're talking about a single-family dwelling because that's what exists now. The parking hasn't changed.

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

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

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

I respect your concern but.

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

MR. SALADINO: Do they have to be --

ATTORNEY PROKOP: They have to be
-- he has to provide two off-street spaces. It doesn't have to do with the garage, he just has to provide parking.

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

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

CHAIRMAN MOORE: What it was is what it is.

MR. LEHMAN: Exactly.

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

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

MS. NEFF: Aye.

CHAIRMAN MOORE: So we prompted last month, we're going to deal with
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this in two sections, we're going to
decide on the variance for the house
which was a, if I can find it right
here, the side aggregate side yard set
back for the house was 15.25 feet
requiring a 9.75 foot combined side
yard variance. The reason for that
since the house already occupies, that
setback was the porch which is being
replaced, had no foundation and now a
foundation is being added which
increases the footprint, so we felt it
necessary to bring that into the
consideration and support the building
inspector on her determination.

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

I ask for a second.

MS. NEFF: Second.

CHAIRMAN MOORE: Mr. Corwin, care to vote?

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: And I vote yes. That has been declared. What I'll do is first address the house issue with the addition of the porch. That has to do with granting a 9.75 combined side yard variance for the new porch, replacing the old.

First question is whether an undesirable change is produced in the character of the neighborhood or detriment to nearby properties will be
created by granting the area variance.
I'm referencing the porch.

Mr. Corwin?

MR. CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: No.

CHAIRMAN MOORE: And I vote no.

That motion passes. Whether the benefit sought by the applicant an be achieved by some method feasible for the applicant to pursue other than an area variance. This is regarding the porch.

Mr. Corwin?

MR. CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?
MR. SALADINO: No.

CHAIRMAN MOORE: 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
MR. CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: No.

CHAIRMAN MOORE: I vote no. That motion 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 the area variance.

Mr. Corwin?

MR. CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: No.
CHAIRMAN MOORE: 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
understand the plans, the plans now reflect what's called the pool shed, and I think it has to be clarified whether it's pool house or shed or what exactly it is.

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

MR. LEHMAN: That is correct.

CHAIRMAN MOORE: And the other uses for the shed?

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

CHAIRMAN MOORE: No indoor shower.

MR. LEHMAN: No.

CHAIRMAN MOORE: I think that's clear.

ATTORNEY PROKOP: Okay.

CHAIRMAN MOORE: So then we go again through the questions. If the Board would allow, I'll just read the abbreviated form since we have been through them.
First of all, whether there is undesirable change and character of the neighborhood.

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

MR. CORWIN: Say that again, please.

CHAIRMAN MOORE: I'll read it.

Whether the benefits sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.

MR. CORWIN: No.

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
gonna end up a B and B type establishment.

CHAIRMAN MOORE: Okay. Ms. Gordon?

MS. GORDON: Repeat the thing --

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

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: No.

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

Mr. Corwin?

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

MS. GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: Yes.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: Yes.

CHAIRMAN MOORE: 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.
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.


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

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

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

CHAIRMAN MOORE: It does.

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

CHAIRMAN MOORE: We do.

MS. NEFF: I don't see a reason
why we can't as a ZBA make a decision.

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

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

It's easier for me if it's resolved tonight, but on the other hand, putting this over for the 30 plus days because we're going from the second Tuesday to the third Tuesday, I think that one of the things that she could, she could clear this up by either rearranging the bedroom or maybe putting another -- if it's a Village Code violation and not a State code violation, she could then at the next meeting, we could add that in with a public notice and then resolve the whole thing without having to worry about --
CHAIRMAN MOORE: Then appeal for a variance on room size.

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

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

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

CHAIRMAN MOORE: I would be less than 12.

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

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

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

CHAIRMAN MOORE: The reluctance is, we don't know if that's according to the code in the Bed and Breakfast.
requirements. If we knew for sure, we
could just decide, but we apparently
don't because we don't seem to have a
consistent accurate measurement. I
don't know who would supply that.

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

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

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

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

I don't want to be obtuse and I
apologize, but a lot of stuff that's
being said here is actually not the
truth, it's not fact. Nowhere is that displayed. Nowhere is that discussed. I mean you have to assume that this, the architect's rendering, and that's the dimension of the room. Somebody here said they were a builder, I mean a builder would go by an architect's drawing, not by a homeowner saying that they have a certain size molding. I mean I assume the way you can measure a room, the architect could also, and it's reflected in his calculations.

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

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

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

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

CHAIRMAN MOORE: It's the fourth
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room.

MS. LATHAM: It's a fourth room.

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

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

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

CHAIRMAN MOORE: Would that be agreeable to the Board?

MS. GORDON: Yes.

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

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

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

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

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

I understand the sentiment of the
public, and I'm saying this because I
don't know how the vote is going to go;
my opinion will be reflected in my
vote, but I would always like the
people to understand how I vote or why
I vote a certain way. Again, I can't
speak for my colleagues, but I mean to
say, well, this is a no-cost item, the
Village held two public hearings on
this issue, one was widely attended and
the consensus was that no, they didn't
want to change the code. The second
hearing was held, less people attended,
and the Board again decided no, they
didn't want to change the code.

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

I'm willing to vote. I'm not
looking to hold the proceeding up, you
know, how I vote is how I vote. I also
believe that, just to say, that part of
the discussion should be the reason
that this particular village decided on
three rooms where there were houses that could accommodate five rooms was because, again my opinion, it's a commercial enterprise in a residential area. People that own Airbnbs have a different opinion about people that don't, people that own a business have different opinions about people that live in a residential area. If we look at adjacent, because a lot of what's being said here is well, Southold, New York State, if we look at an adjacent township, they limit it, they're allowed five rooms, only in commercial district, two rooms in residential district.

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

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

I'm not -- I appreciate all the support, and I'm proud to be a part of this community, but I'm not looking to receive a variance that I don't have
the appropriate lot size or room size
or anything like that. I do ask that
-- I'd be happy to, you know, have
Eileen help me determine the best way
to first measure the room, second give
that information to you and if I need
to remove molding, if I need to remove
a closet and use an armoire in that
room, I can look to those options, but
I am also asking not to be delayed
more. I started this process last year
and as you know it went to the Village
Board and they weren't, they didn't
want to look at it that way and I can
understand why, but it has gone on and
on and on and it's --

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

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

On the other hand, I think it is appropriate for the Zoning Board to make this decision because it has been put in our hands and until the Village decides it wants to change the code or not, then we will be facing these on a
case-by-case basis.

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

MS. NEFF: Yes.

MS. GORDON: Yes.

MR. SALADINO: Okay.

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

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

MR. SALADINO: Second.

MS. NEFF: Second.

CHAIRMAN MOORE: Mr. Saladino, second.

All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. CORWIN: Aye.

CHAIRMAN MOORE: Any opposed,
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abstaining?

(No response.)

So that motion carries. First of all, the questions and this is a variance which is to approve a fourth bedroom which is a variance of an additional one bedroom and the conditions are, of course that the parking, number of parking spaces will increase with the number of rooms, so there would be a requirement for four guest parking places, and that is contingent on the additional room as proposed to or whatever else might be proposed meets the requirement of code for a Bed and Breakfast 120-square feet, so you're considering that, and the first question is whether or not an undesirable change is being produced and the character of the neighborhood or detriment to nearby properties will occur by the granting of the area variance.

Mr. Corwin? Do you need a moment?
MR. CORWIN: No. I thought I knew what I was doing and now I'm confused.

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

MR. CORWIN: Right. I got it.

Yes, it will produce a detriment to the neighborhood properties.

CHAIRMAN MOORE: Ms. Gordon.

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff.

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino.

MR. SALADINO: Yes.

CHAIRMAN MOORE: I would vote no.

That question is passed. Whether the benefit sought by the applicant can be achieved by some method feasible to pursue other than 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: 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

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

I make that motion and ask for a second.

MR. SALADINO: Second.

CHAIRMAN MOORE: I'll go roll call.

Mr. Corwin?

MR. CORWIN: Before you call the roll.

CHAIRMAN MOORE: Yes.

MR. CORWIN: I did not have an opportunity to make a statement, and we're discussing the size of the room, but my problem with this was, when the Village Code said three bedrooms bed and breakfast, it was presented as something that people with big houses could use these extra bedrooms. All
right, fair enough. But what has happened in this situation is the "big" has changed, I don't know what room it was before, a dining room, living room to a bedroom on the first floor to make room on the second floor for another bedroom, so it's reconfiguring the whole idea of the whole idea, and I'm opposed to that.

CHAIRMAN MOORE: So your vote is?

MR. CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: Yes.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: No.

CHAIRMAN MOORE: And I vote yes.

The motion carries, so the variance is granted.

MS. LATHAM: Thank you.

MS. WINGATE: Back to Planning.

CHAIRMAN MOORE: Now you have another step, and the measurements I
hope will be done accurately and promptly.

    MS. WINGATE: Yes.

    CHAIRMAN MOORE: We are making progress.

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

    The property is located in the R-2 District. The applicant seeks 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-foot side yard setback on the south property line requiring an area variance of 6.8 feet.

    Just for information, this is actually a household renovation with new construction which other than the
carport would be conforming with code.

The carport construction is outside the building footprint requiring a variance.

I would make a motion to accept that application.

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

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

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

MR. CORWIN: We wanted it to August.

CHAIRMAN MOORE: Is it a letter of authorization.

MS. WINGATE: Yes, you all have --

CHAIRMAN MOORE: There is a new
letter of authorization for the --

MS. WINGATE: That's all there is.

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

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

MS. WINGATE: It was dreadful.

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

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

MS. WINGATE: For Mr. Finney.

CHAIRMAN MOORE: For Mr. Finney --

MS. WINGATE: From Mr. Caouette, correct.

CHAIRMAN MOORE: -- serving as representative, and I think the other issues that we, the plan which depicts the carport is an excerpt of the
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property plan, and as such doesn't have
a north arrow, so we have to go to the
full survey to remember which
orientation it is and the --

MR. CORWIN: Doesn't have a scale

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

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

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

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

MR. CORWIN: The problem is the
application originally as it was
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presented to me had no notarization.

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

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

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

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

CHAIRMAN MOORE: The plan, one concern I had is that it looked like an unofficial addition to a property survey to show the new construction that may have been drawn in by the owner. Perhaps that could be done more
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professionally because right on the same plan, it says can't be modified, it's a violation of -- Mr. Corwin recently pointed that out that amateur drawings on top of official survey is --

ATTORNEY PROKOP: Is this a house? 
CHAIRMAN MOORE: It's an addition to a cottage with a carport attached to the addition.

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

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

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

So with that, I'll make a motion.
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that we do not accept this application pending the requested changes.

MR. CORWIN: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. CORWIN: Aye.

CHAIRMAN MOORE: Any opposed abstaining?

(No response.)

So we'll expect a new application.

***Next, we have two additional Applications for acceptance. I would like the first go to number seven which is the application of Mr. Olinkiewicz for 238 Fifth Avenue. We have a letter, an undated letter from Mr. Olinkiewicz which is to the ZBA Board.

Due to a miscommunication between myself and the design professional, I'm asking if you could please postpone my application for the 238 Fifth Avenue
subdivision for one month until the July meeting so we can make some corrections to the building permits. The point is that my understanding is the proposed building is not of sufficient square footage to meet Village code. It requires additional variances to be proposed or the plan has to be changed, so I would just ask the Board to acknowledge that we will not accept the application and wait for a revised application.

MR. SALADINO: Yeah. That's fine. Can I just ask the attorney, is there a difference between postponing an application and rejecting an application?

ATTORNEY PROKOP: My recommendation is that there is a motion to table this until the July meeting.

CHAIRMAN MOORE: I would make the motion that we table a decision to accept the application until our next
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I ask for a second.

MR. SALADINO: Not accept, table.

ATTORNEY PROKOP: Don't accept, table.

CHAIRMAN MOORE: Yes. I said we'd table the motion to accept until next month and ask for a second.

MR. SALADINO: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. CORWIN: Aye.

CHAIRMAN MOORE: Opposed?

(No response.)

So that carries. We're going to table until July. ***One thing I'd like to mention as we address item number six. It would be beneficial, I think, if these two applications do come up to the Board at the same time. I would not want to be delaying one while another is being considered for a

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length of time because they were in very close proximity and the effect of both of them definitely may have more impact.

AUDIENCE MEMBER: That's acceptable to the applicant. As long as it's also tabled until the July meeting.

CHAIRMAN MOORE: I'm sorry.

AUDIENCE MEMBER: As long as 221 Fifth is also tabled until the July meeting.

CHAIRMAN MOORE: There's no reason we couldn't accept the additional application that you're requesting. If you're requesting it be tabled, we can act on that.

AUDIENCE MEMBER: I thought that you were suggesting that it be done that way.

CHAIRMAN MOORE: I'm suggesting that when public testimony occurs in our deliberations, that it be happening simultaneously with the Board, whether
they accept them this month or next. The application that we're tabling would potentially be accepted next month, would be coming up in August. While we could well accept an application tonight for 221, the hearing would be opened next month but would be no reason we would have to close it next month, so we could start on that one if that's acceptable to the Board or we can just -- you could ask us to table both until they come up for acceptance in July. It's up to you really.

MR. CORWIN: My preference is to table them both because the chairman isn't going to be here for the July meeting, and I'd like to have a full board for the August meeting to discuss this.

AUDIENCE MEMBER: That's agreeable. Okay so then I would make the same motion to table accepting the application for the area variance on

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221 Fifth Avenue until our July meeting. So moved.

Do I have a second?

MR. SALADINO: Second.

CHAIRMAN MOORE: All in favor?

PODIUM SPEAKER: Just to clarify, I'm sorry to backtrack here but if the 221 Fifth application can be accepted tonight, and you defer the public hearing on both applications, 221 Fifth and 238 Fifth, that would be acceptable to us.

CHAIRMAN MOORE: We could accept the application and schedule the hearing for August.

AUDIENCE MEMBER: Very well.

Thank you.

CHAIRMAN MOORE: There's no reason we couldn't do that.

MR. CORWIN: Yes.

CHAIRMAN MOORE: Then I will read the application details: This is a motion to accept an application for an area variance publically noticed,
schedule a public hearing for James Olinkiewicz, 221 Fifth Avenue. 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 two new substandard lots requiring an area variance as follows:

The proposed subdivision creates lot 1 which is 6,587-square feet where Section 150-12(A) requires a minimum lot size of 7,500-square feet, requiring a variance of 913-square feet.

The proposed lot width is 47.82 feet where Section 150-12(A) requires a minimum lot width of 60 feet requiring a variance of 12.18 feet.

Second lot, lot 2, the proposed lot width is 52.35 feet where Section 150-12(A) requires a minimum lot width of 60 feet requiring a variance of 7.65 feet.
The proposed combined side yard is 17.9 feet where Section 150-12(A) Requires a combined yard setback of 25 feet requiring a variance of 7.1 feet.

I'd just like to ask one question in connection with this. This property is not located within the Historic District.

MS. WINGATE: Correct.

CHAIRMAN MOORE: The setback of proposed lot two on the house to the north appears to be substandard five feet.

MS. WINGATE: Say that again.

CHAIRMAN MOORE: The setback for the proposed lot with the existing house, I don't know what the north side yard setback is --

MS. WINGATE: I'll look at that.

CHAIRMAN MOORE: -- combined is --

MS. WINGATE: I will look at that.

CHAIRMAN MOORE: Because it may be less than ten feet, and if it is, that would require an additional variance.
I don't know from the plans if it is or not.

MS. WINGATE: I just put everything away.

CHAIRMAN MOORE: Attorney, do you know what the north setback on the proposed lot is?

MS. WINGATE: I'll look it up.

CHAIRMAN MOORE: 221, and the existing house, the setback to the north.

MS. GORDON: I have a question, it may be a sort of stupid question. It seems to me these lots are not separable, right? Is it the possible --

CHAIRMAN MOORE: Not without a variance.

MS. GORDON: It doesn't seem to be possible to accept variances on one and not on the other.

CHAIRMAN MOORE: There are variances on both lots.
MS. WINGATE: The existing house is five foot off of the property line.

CHAIRMAN MOORE: There is an additional variance required.

Did the Board want to see a new notice of disapproval and a new proposal to accept because we're not going to meet until August anyway.

AUDIENCE MEMBER: Can I just say something. I'm the property north that you're referring to.

CHAIRMAN MOORE: It cannot be relative to the merit of the subdivision, it can only be if there is some technical problem with the --

AUDIENCE MEMBER: It is because four years ago, we started this process. Four years ago, the proposed house was going to be ten feet from my property line. What he has done in essence with this new, although I don't know this one because I only know the one that was put in for two months ago, so I don't know if it's change, but he
made it closer to his own and moved it to 15 feet from mine.

MS. WINGATE: Twelve.

AUDIENCE MEMBER: Or 12 feet, so in other words, he has increased the space between my house and his house and decreased the space between the *? He proposes and the house he already owns because he is not going to complain about that, it's a big issue.

CHAIRMAN MOORE: The lot is substandard but the proposed new house meets code requirements for setbacks.

AUDIENCE MEMBER: Does he have the included, a proposed house is included because I was at the last hearing --

CHAIRMAN MOORE: I believe the plan shows conforming setbacks.

AUDIENCE MEMBER: Does it show the house though that he has, I wanted to see the house?

CHAIRMAN MOORE: The house plan is available, yes.

AUDIENCE MEMBER: Okay.
CHAIRMAN MOORE: That would be available to the public as well. And August will be the first that the hearing will be open.

What I'm going to do is --

MR. SALADINO: Can I ask one more question?

CHAIRMAN MOORE: Yes.

MR. SALADINO: Eileen, you said 12 feet.

MS. WINGATE: I believe I'm looking at the most accurate one, and I have 12 feet on the north side.

AUDIENCE MEMBER: Twelve feet.

CHAIRMAN MOORE: It's showing it as conforming, but it's showing it's ten feet.

MS. WINGATE: Do you have it at ten?

CHAIRMAN MOORE: The plan --

MS. WINGATE: I just.

MR. SALADINO: The plan John has shows it as ten.

THE WITNESS: I was looking at --
yeah, it's getting late. Sorry folks.

AUDIENCE MEMBER: That hasn't changed in four years.

MS. WINGATE: Right.

CHAIRMAN MOORE: Perhaps not.

AUDIENCE MEMBER: That's the big issue with me being right next to him.

MR. SALADINO: I truly understand your concern, but right now the plan that we have in front of us has it at ten feet to the property line.

AUDIENCE MEMBER: No. One that I saw which I don't have here with me tonight, what he had done is he had shifted that ten to the twelve or fifteen, I don't remember the number --

MR. SALADINO: Closer to the --

AUDIENCE MEMBER: -- and then closer to the house he's subdividing which is his own property.

CHAIRMAN MOORE: Moving away from your property, but we'll have to check.
We can look at the old plans, but that's --
AUDIENCE MEMBER: It's irrelevant, they're both wrong.

CHAIRMAN MOORE: -- considering that --

AUDIENCE MEMBER: -- substandard lot.

CHAIRMAN MOORE: We're going to then make the motion to table accepting this application pending its revision to the next ZBA meeting.

I make that motion and ask for a second.

MR. SALADINO: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. CORWIN: Aye.

CHAIRMAN MOORE: Opposed?

(No response.)

Motion carried. So we are out of that and we get out the final page.

***Motion to accept the ABA minutes of May 17, 2016. I'd like to say they
must have only recently come out. I have no hard copy. I have no idea how it looks. Unless the Board wants to accept it.

MS. WINGATE: You didn't get it e-mailed to you?

CHAIRMAN MOORE: I picked it up off the Village website but haven't had a chance to read it. It might have come out in the last day or two.

Does the Board want to consider accepting it or delay it for next month too, after we have had the chance to see it. We not approving it we're just accepting it.

MR. CORWIN: Let's delay it.

CHAIRMAN MOORE: So I'll make a motion to delay the accepting until next month and ask for a second.

MS. NEFF: Second. All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. CORWIN: Aye.
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CHAIRMAN MOORE: Opposed?

(No response.) So that carries.

We'll deal with that next month.

***Secondly, Item number 9 Motion to approve the ZBA minutes from April 19, 2016.

Ask for a second.

MS. NEFF: Second.

CHAIRMAN MOORE: All in favor.

MR. SALADINO: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Any opposed, abstained?

MR. CORWIN: I'm going to abstain.

CHAIRMAN MOORE: Abstain Mr. Corwin.

Now we're going to need to schedule --

MS. WINGATE: Not site visits.

CHAIRMAN MOORE: We don't have --

we don't have Olinkiewicz, so we can skip number ten.

Ask we have a motion to schedule
the next ZBA meeting for Tuesday July 19 at 6:00 p.m.

MR. CORWIN: In the firehouse.

CHAIRMAN MOORE: In the firehouse, and we will have somebody check to be sure it's available.

MS. WINGATE: Tuesday the 19th.

CHAIRMAN MOORE: Yes, July 19.

MS. WINGATE: That's the third, okay.

CHAIRMAN MOORE: We're trying to stay on schedule.

MS. WINGATE: I will Confirm.

MS. NEFF: It's 6:00 p.m.?

CHAIRMAN MOORE: 6:00 p.m. We'll have no site visits.

ATTORNEY PROKOP: Is there any interest in having a work session involving Front and Third?

MS. WINGATE: Yes.

CHAIRMAN MOORE: Work session meaning it would be to further discuss --

ATTORNEY PROKOP: It would be a
public meeting, but there would be no
public discussion, it would be just for
the Board to hash out --

CHAIRMAN MOORE: Dealing with the
variances.

We could, it would be part of the
regular agenda.

ATTORNEY PROKOP: It's really not,
whatever is happening with this guy
rushing in and rushing out is really
not constructive.

CHAIRMAN MOORE: We would have to
consult with him to --

MS. GORDON: Are you saying we can
take votes in such a meeting?

ATTORNEY PROKOP: No.

CHAIRMAN MOORE: It's a work
session.

We would have to contact him and
confirm that he would be available
because --

ATTORNEY PROKOP: Well, he doesn't
have to be there, but you could let him
know.
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?
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
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not handicap accessible.

CHAIRMAN MOORE: It's not accessible, I would object to meeting there.

MS. WINGATE: You could use the smaller conference room downstairs.

CHAIRMAN MOORE: But the public --

MR. CORWIN: No. No. We would have to have it at the firehouse or here.

CHAIRMAN MOORE: It could be here or the firehouse. For a work session, I wouldn't mind having a roundtable.

Okay. We're going to work on the work session, and we don't need a motion for that. I'll get in contact once we know and then --

MR. CORWIN: Hold on.

CHAIRMAN MOORE: Yes.

MR. CORWIN: We're going to work on work session or we're going to say we want to have a work session.

CHAIRMAN MOORE: We want to have a work session and we can't schedule it...
yet until we find an agreeable time, so
it's going to have some back and forth,
so I don't know. Do we need a motion?

MR. CORWIN: Why can we decide a
place and time now?

CHAIRMAN MOORE: We don't know the
availability --

MR. SALADINO: Because I have a
conflict, I'm going back and forth to
Manhattan everyday, so for me, I would,
I can kind of adjust my schedule.

CHAIRMAN MOORE: Understood.
Probably yours will be the principal
among the Board members as far as
availability, yours can be most
constraining and we need to talk to the
applicant.

MR. CORWIN: What would be the
best day for you, Mr. Saladino?

MR. SALADINO: My wife is getting
chemotherapy, so, you know, it depends
on when the doctor schedules. I would
need at least -- I couldn't possibly
know tonight about next week or two
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 --


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
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.
MS. GORDON: Aye.

MR. CORWIN: Aye.

(Time noted: 9:12 p.m.)
CERTIFICATE

STATE OF NEW YORK 

) ss:

COUNTY OF SUFFOLK 

I, STEPHANIE O'KEEFFE, a Reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on 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
I'd [17] 44/5 47/19 68/4 75/22 77/22 77/10 110/19 118/9 119/5 123/6 161/20 162/4 164/3 179/18 181/19 184/6 190/25.
I'm [107] 8/24 27/6 22/2 22/2 44/1 47/19 68/4 75/22 77/22 77/10 110/19 118/9 119/5 123/6 161/20 162/4 164/3 179/18 181/19 184/6 190/25.
impend [8] 63/7 80/5 92/5 144/18 149/21 150/9 167/19 180/5.
important [6] 49/4 74/16 76/15 101/1 121/7 137/9.
J
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.
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 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 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.
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.


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".
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 #
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.
- 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.