VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK
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ZONING BOARD OF APPEALS

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Third Street Firehouse
Greenport, New York

August 16, 2016
6:15 p.m.

BEFORE:

DOUGLAS MOORE - CHAIRMAN

DINI GORDON - MEMBER

JOHN SALADINO - MEMBER

DAVID CORWIN - MEMBER

ELLEN NEFF - MEMBER

PAUL PALLAS - VILLAGE ADMINISTRATOR

JOE PROKOP - VILLAGE ATTORNEY

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR
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CHAIRMAN MOORE: This is the regular meeting of the Greenport Zoning Board of Appeals, August 16, 2016.

It's just about 6:15.

We have all sorts of organizational issues to take care of here. Obviously you've seen the agenda tonight; it's very long; only an absolute optimist would think we can get all the way through it tonight.

Just to remind everybody, this is a process, so we're going to do it a step at a time. But in efforts to getting something accomplished, and we have a few returning applications besides a large number of new ones, we're going to have to limit the amount of testimony time tonight. That's not to say that testimonies will not be heard fully for everyone that wants to speak. I'm going to recommend that we spend an hour for the hearings tonight, which means that a number of hearings that are more complicated will be
carried over and kept open. They will be available for written comments and additional verbal comments.

I was told we don't all have signs tonight, so just so everybody knows, I am Doug Moore, this is Dinni Gordon a member of the Board, and Ellen Neff, everybody knows Mr. Prokop and Eileen Wingate. The other two gentleman, I assume have the right names in front of them.

What we're going to do is, I'll take a poll of people who want to speak; and obviously some are going to draw more attention than others, and if there is a large number, first of all I'll ask you to speak briefly and reassure you that everybody will have a chance to be heard, just perhaps not everybody tonight.

There's another issue. We have a representative to Elmer Tuthill that's on a short timespan. She explained that she needs to leave by 7:00 p.m.
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MS. GIGLIO: 6:30 for a 7:00 p.m. meeting in Riverhead.

CHAIRMAN MOORE: The first hearing which is a continuation, Mr. Liakias was not here but now is, but with your permission --

DR. LIAKEAS: It's okay. We can wait.

CHAIRMAN MOORE: -- take Item Number 3 first, and I will read that.

This is a public hearing regarding area variances sought by Elmer Tuthill, 129 Bay Avenue, Suffolk County Tax Map 1001-5-3-1.4.

The property is located in the R-2 District and is located in the Historic District.

The applicant seeks area variances for a building permit to construct an in-ground swimming pool.

Section 150-7C 3A Permitted Accessory Uses requires the edge of the pool shall be kept a distance of not less than 20 feet from all property
lines in the R-2 District.

The proposed swimming pool setback is 10 feet on the east property line, requiring an area variance of 10 feet.

Section 150-7C 3B, if located within 50 feet of any property line, such pool shall be screened from the view of abutting properties.

The plans submitted have not illustrated any screening from the view of the abutting properties.

Section 150-2 Definitions:

Swimming Pool, such body of water shall not be operated for gain and shall be located on a rear lot only as an accessory use to the dwellings thereon.

The proposed swimming pool is proposed to be in the front and side yards requiring a variance.

We did have a site visit this afternoon at 5:45 p.m.

There will be some explanations of some details of the variances. I have the official notices. This was, by the
way, noticed in the Suffolk Times. I did not notice if the placard is posted at the property.

ATTORNEY PROKOP: It was.

CHAIRMAN MOORE: It was. Okay. I didn't see that.

MR. CORWIN: You might want to --

CHAIRMAN MOORE: If anybody isn't here because the notice said Wednesday, that's an error which has been carried over apparently from the template. It was properly identified as Tuesday in the smaller print.

We used to meet on Wednesdays and now I think it's Tuesday today.

I do not have the addresses here I don't believe, but I have the names and there is Lorene Solomon. This is just the slips I have, I don't know the addresses. Okan Azmak, New York State LRS. I'm not sure I can read it, it looks like Research Charters.

You don't have the printed list?

MS. WINGATE: I don't.
CHAIRMAN MOORE: And Joseph Pantoliano.

MS. GIGLIO: I do.

MS. GORDON: Is that sufficient?

Is everybody satisfied that the notices were sent?

ATTORNEY PROKOP: I think normally instead of asking the public, you can ask either myself or the Board.

My opinion is that the hearing is properly noticed.

CHAIRMAN MOORE: We can read the addresses into the record and add it to the minutes.

How many people would like to speak tonight besides the representative?

Two or three others.

If you can, keep it brief. There aren't too many people speaking.

MS. GIGLIO: Good evening, Mr. Chairman and members of the Board. My name is Jodi Giglio of Bennett Enterprises, here on behalf of the
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applicant.

As you all may be aware, Mr. Tuthill, God rest his sole, is deceased. I was informed by the Village Attorney this evening that there may be some information that he needs in order to accept my testimony on behalf of the applicant seeing that the original commission by the property owner was given by Mr. Tuthill, the deceased. That document will be forthcoming from the estate giving me permission to represent the applicant; and I will hope that you would take the minutes of this meeting and incorporate it into the hearing and accept the testimony.

So this venture started about a year ago when Mr. Tuthill had the idea to put a pool in the backward for his grandkids; and it was a very long and frustrating year for the both of us. As you know, Mr. Tuthill is quite a man and wanted everything yesterday, as you
know.

So we started with the New York State DEC, trying to get a non-jurisdiction letter which we did obtain; and I believe a copy of that is in the file.

We also appeared before the Historic Board on July 11, and they approved the application.

We did make application to the Conservation Advisory Board, and I believe that Eileen is going to be working on that decision and getting that to me tomorrow from the Conservation Advisory Committee.

We did meet before the Trustees, so this is, in my opinion, the last stop in order to get this accomplished.

The applicant is seeking a variance for a 10-foot side yard for a closed swimming pool. Village Code requires 20 feet and if there is not 50 feet, there should be a screened planting.
The property is -- there's two parcels under the ownership and the control of the estate. The 10-foot, the distance 10-feet from the property line would not be desirable to put any planting in between the two lots because it defeats the purpose of both houses being able to use the pool.

The property in its entirety is screened in our opinion by the road as the pool is being proposed behind the existing garage; and the seating area for the pool is proposed seaward of the pool.

We believe that the screening exists on site, if you would put a condition that that screening would remain along the street frontage and along the easterly property line of the adjoining property to the east and then the westerly property line of the proposed parcel where the pool is being proposed.

As you can see by the survey that
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is submitted, the adjoining property to
the east is where any planting would
have to go in order to screen this pool
if so desired; and it's kind of awkward
because I've heard from people across
the street that it would block their
view, so they don't want to see any
planting in the front of the pool.

The planting that would normally
be proposed would be right along the
property line and right along the pool,
so we're hoping that you the take that
into consideration when you are looking
at the screening.

We believe that the applicant does
have a hardship in that the property is
irregular in shape, so the house and
the garage and the proposed pool are on
an irregularly-shaped property, but we
believe the proposal is modest.

We don't believe it will change
the character of the neighborhood.

We do not believe that it will
have any environmental impact, and we
don't believe that the hardship was self-created; so we are hoping that you accept this testimony and that you grant the application as presented.

If you have any questions, I'm more than happy to answer them.

MR. SALADINO: The only question I would have is: I'm reasonably certain that the Wetlands Permit hasn't been issued. I think that will be issued, if it's gonna be issued, it will be issued by the Village Board a week from Thursday.

MS. GIGLIO: Okay.

We'll comply with any conditions set forth by this Board or any other Board.

MR. SALADINO: I don't think, me personally, I don't think that our decision here whatever it will be would matters with the Wetlands Permit.

MS. GIGLIO: We tried to stay as far away as we could from the bulkhead and from the wetlands with the proposed
pool. It does have to maintain some
distance from the garage in order to
excavate and install the pool, but we
were just trying to keep it as close as
we could to the garage so that, you
know, that would be our screening, the
garage.

MR. CORWIN: Do you have any idea
of the depth of the pool?

MS. GIGLIO: The depth is going to
be 30 feet and the width is 20 feet.

MR. CORWIN: Depth, how deep?

MS. GIGLIO: I think that it was 5
feet because there's going to be
ground-water issues and dewatering and
things of that nature in order to
install the pool.

It's not going to be a diving
pool; it's going to be a wading pool;
and that's why Mr. Tuthill kept telling
me, "I want it while my grandchildren
are still small."

CHAIRMAN MOORE: I have one point
to make to the public so that they
understand that this is somewhat of a unique situation because currently the adjoining property is under the same ownership.

MS. GIGLIO: Same control.

CHAIRMAN MOORE: Same control, and obviously, as it is a separate property, it could in the future be sold to another party and that's something that the Zoning Board would be taking into consideration as we deliberate.

MS. GIGLIO: Yes.

And keeping in mind that anybody that wishes to buy that adjoining property would be aware of the conditions as they exist and would maybe want to put in their own screening.

CHAIRMAN MOORE: We can ask you questions probably at another meeting because you'll be leaving during actual deliberations when public input is completed, so you will have the
opportunity to talk some more about it.

    MS. GIGLIO: Yes.

    If you need more clarification on the application, I'm more than happy to re-appear.

    I don't think they're going to be installing the pool within the next month or so, they're just trying to get the approvals for it.

    CHAIRMAN MOORE: Understood.

    MS. GIGLIO: Thank you for your time.

    CHAIRMAN MOORE: Are you taking notes for marking up the agenda?

    MR. SALADINO: I'll do it.

    MS. WINGATE: I can.

    CHAIRMAN MOORE: John's willing to do it.

    MS. WINGATE: Okay.

    Thank you, John.

    CHAIRMAN MOORE: For those who may not know, because of the delay in getting minutes, usually within a few days, the marked up agenda appears on
the Village website which you can look at, and you can see the results of the different resolutions, but the details are not there, just abbreviated mark ups.

That's just for public information.

MS. GIGLIO: If you will be deliberating the application tonight, Jacki Sarkis-Tuthill is here; and she is more than happy to answer any of your questions.

She would not like to see it pushed over to another Zoning Board meeting, but if that's, because you do have so many applications on the calendar tonight, if that's the reason it would be put over for a decision to another date, that's understandable.

Thank you.

MR. SOLOMON: Good evening, Mr. Chairman, members of the Board.

My name is Michael Solomon. I'm an attorney. I submitted a letter of
MR. CORWIN: Could you spell your name so the reporter can --


I did submit a letter to the Board last week; I wasn't certain I would be able to be here this evening.

I represent -- since I represent my wife, she owns the house, 135 Bay Avenue, I'm representing Jacki and George Sarkis, 144 Bay Avenue, and I'm representing Mr. Joseph Pantoliano (phonetic) 140 Bay Avenue, and we're probably all the properties that are most directly affected by this application.

The biggest point I wanted to make is, anybody who knows this Tuthill clan knows how well they have maintained their residence, their house, and their property.

I have had the pleasure of living nextdoor to them for going on 13 years,
and I couldn't ask for a better neighbor, more conconscious neighbor, a neighbor who maintains and does what's proper for their property at all given times.

Everybody on this block including the three people I represent are all in favor of what they want to do.

The only issue I want to address is the screen issue because nobody knows this property as I do because I sit on my porch and I look at it every morning when I have my cup of coffee.

I would let the Board know that basically anywhere on the street and my property which is directly next to it, this pool is going to be fully screened out by the garage. If you look at the plan you have in front of you, it is directly behind the garage. This garage is not a small structure; this garage is a pretty substantial structure, so what we're pointing to here is, I believe, they're fully...
The sensitivity here is we have a lot of people with water-view properties now, not only my property, but the properties across the street. Many years ago when the Tuthill-huge tree fell down in one of the hurricanes, it opened up a view for everybody across the street into the water.

Any screening that would be proposed on this property, other than theoretically directly running along the fence to the pool is gonna cause a problem to the neighbors, so I would basically think it's the property value of all the adjoining property owners who have the water-view parcels. That should be a serious consideration in their request for the waiver because, as I said, you're not going to see this pool from the street. It's really a view issue for the adjoining neighbors.

MR. SALADINO: The screening is...
not an issue from the street because
the pool would be more than 50 feet
from the property line. I don't think
screening from the street -- and I
would --

MR. SOLOMON: Well, you could --

MR. SALADINO: I don't think it's
required --

MR. SOLOMON: -- if you look --

MS. GIGLIO: You don't have to
worry about that.

MR. SOLOMON: If I may, this
property right now, for people looking
at the survey, this property is
basically screened all --

MR. SALADINO: We're not asking
for that.

MR. SOLOMON: So you're talking
about screening on this area
(indicating)?

MR. SALADINO: Right.

MR. SOLOMON: But my point, if
it's, the screening is behind the
garage. It's not going to interfere
theoretically, but if any screening is
gonna start heading towards the
property lines, it's going to close the
view which is wide open between the two
structures right now other than some
plantings. That's the view that the,
especially the people across the
street, that is their direct view
between the two structures, so any
screening that theoretically runs the
length of the pool, along the length of
the pool would just run along
theoretically from, here's the garage
(indicating), here's the pool
(indicating), if it somehow runs behind
the garage, it wouldn't matter; it
would separate it off the adjoining
parcel, but since they own, the same
family owns the parcel, it's only
screening against their own parcel
so --

MR. SALADINO: Mr. Solomon, I'm
not sure if you're hearing me.

It's 50 feet from the property
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line. The street, the fence is certainly more than 50 feet, it's not something we're going to require.

If you want to do it, that's --

MR. SOLOMON: That's fine.

The block is not going to permit any screening, it doesn't matter what the Board does.

That's just a joke.

CHAIRMAN MOORE: I think the only consideration that we would have regarding screening is, as Mr. Saladino said, between the properties; and if in the future there were a different owner, it could be an issue that we might ask that that be a condition to be installed should the property be sold, and perhaps not be the responsibility of the buyer who it wasn't their fault; so that might be an issue we're going talk about.

Screening is not specified as to how high, normally it's a matter of 5, 6 feet, so it doesn't have to be.
something that highly elevated.

And as Mr. Saladino said, it might not be something that's on the immediate horizon as a concern.

MR. SOLOMON: Okay.

CHAIRMAN MOORE: Now, I have a letter which we would file. Since you indicted more than the letter says, are you satisfied with your testimony?

MR. SOLOMON: Yes, I am.

Thank you.

MR. SALADINO: The only other thing I might ask for as a condition is how the pool backwashes; how the pool is drained.

MR. CORWIN: The draining of the pool and the backwashing of the filter, we always ask that they be hooked up to the sewer system, so that will probably be a condition.

CHAIRMAN MOORE: Are there any other members of the public that would wish to speak?

MR. FOOTE: Good afternoon. Thank
you for hearing my application. My name is Walter Foote. My address is 22 Broad Street, Greenport, New York, and this concerns my application for --

MR. SALADINO: We're not at your application yet; this about Tuthill.

MR. FOOTE: Oh, sorry.

CHAIRMAN MOORE: Anyone else that would like the speak about the Tuthill application?

(No response.)

If not, I'll take a motion from the Board if you're satisfied.

MR. CORWIN: I so move.

MS. NEFF: Second.

ATTORNEY PROKOP: What is the motion?

CHAIRMAN MOORE: To close the public hearing.

All in favor?

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

MR. SALADINO: Aye.
CHAIRMAN MOORE: Any opposed?

(No response.)

Motion carries.

The public hearing is closed.

I can't guarantee we'll get to this in our Regular Session tonight, but we are willing try.

Next up, we'll move to number 1, this is a continuation of a public hearing regarding area variances sought by George Liakeas, 610 Main Street, Greenport, NY 11971, Suffolk County Tax Map 1001-3-4-3.

The property is located within the Historic District.

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.

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 for 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.

Additionally, Article 4, Section
150-8B 2, Conversion of an Existing
Dwellings to a multi-family 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
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feet of lot area for each dwelling unit.

The lot size is 10,890-square feet with four units proposed requiring a lot size of 20,000-square feet thus requiring an area variance of 9,110-square feet.

One-and-one-half parking spaces shall be provided for each dwelling unit.

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

This is continuation of public hearing from June and at the request of the applicant, it was delayed until today's meeting.

Just to recap, during our discussion of the variance application, it seemed the predominant focus of the applicant was the assertion that the property was already a four-family house or multi-family house before the
existence of the code concerning multi-family housing.

As best I can tell and there is limited archival information about the Village Code, even though the Village Code was established by the Village Board in 1949, there is a gap where I had not seen any documentation until 1971 where the Greenport Board of Trustees officially established a much more detailed code which was again re-approved in 1975 in much the same format, but officially with the County.

In the 1971 Codes, there is reference to multi-family houses, so for our best purposes I think that's the date that we're using to establish the beginning of the multi-family code.

Is there anybody on the Board that has any other information about multi-family?

(No response.)

The other issue is the delay from the time that the applicant became Flynn Stenography & Transcription Service
(631) 727-1107
MR. SALADINO: '80.

CHAIRMAN MOORE: '80, that the pre, I believe it's called CO was issued as two-family house.

One thing that the applicant did not put in the record as an additional document where the Building Inspector promptly on request for a four-family approval gave a Notice of Disapproval because the house did not have any variances and required application for a zoning variance.

Turning the clock from '98 until now, we now have the applicant seeking a variance with the additional information that there is some information being provided about the time in which the house may have been converted; and that's the crux of the issue at this point.

MS. MOORE: Well, we have, actually, additional information --

MR. CORWIN: There was an e-mail,
would you read that, please?

CHAIRMAN MOORE: There is one e-mail of testimony since the hearing is still open, and it's an e-mail from Asha Elmforse (phonetic). No address is given. It's titled, The Illegal Multi-Family House at 610 Main Street.

"This e-mail is to oppose legalizing the illegal apartments at 610 Main Street. My name is Asha Elmforse and I own the house at 541 Main Street, Greenport nearby."

That is the one additional piece of information we have.

You have some additional --

MS. MOORE: Yes, I --

CHAIRMAN MOORE: -- documentary,

but you have --

MS. MOORE: Well, I do --

MR. CORWIN: Please give your name and spell it for the recording secretary.

MS. MOORE: Yes. Patricia Moore,

51020 Main Road, Southold, attorney for Flynn Stenography & Transcription Service (631) 727-1107
the applicant Dr. Liakeas.

The spelling of my name is
P-A-T-R-I-C-I-A M-O-O-R-E.

CHAIRMAN MOORE: To your
knowledge, we are not related?

MS. MOORE: No, we are not
related. That was established last
time.

To begin with, we did give you
some documentation last time, and I
think it's important to put the two
together.

First of all, the pre-CO, the
issue of getting a Notice of
Disapproval, I think at the last
hearing, Dr. Liakeas spoke at that
hearing and said he was never served
with it, never received it to his
knowledge, never went anywhere; so if
it was issued, it was only discovered
at the hearing that the Board had in
archive files, but as far as we know,
there was no directive to go for a
variance.
In addition, one of the issues, it seems to be oftentimes discussed -- particularly, Mr. Corwin, you always are concerned about these things -- are permits that have defects on them as a matter of writing or law.

In this particular case, the pre-CO that was issued, one, we believe was issued without an inspection, and it was done, Mr. Lassard, at the time thought, "okay, I know it's got more than one-family and it's a two-family zone, so I'm gonna give it a pre-CO for a two-family." However, the document itself actually identifies the zoning district as M-2 which was not correct, it was an error. The two-family use was also an error. There was no inspection. My client was not called for an inspection, and there was nobody there at the time because the pre-CO was during the transition between Mrs. Buffomante (phonetic) who had just passed away, and my client who had just
gotten a full title and was able to go for financing to get financing to renovate in the simplist of terms, painting and buffing the floors and so on.

So the change of use from what was a legal two-family to, excuse me, legal four-family to a two-family was quite a surprise; and only when the violation was issued a-year-or-so ago did the issue come to the forefront.

I also want to point out in the exhibits that I gave you, the Exhibit B was a Hampton Appraisal Services which was performed at the time. It was contemporaneous with the issuance of the pro-CO. That the pre-CO was issued July 14th of 1998. The appraisal that was done by an independent appraisal and it was provided for you as Exhibit B shows on it lists four units on the first page. On the back page, because they had to determine replacement-reserve value, on the back
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page they actually listed the number of refrigerators as four refrigerators, four stoves, two water heaters, and one furnace because at the time and all throughout the heating utilities was included in the rental; but clearly there were four refrigerators and four stoves, you don't need that if you have a two-family.

MR. SALADINO: That was 1998.

MS. MOORE: That was 1998. It was contemporaneous. The appraisal was done June 26th of 1998; 12 days later, the pre-CO was issued, clearly the same structure, the same conditions; so we know for a fact by independent testimony to the extent that this was a document that was used by the bank, we have no control over it, it was what was issued and sent to the bank, clearly, there were four existing units then.

CHAIRMAN MOORE: Okay.

Let me just say that I don't think
that we question the fact that in 1998
the house had four units.

MS. MOORE: No, but I'm saying
that the pre-CO that was issued in '98,
clearly, this is a discrepancy, not
only technically but also based on any
inspection that would have been done.

CHAIRMAN MOORE: I just want to
also mention or ask is this appraisal
something that would have been shared
with the Building Department?

MS. MOORE: It would have been
just the bank.

CHAIRMAN MOORE: So then the
Building Department issued a two-family
CO --

MS. MOORE: Yes, but the Building
Department --

CHAIRMAN MOORE: -- issued a four
family-family CO.

DR. LIAKEAS: Right, and the
relevance of that is --

MR. SALADINO: Well, did you --

MS. MOORE: He's the applicant.
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DR. LIAKEAS: It's more for even the Town's people. Last time there was a lot of discussion about why I would allow a CO that was not accurate to go on, and how people thought that maybe that meant, in fact, the house was inspected and renovated after the fact, so this is simply proof that --

MR. CORWIN: Excuse me.

Anybody that gets up, you have give your name.

DR. LIAKEAS: My name is George Liakeas, L-I-A-K-E-A-S.

Context of this is that I called the bank to get a finance on this home that I inherited. The bank sent appraisers that came up with these blueprints, and they said the only other piece of information you need is a Certificate of Occupancy.

And I recall, now 25 years ago to the best of my knowledge, I was 20-years old, that I called the Town or the Village of Greenport rather, and I
said, I need a CO, how do I get that? And the response was, you do not need a CO, your house was built prior to this date, 1971 or 1865 or whatever it was, and you do not need a CO; and I said, Well, I guess that's wonderful, I need a piece of paper to show the bank; and they said, we'll send it to you; and a week later, I got this piece of paper. It was, at the time, again, wonderful, the finance closed --

MR. SALADINO: What did the paper say?

DR. LIAKEAS: The paper said -- well you have it, which is two sentences that we now know are --

MR. SALADINO: Can you tell us what the paper said for the record?

DR. LIAKEAS: The Village of Greenport established the authority for issuance of a Certificate of Occupancy --

Put it this way, the paper said --

MR. SALADINO: Can you read what
the paper says?

DR. LIAKEAS: Got it. All right.

This is not handwritten, I'll tell you which is handwritten:

"The Village of Greenport established the authority for issuance of the Certificate of Occupancy in October of 1971; therefore, any building or use established or built on or after October of 1971 is required to make application for Certificate of Occupancy, prior to the above date, a per-Certificate of Occupancy is required."

The following, now in handwritten:

"A two-family wood family dwelling in an M-2 Zone with wrap-around porch was built prior to the 1971. Victor Lasard."

And the reason this took 20 years to come to the surface is, as far as I was concerned, there was eight words that were actually written by Mr. Lassard in response to my request.
without an inspection to which I was grateful that I was able to get the financing and the issue was closed.

After that, I was never --

MR. SALADINO: Wasn't what Mr. Lassard said to you totally contrary to what you believed?

DR. LIAKEAS: Again, this did not --

MR. SALADINO: He's telling you you had a two-family --

DR. LIAKEAS: This did not --

MR. SALADINO: He's telling you, you've got a two-family house and you believed you had a four-family house. I'm just --

DR. LIAKEAS: You know, I've got to be honest with you; I read this home does not require a CO.

MS. NEFF: Excuse me.

Actually, what the paper says is it's a pre-CO, that you do not require -- so the mortgage company apparently at that time, 1998 --
DR. LIAKEAS: Left it at that.

MS. NEFF: -- looking for your CO, accepted that it had the pre-CO.

DR. LIAKEAS: Correct.

The point is we are --

MS. NEFF: And it said that it was a two-family and the applicant is saying that he didn't --

You didn't receive this paper at all or you --

DR. LIAKEAS: No.

I received this paper and sent it on to the bank as you don't need a CO.

MS. NEFF: And the fact that it said it was a two-family did not come to your attention with any --

DR. LIAKEAS: You know, interesting, I have to be honest with you, it never really -- I was, I was overwhelmed at the inheritance, getting the mortgage, understanding my --

MS. MOORE: So the answer is no,

you didn't --

DR. LIAKEAS: The answer is no.
MR. SALADINO: Mr. Liakeas, doesn't that say that a two-family house was built before 1971; that document that you are reading?

MS. MOORE: Depends on how you read it. That's the problem.

ATTORNEY PROKOP: Thank you very much.

And did you apply for some kind of certification from the Building Department in 1996 for confirmation of a four-family house and you were told in 1996 to apply for a variance?

DR. LIAKEAS: I would doubt that because I didn't own the house in 1996.


There was a Notice of Disapproval in the file.

MS. MOORE: Yeah, the Notice of Disapproval would have been issued at some point by someone but without it going out to anybody, so whether or not it ultimately -- because that Notice of Disapproval
Disapproval calls it a three-family, so the whole thing is big-confusing document as a document.

ATTORNEY PROKOP: But it's not confusing. When we reviewed the file, it's not confusing; to us, it seems like the file is very clear.

MS. MOORE: Well, I can disagree with you.

ATTORNEY PROKOP: There's a pre-CO that says that a two-family house was built. You went through this apparently in '96 or '98 and didn't apply for a variance at that time, and now you're back before us.

MS. MOORE: All right.

That's -- put it this way, you can't terminate a pre-existing use. It's illegal, as you know, to terminate a pre-existing use unilaterally, so what that Building Inspector --

CHAIRMAN MOORE: That's what we're --

MS. MOORE: Exactly, that's why
ATTORNEY PROKOP: I disagree with you because one of the things that can happen to a pre-existing use is that it can be abandoned.

MS. MOORE: It could be, but in this case we're going to prove to you it was never abandoned, okay; so allow us to continue.

All right.

The next issue is, I'm going to give you -- I don't know if you have it, I'm sure you do because of the violation issuance, but Julia Buffomante on December 9, 1996 transferred the house to George Liakeas and reserved a life estate, okay; so I'm going to give you a copy of that if you don't have it; and I put a little checkmark on the paragraph that provides for the life estate.

(Handing).

So she continued to live there.

We have affidavits that show that
she continued to rent there, and then I have -- very kindly, one of the affidavits that was provided to you is -- let me get -- sorry.

CHAIRMAN MOORE: What tab is that under?

MS. MOORE: The affidavits are Exhibit D.

Exhibit D is Dolores Arimborgo, she's here --

MR. CORWIN: Wait a minute.

MS. MOORE: I'm going to put her on the stand to spell it, yes.

CHAIRMAN MOORE: The business about the hearing too, there might have been confusion at the Town as well because there is a designation, I'm not sure what it means, M-2 on the property card, so perhaps that's how --

MS. MOORE: M-2 is a Town of Southold marine designation R-2 is all --

CHAIRMAN MOORE: I have no idea.

MR. SALADINO: There's not a
possibility that this is a
typographical error, M-2, R-2?

MS. MOORE: Anything is possible, but --

MR. SALADINO: Exactly.

CHAIRMAN MOORE: I'm also surprised you didn't bring up the rap-around porch as in rap music, you missed that.

MS. MOORE: I looked over that.

CHAIRMAN MOORE: There are mistakes that people --

MS. MOORE: I'm thinking technical mistakes.

CHAIRMAN MOORE: I will listen to your comments, and then I do have a few questions I'd like to ask.

MS. MOORE: Okay, but let me have --

All right. Dolores, I'm going to ask you some questions just to make it easier.

Could you spell your name please on the record?
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MS. ARIMBORGO: D-O-L-O-R-E-S
A-R-I-M-B-O-R-G-O.

MS. MOORE: There are typos in my own affidavit that spelling is wrong.

Which property do you own?

MS. ARIMBORGO: 622 Carpenter Street.

MS. MOORE: How long have you been there?

MS. ARIMBORGO: I think I bought it in 1969.

MS. MOORE: Another correction on the affidavit, my typo was 1979, but she's corrected on the record she bought it in 1969.

CHAIRMAN MOORE: You're saying 1969, this is being changed?

MS. MOORE: Yes.

How did you know Mrs. Buffomante?

MS. ARIMBORGO: She came over and introduced herself.

MS. MOORE: Okay.

So how do you know that that house had four units?
MS. ARIMBORGO: Because I was in there often.

MR. CORWIN: Excuse me a minute, Mr. Chairman.

Mr. Attorney, this seems to be some kind of trial or something here. Is this the proper way to conduct a public hearing?

ATTORNEY PROKOP: She can give testimony, but she should be sworn in first.

MS. MOORE: Do you want to swear her in?

ATTORNEY PROKOP: Can you swear her in?

The stenographer will swear her in.

(Whereupon, the court reporter swore in Ms. Arimborgo.)

MS. MOORE: Maybe you can provide the explanation to the Board so it doesn't sound like a trial about how you know the property and how long you know that it has been rented.
MS. ARIMBORGO: Well, it was rented all the time I've been there until the time she died.

CHAIRMAN MOORE: You are saying in 1969 when you first lived on Carpenter Street?

MS. ARIMBORGO: Yes.

CHAIRMAN MOORE: Would you say that during that time from 1969 to 1971, you personally observed the house to be divided into multiple --

MS. ARIMBORGO: Yes.

CHAIRMAN MOORE: Thank you.

MS. MOORE: After 1971, were the units rented?

MS. ARIMBORGO: When I was living there.

MS. MOORE: That's when zoning came in.

MS. ARIMBORGO: There were rentals as long as you could rent them. All the time, she was always looking for the income.

CHAIRMAN MOORE: Thank you.
I have two questions on the affidavit.

I assume that these are ones that you have prepared for the different individuals to sign?

MS. MOORE: Yes.

What I did is, I asked them questions and asked them to provide their information. I don't like to -- I don't want to put words in someone's mouth, so I asked them to tell me and then I tried to convert it to an affidavit.

CHAIRMAN MOORE: Because the only thing I noticed is there is a very repeated similarity in the way that you --

MS. MOORE: A format, yes, I prepared them.

CHAIRMAN MOORE: I can understand that.

There is one affidavit which clarified by the person under oath, prior to the that date. All of the
other affidavits are helpful, but they are from periods such as 1999, another 1999, and then recollecting back and in their opinion, architecturally speaking or whenever --

MS. MOORE: Well --

CHAIRMAN MOORE: Let me finish.

-- it was most likely a multi-family house back before a certain date and there is no specific substantial testimony that says, I observed on so-and-so date the condition of the house before 1971.

MS. MOORE: Okay.

In part, I gave you affidavits by the present tense that were there because they were there. Really we only have two owners throughout the whole history of this property, you have Mrs. Buffomante from the '60s through zoning and until her death and then you have George who has been the owner since; so I wanted to give you a continuation and Dolores very kindly
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came to clarify, and I think she's the icing on the cake because you're hearing directly from her that she was personally familiar with the property.

In 50 years, it's tough sometimes do find people who are still around.

CHAIRMAN MOORE: The only thing is, that other ones certainly add some suggestion that the house was pretty much the way it was some number of years --

MS. MOORE: Mrs. Joan Tennant, she, according to her, she is both a history and architectural, has some specialty or just an avid, she studies historic architecture, and so she felt very strongly that she wanted to put in the design characteristics of the house because it was obvious from her and the way that the house is laid out, all of the fixtures as well as the molding and all the walls and so on, they have a time period that is clearly not anything current. Even '71, you know
architecturally when something has been
done in the '70s. This predates.

CHAIRMAN MOORE: I'm just saying
that's there's a fairly common theme in
all the testimony.

MS. MOORE: Yes.

CHAIRMAN MOORE: You know, it's
not absolute proof, but it makes
suggestion --

MS. MOORE: Well, it's a matter of
-- it's trying to persuade you as a
level of proof, you know, given the
circumstances of the people that are
surrounding them being there, and can
provide testimony. Dolores being the
one who has known Mrs. Buffomante the
longest and you have my client here who
will testify as well and he has
throughout and put it on the record.

CHAIRMAN MOORE: To avoid getting
too much into a dialogue, which would
be done during deliberation, maybe
tonight I would like to limit our time
before we actually do something on
comments.

Other than that, I'll just ask that we continue that conversation and ask if anybody else from the public would like to speak.

MS. MOORE: Okay.

CHAIRMAN MOORE: Unless there is some more documents, new documents or something marked for identification.

MS. MOORE: No. You have what I provided last time which were the exhibits of the fact that this house was built in the 1800s from your own Village Historic Board listing.

CHAIRMAN MOORE: Okay.

MR. KEHL: Robert Kehl, 242 Fifth Avenue, Greenport.

With respect to what's down there, that's a two-family house. It's a two-family house. You can rent a two-family house out as a four-family house and get away with it for 10, 20, 30 years, it doesn't make it pre-existing conditions; it just means
somebody got away with it for that amount of time and that's all it is. It's just one person's word against another on this, but if the inspector says two-family house, it's a two-family house.

Thank you.

MR. LIAKEAS: Well, it --

MS. MOORE: Well, I think they want to hear --

Do you want to hear from anymore public?

MR. SALADINO: Hold the rebuttals until everybody has spoken.

MS. MOORE: Yes. We'll hold the rebuttals.


I just want to concur with Bob. The evidence that we have before us and I remember from the June meeting are personal recollections that date back 50 years. What we have officially from
Village of Greenport is a pre-CO which is an official document, although not as proof of occupancy, that is stating the legal use of the house as a two-family. Inspection is not required. There could have been eight families in there, and it wouldn't matter if Mr. Lassard went to inspect it or not. What he's saying in that pre-CO is that this is a two-family house; and to further back that up, even whether or not the applicant received it, there is a letter indicating that additional apartments in the house were illegal and that variance would need to be obtained.

As far as the M-2 zoning, I call that a typographical error, and I don't feel that invalidates the document. None of these conditions for a four-family house fit our code, the lot's too small, there's not enough parking, and I oppose this application.

Thank you.
CHAIRMAN MOORE: Any other members of the public want to speak?

(No response.)

MS. MOORE: Before George speaks, as far as Mr. Kehl's testimony, that is his opinion that it's a two-family, it's a two family. Well, that's exactly what we're clearly stating is not the case.

Ms. Pollack claims that the M-2 technical error should be forgiven, but the two-family technical error should not, so I strongly believe opposite.

Also as far as an inspection, absolutely as a condition of any pre-CO is an inspection of the property. That is a determination of the use, and how can one make a determination of how many units a dwelling has if you don't do an interior inspection?

MR. SALADINO: Well, we don't have any testimony, we don't have any proof that an inspection wasn't done.

MS. MOORE: There is no
document -- well let's --

MR. SALADINO: All we have is somebody who says we don't think he went in there.

MS. MOORE: Well, there is no documentation in the file to acknowledge that an inspection was done.

MR. SALADINO: We have his report.

MS. MOORE: You have no report. You only have a pre-CO.

CHAIRMAN MOORE: There actually --

MS. MOORE: There's usually, what I've seen on other pro-COs is an inspection report, a Conditions of the Structure Report and on that condition, it would say something about how many bedrooms, how many, what are the conditions structurally, what would be required.

MR. SALADINO: Is that boiler plate? Is that --

MS. MOORE: I believe the Village uses the same form. I've seen the form
used, attached to pre-COs. It's not just a document, just the CO comes with the documentation.

MR. SALADINO: Because I'm reading here that, and I'm not trying to dispute it at this particular time, but it's, we believe that the Building Inspector did not make an inspection.

MS. MOORE: Because he didn't call us and we don't see any evidence. Doesn't the Town have, or the Village have a obligation to state that a document, when it has so many errors on it --

MR. SALADINO: (Inaudible) --

MS. MOORE: Yes, but there are errors all over that document so --

MR. SALADINO: Aside from, and not to debate this, aside from the M-2 zoning, so far you haven't --

CHAIRMAN MOORE: I think we're just -- to avoid too much back and forth comments, I just want to say, we're just trying to find out where we
are when we finish the public testimony

to try and decide what we are going to
do.

I should point out when you say
there was no inspection, we don't know
if there was an inspection, except on
the same day that the two-family pre-CO
was issued was a Notice of Disapproval
which says "a three-family dwelling in
the two-family zone, Main Street" and
it says, "Not permitted, zoning
actually required and was sent Notice
of Disapproval and ZBA application 7/15
by mail."

MS. MOORE: Isn't that evidence
in-and-of-itself that there were three
families in there? If they come up
with a document that says two-family --

CHAIRMAN MOORE: That's not the
point. That's not the point.

MS. MOORE: But it is the point if
there is --

CHAIRMAN MOORE: The point is --

ATTORNEY PROKOP: Excuse me.
Can you not argue with the Board?

MS. MOORE:  Sorry.

ATTORNEY PROKOP:  Can I ask you a question?

MS. MOORE:  Yes.

ATTORNEY PROKOP:  You have put us through this now several times, this discussion about your non-conformity. Under the law, there is the five points that you are required to prove to obtain a variance.

Which of those points is this relevant to? Did you mean instead that the Building Inspector is not correct in her Notice of Disapproval and you want an interpretation; is that what you're saying?

MS. MOORE:  What I said from day one on my application was that we disagreed, that we do not need a variance, that the building was a pre-existing four-family and it should be recognized as a four-family, that the -- we have provided floor plans and
it's clear from the floor plans, the
second floor has no inter -- the
apartment is --

ATTORNEY PROKOP: I'm just asking
you --

MS. MOORE: -- elevated --
I'm explaining beyond your yes or
no.

If you look at the floor plans,
the second floor clearly has separate
units that have no interrelationship,
no walls, no access to the first floor.
The first floor had more of a
connection and it used to have a door,
or it has a door that it could be
opened up, but clearly the second floor
has no interrelationship whatsoever; so
what we're saying is we've got proof
both testimonial, the appraisal that
shows what was in existence at the time
the pre-CO was issued, your own
documentation that is inconsistent and
has errors. So right off the bat, we
believe we have a pre-CO situation and
it should be, the Building Inspector's
determination should be overturned.

In the alternative, if you believe
that for some reason the first-floor
unit was converted to one space, than
the Board has the discretion to say,
well, we clearly see two separate units
on the second floor, there is no
interrelationship; but the first floor
could have been used by Mrs. Buffomante
or not. Okay. It's clear that it's
got two separate living quarter, but at
least --

That's why I gave you the
appraisal that came up with a
one-family use, two-family,
three-family, and four-family. The
amount of loss is significant.

CHAIRMAN MOORE: Just to keep
things going and try to get an end to
this, you do in your application refer
to Article 4, Section 158 which is just
the general One- and Two-family
District, and it says pre-existing four
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units.

MS. MOORE: Right.

CHAIRMAN MOORE: But you go on to apply for the variance, so --

MS. MOORE: Because that was the notice that I had, I didn't have a choice. I had to apply for the variance because our position was, it's pre-existing. We are going to prove that.

CHAIRMAN MOORE: And we're dealing with that.

MS. MOORE: Now, as far as the variance criteria, the fact that it has been rented for 40 years and used as a four-family with no impact on the neighborhood whatsoever is in-and-of-itself the fact that it wouldn't create a hardship.

CHAIRMAN MOORE: That is part of the testimony.

MS. MOORE: Right.

CHAIRMAN MOORE: Okay.

If we could, if there is no
substantial documents that are new
information and not dialogue back and
forth about it, we would like to move
on; and if there is additional
testimony from the gentleman standing
in the back. He's a longtime Greenport
resident, so maybe he'll shed some
light on the subject.

MR. SWISKEY: William Swiskey, 184
Fifth Street.

This property changed hands when?

MS. MOORE: Twice. '98. Once.

MR. SWISKEY: This property
changed hands in '98, what did the deed
at that time say?

MS. MOORE: It doesn't describe
it. It just says --

MR. CORWIN: Wait a minute.

No, you're not having a
back-and-forth.

Mr. Swiskey tell us what you have
to say.

MR. SWISKEY: I understand that.

There was a deed and there was
something, something on the tax bill
said what, and maybe she doesn't want
to answer.

MS. MOORE: No, I don't know what
you're asking.

MR. SWISKEY: What did it -- on my
tax bill, it says single-family, what
did it say on your tax bill?

MS. MOORE: I don't -- maybe you
tell me, I don't know.

MR. SWISKEY: I mean --

MS. MOORE: I don't have the tax
bill.

MR. SWISKEY: Yeah, but it would
be good evidence if it said one-family,
or two-family.

CHAIRMAN MOORE: Mr. Swiskey --

MR. SWISKEY: Maybe that's the
question you should look at because
what does the Town consider it, what it
was when it changed hands.

MR. SALADINO: Well, the Town, we
have the Town's.

MS. WINGATE: Do you have the
property card?

Oh, I have the property card.

CHAIRMAN MOORE: I have the

property card.

I don't know how much they
describe --

MS. WINGATE: It just describes
the property. The Town of Southold
does not keep track of our one- and
two-family residences.

CHAIRMAN McMAHON: It just
describes the dimensions and the
calculations, but --

MR. SWISKEY: Usually when
property changes hands, I understand a
new CO is usually issued especially if
there is a bank or will involved or
something and it had to say something.

CHAIRMAN MOORE: A pre-CO was
issued.

MR. SWISKEY: What's the
difference between a pre-CO and a CO; I
don't understand that?

CHAIRMAN MOORE: It's my
understanding unless Mr. Prokop --

ATTORNEY PROKOP: A pre-Co is given out for pre-existing structures, structures that pre-exist the zoning code.

MR. SWISKEY: So if I'm to -- exactly what did Mr. Lassard put; he put pre-CO two-family; am I right?

ATTORNEY PROKOP: Yes.

MR. SWISKEY: And I think there is a limit on how long you got to basically protest what the Building Inspector said, right?

ATTORNEY PROKOP: There is a 30-day statute of limitations. When a CO is issued, if it's believed to be incorrect, I think that there is a 30-day statute of limitations to appeal it to the ZBA.

MR. SWISKEY: If it's not appealed, than it's law basically.

ATTORNEY PROKOP: It's not law, but it's in place.

MR. SWISKEY: It can't be
challenged, basically.

ATTORNEY PROKOP: I believe that that's the case.

MR. SWISKEY: I would think that's what this that Board would use as --

Thank you.

MS. MOORE: I just want to clarify because, as you know Mr. Prokop, that an unconstitutional taking would always have a right to be appealed so what we are saying is that this is a pre-existing use that was unlawfully extinguished without my client knowing anything as far as it being, not interpreting the pre-CO to be an extinguishment of a pre-existing use, the continuation of the rental, the use of the property continued to today.

ATTORNEY PROKOP: I'm afraid to say anything else, but I have to point out to you and the Board that the problem, the uphill problem that you have is that documents were, several documents were issued over a period of
years that said the same thing, or similar things; and the only response that you have to that is that we didn't get it, we think there wasn't an inspection.

MS. MOORE: There's only one document. One document is the one, it's a pre-CO, the Notice of Disapproval that came contemporaneously with that pre-CO, and we're saying that was never received otherwise it would have been appealed. Someone would have known about it.

ATTORNEY PROKOP: Maybe you should look at the file, and we'll show you the documents.

MS. MOORE: Yeah.

CHAIRMAN MOORE: The house isn't going to go anywhere tonight, apartments aren't going to disappear tonight, we're trying to get to the point.

DR. LIAKEAS: Correct.

Just because I probably won't come
back to the meetings and these are my
neighbors and I want them to
understand.

Mr. Saladino, there was some
discussion about were we contesting
that there was an inspection done. For
anybody that believes Mr. Lassard came
into the house, what we're trying to
say, so it's clear, is at the same
time --

MR. SALADINO: You have to address
the Board.

DR. LIAKEAS: Right.

-- at the same time, there are
documents by third parties that if it
was inspected, he would have absolutely
seen --

MR. SALADINO: But they weren't
there at that time.

DR. LIAKEAS: They were there.

These are three independent appraisers.

MR. SALADINO: Again, not to get
into a debate --

DR. LIAKEAS: No, I think --
MR. SALADINO: -- the documents that I have are, the testimony that you're neighbors gave --

DR. LIAKEAS: No, not the testimony.

MS. MOORE: He's pointing out in 1998 --

DR. LIAKEAS: We keep talking about Mr. Lassard, and the implication that construction was done on the home since I inherited it; and what I want to make clear is, I'm not a lawyer, I'm not a contractor, I'm not a Board member, I did not do any construction other than cosmetic work on this apartment since 1998, which is at the same time that Mr. Lassard said it's a two-family house.

So the perception that I'm trying the squeeze in an illegal apartment is not accurate.

My contention, so that everyone is clear, I'm very fond of the Village. This is the way I inherited the house.
What does the law say? How do I not have to do construction to undo what I inherited? If that is 1971, I have, including my mother who I didn't call to testify, people as far back as the mid-'70s who easily can contest nothing has been done to the house, we have testimony from 1969. In other words, I don't know what the roll or the law is for the grandfather clause, but I want to make it clear than any discussion that makes it seem that I am trying to squeeze by an apartment that I renovated to make Mr. Lassard's two-family house into a multiple-dwelling home is not accurate.

MR. SALADINO: I don't think anybody ever said that.

DR. LIAKEAS: We are saying, I am asking and it doesn't need to be answered, what does it require to prove that this is the way it was prior to 1971. I hope that we have done that here tonight with the architect who is

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an expert, not a local architect, Ms. Arimborgo who is my neighbor and goes as far back as I do and more, and after that I think any discussion about -- Mr. Lassard's is not here the defend himself -- is upsetting to me because I don't know what his intention was, all I know is what I can prove.

CHAIRMAN McMAHON: To make it clear, we are focusing on the period from when you took ownership of the house --

DR. LIAKEAS: If we are focusing on when I took ownership, I think that speaks for itself.

CHAIRMAN MOORE: -- to the beginning of the code, and no one is contesting that in '98 it was anything other than a three- or four-family house.

DR. LIAKEAS: Well, no, I think many of my neighbors believe that Mr. Lassard said it's two and that something had been done to the house
since then; and I just want to make that clear. I'm sure he was a lovely guy, but I guarantee --

ATTORNEY PROKOP: Excuse me.

MR. SALADINO: That's not what we're contesting.

What is being contested is that four -- nobody is contesting that four apartments were there. What's being contested is if those four apartments were, in fact, legal on July 14, 1998 when Mr. Lassard sent you this notice saying this is a two-family house, and you told us that you were too occupied elsewhere to understand what this said.

DR. LIAKEAS: It's also because I'm not a lawyer, but what I do know is --

MR. SALADINO: But you're a physician.

DR. LIAKEAS: I was 25-years old at the time.

CHAIRMAN MOORE: We're getting away from --
DR. LIAKEAS: Lastly for the record, I want to make it clear that this house was inspected by Section 8 for 15 years, and they were very well aware that there were multiple dwellings in the house; and the first time it came to the surface was last year; so just so we're clear, I was never trying to hide multiple dwellings.

I think that's important for my neighbors to know.

CHAIRMAN MOORE: Very good. Thank you.

Anyone else, and I'm going to suggest to the Board that we close this hearing that allows us 60 days to deliberate, 62 days. That will be two more meetings, and it would allow us to have any additional information.

We appreciate you coming in personally, you're the first witness to document verbally the condition of the house in 1971, and that's what is
lacking from the record.

The other issues are that if it is
pre-existing, it is woefully
insufficient and it requires this now
for a conversion which makes it a
difficult operation that we have some
concerns with and we would consider
that as we go over it.

MS. McENTEE: Mr. Moore.

CHAIRMAN MOORE: Yes.

MS. McENTEE: Can I say one small
thing?

CHAIRMAN MOORE: If you are a
member of the public, and would like to
speak, you're welcome to come up.

MS. McENTEE: Joann McEntee, 242
Fifth Avenue, Greenport.

Actually, I'm just looking at the
Southold Town Code and there is an M-2
code and could it be a reference that
at that time, we were working closely
with the Southold Town Code.

It is something worthwhile to look
into because if we see that there is a
conflict with the M-2 here verses our R-2, let's look into.

That's all I wanted to say. Thank you.

CHAIRMAN MOORE: M-2 is described Marine 2?

MS. McENTEE: It actually doesn't specifically say marine.

MR. CORWIN: I make a motion that this public hearing for George Liakeas be closed.

CHAIRMAN MOORE: May I have a second?

MS. GORDON: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Any opposed?

(No response.)

Motion carries.

We can move to the next step.

If there is anymore documentation
that you would like to provide, the focus is from your ownership to whatever existed in 1971; and that's the crux of the discussion.

MS. MOORE: I can't bring another human being in here.

CHAIRMAN MOORE: We do thank you for coming.

MS. MOORE: Thank you.

CHAIRMAN MOORE: Eileen, did you have the notices for --

MS. WINGATE: Sorry.

CHAIRMAN MOORE: I'll read the next public hearing. And we'll try to move along.

Public hearing regarding area variances sought by Walter and Diane Foote, 126 Center Street, Suffolk County Tax Map 1001-4-2-25.

The property is located in the R-2 District and is not located in the Historic District.

The applicants seek area variances to obtain a Building Permit to

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construct an addition to the existing non-conforming dwelling which is a porch.

Section 150-13 B2 of the Village of Greenport Code requires that on a corner lot, front yards are required on both street frontages. One of the yards other than the front shall be deemed to be a rear yard and the other side yards.

Quickly, the proposed front yard setback for the new construction is 1.7 feet requiring a 14.3-foot-front-yard area variance for the addition of a front porch, and this is based on the small lot calculations in which the setback is 16 feet.

Section 150-12A of the Village of Greenport Code requires 30 percent lot coverage maximum in the R-2 District.

The proposed lot coverage is 34.28 percent and it's requiring a lot coverage variance of 4.28 percent. The site is 3,954-square feet.
existing building is already 32.67 percent which the proposed porch being an increase of 1.6 percent of 64-square feet.

A site visit was conducted today at 5:30.

The notifications again, I just have the, in this case some addresses, Jeffrey Truelove, 338 Second Street; Frank Swann, and it's a different address in Maryland, apparently a neighbor; Florida Jones, Box 496, Greenport; Daniel Finne, Junior, 120 Center Street, Greenport; Charles Troob, 401 First Avenue, apartment 146, New York, again, apparent neighbor; Gregory Kirkham, 329 Vernon Street, Dix Hills, out-of-town address; and Mr. Foote at 22 Broad Street.

I believe it was also in the paper and there was a placard placed on the property.

MR. FOOTE: Yes.

CHAIRMAN MOORE: And I'm not sure
we have -- we do have one letter. I'll
read that quickly and then Mr. Foote
can come up.

It is from Jeffrey and Salina
Truelove, 338 Second Street, corner of
Center.

We are writing to support our
neighbors at 126 Center Street in their
application for a variance for addition
of the front porch.

We have seen a historical
photograph of the home that shows the
original porch on the front of the
house. We will be glad to see the
porch rebuilt and the building returned
to his historical appearance.

Living directly across the street,
we have seen this renovation from the
start and are very happy that the
restoration is being done with great
care and consideration for historical
accuracy. We are sure that the
construction of the porch will be done
in a similarly-thoughtful manner.

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Specific to the porch, we appreciate front porches, even those that abut the sidewalk, our own included are convention in this part of Greenport. We greatly enjoy time spent outdoors on ours, especially the opportunity it gives us to regularly socialize with our neighbors, something we really value about living in a small village.

That's the only letter we have coming in.

Mr. Foote.


Thank you to the Board for hearing our application.

First of all, I want to apologize; I should have had the markers for the layout and frankly we had done this once before for my other house, and my architect laid it all out, and I
honestly didn't know we were supposed to do it, but it will be done; and again my apologies because I know it created some confusion in terms of where the porch is being built.

Another thing I wanted to point out is I think that the description of the porch is actually inaccurate in that we're seeking a porch with a depth of 6 feet, and that would be, as I understand it, the setback of the property line is 6.2 feet from the front of the house to the property line. There is additional space to the sidewalk, and what we would like to do is modify the plan so that the porch would be 6 feet in depth, rather than what it currently shows in the application, and I'm not sure if that is something that could be authorized today or whether we need to submit a modified plan as a result of that. I obviously don't want to spend a lot of time debating it, I just would like to
point that out and answer any questions you may have concerning it.

MR. CORWIN: How far would you be, you got it 1.7 feet off the property line now, at 4.5 feet how many feet will you be over?

MR. FOOTE: From the property line, it wouldn't be over the property line. It would be -- because the property line is 6.2 feet, so 6-foot porch would be .2 feet, .2 feet from the property line, but I'd like to point out that that's a patch of dirt before you hit the sidewalk. The sidewalk itself, the edge of the sidewalk to the edge of the house is a full 7 feet.

CHAIRMAN MOORE: The historical estimate of the original porch, are you saying it was probably 6 feet originally?

MR. FOOTE: No, I'm not saying that.

The truth is, we can't really tell
from the photograph. It's possible it
didn't go out a full six feet. I just,
I can't tell. If I have -- my
preference is, I mean we're certainly
going to fit the style of the porch,
you know, to match all the molding and
height and slope of the roof, style of
roof. We're just trying to make it
also functional at the same time. We
feel 6 feet is a reasonable depth to
have.

MR. CORWIN: It wouldn't be a
burden if somebody said, well 5 feet
instead of 6 feet; I mean that's not
going to change something
architecturally or functionally?

MR. FOOTE: Architecturally no.
Functionally, it would be pretty tight
to make it 5 feet, maybe 5 and --
maybe, you know, if we got to
5-and-a-half feet, maybe. I'd like 6
feet, but I could work with up the
5-and-a-half feet, I suppose.

At some point it just really
becomes, then it just becomes ornamental and you can't make it functional.

MR. CORWIN: Can I ask one more question?

MR. FOOTE: Yes.

MR. CORWIN: Is this going to be a two-family house?

MR. FOOTE: It's currently COD for a single-family, and I am going to complete the construction as a single-family, but I intend to apply to make it a two-family house at the end of construction.

The reason it's going in that pattern is my existing financing only qualifies for single-family, so I want to get it COD as a single-family, and then I will, I intend to apply for a permit to convert it to a two-family.

It certainly is sufficient in terms of the size and the space. We are going to be doing the work along those lines.
MR. CORWIN: You're going to come back -- well, you're not going to come back to the ZBA because I don't think you're gonna need a variance for that.

CHAIRMAN MOORE: I think the only issue is as you increase to two-family, parking issues is not something, in a pre-existing house is not something that is forgiven, so it would end up being three parking places.

MS. WINGATE: Three.

MR. FOOTE: Currently there is enough space for three parking spaces.

CHAIRMAN MOORE: That's the only complication.

MR. CORWIN: So this is going to be a rental house?

MR. FOOTE: Yes.

MR. CORWIN: Is this going to be long-term rentals, or is this going to be Airbnb-type rentals?

MR. FOOTE: The truth is, I haven't decided, but my preference is to make it long-term rental for at
least one and hopefully both of the units. That is my objective.

MR. SALADINO: I have a different concern.

Now, we are going to change the size of the porch. The porch from the house to the property line is 6.2 inches on one side of the house 6.3 inches on the other side of the house, and it's only a couple inches from the sidewalk, so your intention is to bring the porch basically to the sidewalk?

MR. FOOTE: No.

Actually it's 6.2 feet to the edge of the property line, but it's a full 7 feet to the sidewalk, so there is a gap of actually a full foot, if I do the 6 foot to the edge of the sidewalk.

CHAIRMAN MOORE: I think as visual reference, the bluestone that's there currently has probably been there for a long time is about 15 inches by 18. You indicated the porch might sit on part of the bluestone.
MR. FOOTE: Correct.

CHAIRMAN MOORE: We'll have to discuss that during deliberations, but we understand what your intentions are.

Thank you.

MR. FOOTE: Thank you very much.

CHAIRMAN MOORE: Members of the public who wish to comment on Mr. Foote's porch proposal.

MS. POLLACK: Karen Pollack, 630 First Street.

I strongly object to this application. Our Village code requires ZBA to gradually reduce non-conformity, not add to it.

This house is already non-conforming and the application -- and, in fact, the applicant's most recent request is to practically build this porch right out to the sidewalk; and I just think that's not appropriate and unfair to everyone else who would like to expand their house out to the sidewalk.
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I live on First Street, I could use a bigger house; can I have a variance too to build within 6 inches of the sidewalk? I don't think so. That's my feeling about this. Thank you.

CHAIRMAN MOORE: Thank you.

MR. KEHL: Robert Kehl, 242 Fifth Avenue.

What the gentleman just said was basically what we went over at one of the other meetings recently. He gets his loan for a one-family house, once he gets that, he converts it, that's called bank fraud, and he just witnessed to all of us.

MR. SWISKEY: William Swiskey, 184 Fifth Street.

Perhaps somebody that was at the meeting, we all remember that, to refresh my memory, wasn't this house referred to as basically, I couldn't afford this house unless it's short-term rental, wasn't that --
didn't that come about this house, if I remember?

CHAIRMAN MOORE: This gentleman?

MR. SWISKEY: Yes.

CHAIRMAN MOORE: I'm not aware of that.

MS. ALLAN: No. No. No. That was the one on Wiggins.

MR. SWISKEY: That was the one on Wiggins.

I thought I saw someplace --

All right.

Thank you.

CHAIRMAN MOORE: If I was present, I don't recall that.

ATTORNEY PROKOP: Mr. Foote, is this house landmarked?

MR. FOOTE: It's not -- the house is not in the Historic District. I applied for a landmark status, and by explaining the history of the house and it's historical significance, a landmark status was recommend by New York State, and in turn the Federal
Government has indicated it's pending approval. I don't know if it's quite official yet, but I received pending approval, it's being treated for landmark status.

ATTORNEY PROKOP: Did you notify them that you want to make this change?

MR. FOOTE: Part of my application is, in my -- actually the landmark status has nothing to do with the renovation, but the existing structure is getting approved.

I am applying for historic tax credits for the house and in connection with that, I have to show them by building plans and my building plans include a proposed rebuilding of the porch.

Now, the porch is not -- it's very helpful, getting the improvements that I'm making to the house to qualify for the historical tax credit, so it would be significant for me for the porch to be approved. If it's not approved, I'm
not sure how it would effect my
application for historic tax credit.

So just to correct somebody who
suggested that I was committing bank
fraud, far from it. Let me make it

clear.

MR. CORWIN: Speak to the --

MR. FOOTE: I am currently seeking
a single-family renovation as an
investment property. It's not a
homeowner second-home property. When I
finish completion and get the C of O,
my intention is to immediately go for
refinancing that qualifies for
two-family, assuming I get two-family
status; so I'm doing everything
properly, and not illegally.

As far as how I intend to rent it,
I truly do hope to be able to rent it
on a year-round basis. It's a function
of, you know, making sure that my
mortgage payments, my real estate taxes
and my insurance cost and attorney
costs will be covered by my rental

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payment. So far based upon looking at
the rental rates, I think there is a
good shot that it will work, and I
would like the rent it on that basis,
but I don't want to commit to having to
do that at this moment.

CHAIRMAN MOORE: Thank you.

Any other members of the public
like to speak?

MS. McENTEE: Joann McEntee, 242
Fifth Avenue.

I believe that this, the lot
coverage here is excessive. The site
it 3,954-square feet, a required lot
size is 7,500-square feet; why are we
making these, adding lots, adding more
to it when the lot isn't even nowhere
near 7,500-square feet?

Thank you.

CHAIRMAN MOORE: Okay.

Any other members of the public?

(No response.)

MR. SALADINO: I make a motion to
close the public hearing.
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MS. NEFF: Second.

CHAIRMAN MOORE: All in favor?

MS. NEFF: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

MR. SALADINO: Aye.

CHAIRMAN MOORE: Opposed?

(No response.)

The hearing is closed.

Thank you.

The next item, Item Number Four.

Public hearing regarding area variances sought by Bryan Nicholson, a lot east of 217 Monsell Place, Suffolk County Tax Map 1001-2-2-29.

The property is located in the R-1 District.

The applicant seeks an area variance to obtain a Building Permit to construct a new single family dwelling with a footprint approximately 979-square feet including a covered entry porch.

Section 150-13E, existing small
lots. A lot owned individually and separately and separated in ownership from any adjoining tracts of land, which has a total lot area or lot width less than prescribed in this chapter may be used for a one-family residence, provided that such lot shall be developed in conformity with all applicable district regulations.

The total dimensions of both side yards for a principal building shall be computed on the basis of four-tenths of the lot width; however, no side yard dimension shall be less than four-tenths of the total dimensions of both side yards computed as aforesaid, and no side yard dimension shall be less than ten feet.

The proposed house is 5 feet from the east property line, requiring a side-yard area variance of five feet.

A site visit was attended today at 5:00 p.m.

I don't know if we have the

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property cards available. The Building Inspector said no, but we will read that on the record.

I believe there was a placard, and it was noticed in the paper, I did see that, and the applicant is here.

If you would like to say a few words about the project.

MR. NICHOLSON: Yes.


The house next door is only 1-and-a-half feet from if property line, and the current codes requires a 10-foot minimum, so I, in a sense, inherited a variance as most houses are at least 20-feet apart. Mine and my neighbor's house will be 11-and-a-half feet apart without the variance. I'm asking for an additional 5 feet.

Because it came up last time, if the parking lot ever gets developed and I don't get a variance, it would be a lopsided 20 feet on one side and...
11-and-a-half feet on the other. If
the variance is granted and the parking
lot is developed, it would be a minimum
of 15 feet on one side, parking lot
side and 16-and-a-half feet on the
other side, making it more even and
consistent.

In sum, the variance will make
parking easier, safer, me and my
neighbors more comfortable, and it's
not detriment to the neighborhood.

CHAIRMAN MOORE: I'm trying to
recall; the last time you were before
us, we had not opened the hearing at
that point? We accepted the
application a month ago. I just want
to be sure we didn't already have
testimony.

I would need the property cards,
so I can read that into the record.

MS. WINGATE: I haven't gotten
them from you. Your notices.

MR. NICHOLSON: Which notices?

CHAIRMAN MOORE: You indicate that
you made the proper public notices that
you did send certified, registered
letters.

MS. WINGATE: I sent you a list of
people you were to notify with the
legal notices.

ATTORNEY PROKOP: You were busy,
right?

MR. NICHOLSON: I was very busy.

ATTORNEY PROKOP: Congratulations.

MS. WINGATE: Did you not notify
your neighbors?

MR. NICHOLSON: The neighbors were
notified; there's one here tonight.

MS. WINGATE: They were notified?

MR. NICHOLSON: Not by mail.

MS. WINGATE: Certified mail.

MR. NICHOLSON: Not by Certified
Mail.

AUDIENCE MEMBER: He did knock on
our doors.

MS. WINGATE: That doesn't --

CHAIRMAN MOORE: Mr. Prokop,
what --
ATTORNEY PROKOP: Well, I'm so sorry to say this, you know, we don't have a choice, if there was no mailing, we don't have jurisdiction, we have to put it over. Sorry.

MR. SALADINO: I have one other request --

MR. NICHOLSON: Yes.

MR. SALADINO: -- also with this application.

The form that the owner signs for you to be his representative is the wrong form, it's a Planning Board form.

MR. NICHOLSON: Okay.

MR. SALADINO: So I would like that you get the correct form, please.


CHAIRMAN MOORE: What we will do also is, I would like to make a suggestion on your site plan that you indicate a footprint, you should probably revise that footage to the setbacks in the small-lot standard.
because it gives the appearance of much more variance needed than is really needed in your case because it's a small lot.

MR. NICHOLSON: Okay.

CHAIRMAN MOORE: That is just for illustrating purposes.

At this point we are not taking any testimony.

MS. WINGATE: What I have is, you're going to do a new mailing. I'll send you the legal notice and the addresses a second time, and you're going to change the authorization and you're going to get rid of the building envelope box or modify that.

MR. NICHOLSON: Yes.

ATTORNEY PROKOP: And it would be placarded again.

CHAIRMAN McMAHON: Keep the placard out.

MS. WINGATE: I'll change the dates.

CHAIRMAN MOORE: Technically, the
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hearing is not really open tonight, I guess.

ATTORNEY PROKOP: No.

CHAIRMAN MOORE: So thank you. We'll see you again.

ATTORNEY PROKOP: If there is somebody here who came to testify and they can't come the next time, what we should do is allow them to say whatever they wanted to say, and we can incorporate it into the minutes.

CHAIRMAN MOORE: How does it become part of the hearing if the hearing is not open?

AUDIENCE MEMBER: I'll come back.

CHAIRMAN MOORE: That is very noble. Thank you.

Next item, moving on to Number 5. Public hearing regarding area variances sought by James Olinkiewicz, 221 Fifth Avenue, Suffolk County Tax Map 1001-4-4-29.

This Property is not located within the Historic District.

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The applicant requests several area variances required to subdivide an existing lot and construct a conforming house. This subdivision will create two new substandard lots requiring area variance as follows:

Lot 1, 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.

The second lot, the proposed lot width is 52.35 feet where section 150-12 A requires a minimum lot width of 60 feet requiring a variance 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 the 7.10 feet.

The proposed subdivision creates a 5-foot side yard on the north property line, where section 150-12 A requires a side yard setback of 10 feet requiring a variance of the 7.10 feet.

A site visit was performed today at 4:30.

I would like to point out, as I'm sure everyone is aware that there is another hearing for the same applicant on the same street; so when the public does speak, we're going to ask you to speak to this application. The comments should be directed at the application, not necessarily the applicant for time sake, and if there are additional comments from the public about the other property, I'm sure you'll be glad to speak again.

We will be limiting time tonight, we have to move along, but we're not going to be stopping public testimony;
we will hear everybody.

There are a couple of letters.

ATTORNEY PROKOP: I think we need to ask the stenographer if she needs a break because if we're going to go straight through this --

CHAIRMAN MOORE: It's going to be awhile.

ATTORNEY PROKOP: So she should probably get a break.

CHAIRMAN MOORE: Ten minutes for everybody, returning at 8:00 p.m.

Do I have a second?

MR. SALADINO: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Approved.

(Whereupon, a recess was taken at this time.)

CHAIRMAN MOORE: I think we're ready to go again.
I was reminded by a member of the public that Board members should speak closer to the microphone for those who don't hear us. I advise the same if anybody speaks from there even though were not being broadcast tonight.

Can someone tell me where we are?

I have read Number 5, 221 Fifth Avenue, and I can read the notices and there was Lukasz Stzesek, 212 Fifth Avenue, and I'm afraid that some of the letters were bumped off; but Roberta Garris, 229 Fifth Avenue, Carol Wilder, Post Office Box 7 in Greenport; Joseph Walters and there is 232 Sixth Avenue, Carolyn Tamin, 307 Fifth Avenue; James Olinkiewicz, Post Office Box on Shelter Island; Donna Zaengle, 222 Sixth Avenue; Richard Suess at 226 Fifth Avenue; Stuart Kogelschatz, 502 Front Street; and Robert Peterson, 228 Sixth Avenue, Greenport.

I think that the placard was placed on this property and just for
everybody's orientation, it is to the west side of the street.

If I'm not mistaken, it is the application which had been submitted some time ago for a subdivision, and it is back again.

I have two letters, I think I'll let -- who is speaking on behalf of Mr. Olinkiewicz?

MS. RAE: I am his attorney.

CHAIRMAN MOORE: Did you want to just give a quick overview of it?

MS. RAE: Yes.

CHAIRMAN MOORE: And I will read as quickly as I can, two letters.

MS. RAE: Mr. Chairman, I'm Kimberly Rae, Westervelt & Rae, Shelter Island, New York for the applicant.

I'm actually mindful of your earlier suggestion and request that we be brief, and I'm going to be very brief. I'm just going to make some introductory comments and then I'd like to reserve the bulk of my comments as
rebuttal for comments that I realize
are coming. Mr. Olinkiewicz's
detractors are here in force tonight,
so I'm sure I will have comments in
response.

But just to begin, I would like to
clarify a couple of things that came up
during the site inspection.

One relates to the shed on the
property, and I'm talking about the
red, smaller-red shed which will --
there were questions about that -- it
will be relocated to the southwest
corner of the property, and that's
indicated on the plans that were
submitted in our application, so that
is still in play, it hasn't happened,
but it will.

And one of the Board members asked
about the driveway. There is really a
proposed driveway for one of the lots,
the lot upon which the existing house
sits; that's actually lot number 2.
That driveway would be included in our
plans and extend along the south side
of the property from east to west, and
as someone pointed out, there's a
fairly wide alleyway there; so that is
also proposed.

So those are the two logistic
comments that I just wanted to make to
clarify some questions that came up
during the site inspection, at least
comments from some of the Board
members.

What I'd simply like to say here
before we begin is that Mr.
Olinkiewicz's work speaks for itself.
His renovations in the Village are, in
my opinion, beautiful. They honor the
architectural detail of the old
buildings. All of his work is code
compliant. The interiors are
beautiful. The exteriors are
compatible with the original
architectural designs and the new
buildings that he has built throughout
the neighborhood, particularly in the
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CR 2 District are consistent with the other architectural patterns.

As you all know, he owns a number of properties in this neighborhood; they are rental properties, and his tenants are Hispanic, they are members of families, for example because I --

Mr. Prokop, let me speak. I am anticipating comments that will come.

One is the fact that, for example, the Gomez family which lives in the upper floors, floor rather of the 221 Fifth Avenue is a family; they are all related. The tenants on the floor below are related. I won't talk about the tenants at 238 because we'll talk about that in the next portion, at that hearing. But I have heard in the past, commentary about overcrowding and people who don't belong together, and I just want to stress that his tenants are families.

He also rents these buildings, this one in particular, in the manner
that's consistent with New York State Code. No more residents than there are bedrooms allowable reside in these buildings; and they all park offsite in the parking spots that have been allocated to them.

Finally, before I sit down because I'm going the reserve, I'd just like to point out that the lot that has been proposed for the newly-proposed two-story-frame dwelling is the same size as many, if not most of the other lots on Fifth Avenue; there is little or no difference.

So I'd ask that the Board to keep that in mind as you continue with your deliberations, and than I'll reserve my comments as necessary.

Thank you very much.

CHAIRMAN MOORE: Thank you.

I have two letters that I can read at any time, unless the people who are here will be speaking instead of the letter, but I can just keep track of
speakers, and we can read it at some time.

Maybe I should read them ahead of time if you don't mind waiting a little bit.

Again tonight, I'd like you to focus on the project, obviously there is an individual building it and we hear lots about Mr. Olinkiewicz, but I think the main focus is the impact of the project itself, it's dimensions and intensity; and that's what I'd like to hear from the public about. I think we're sensitized to many of the other comments; they have already been made in the past.

This is from Roberta and Jack Weiskott and he's indicating that they will be out of town for a couple of days beginning Monday evening and unfortunately will not be able to attend the site visits or the hearing to have our voices heard on the matter of the two proposed subdivisions on
Fifth Avenue.

As background, please note that four years ago, the homeowners and neighbors of Fifth Avenue spent more than half a year at ZBA hearings voicing strong opposition to the then-proposed subdivision of 221 Fifth Avenue. The proposal was withdrawn at the final hearing prior to any decision by the ZBA.

We find ourselves once more in the same position, made even more distressing by an additional proposed subdivision on Fifth Avenue, 238 Fifth Avenue.

Our street already has three properties owned and rented by Mr. Olinkiewicz, all are overcrowded with more residents than Village Law proscribes. The evidence of this unsafe overcrowding can be easily seen by the amount of vehicles on and adjacent to the properties and by the amount of garbage outside on pick-up.

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days.

Please consider the following,
reference 221 Fifth Avenue subdivision:

The survey of the proposed subdivision does not accurately depict the location of the small shed, it is not behind the larger barn but alongside it to the south.

This has been noted by the Board members.

Supposedly it is slated to be moved to the subdivision to the south, so that lot coverage on the northern property is reduced.

Our property at 229 Fifth Avenue is mislabeled as belonging to Stuart Kogelshatz. This kind of error is very indicative of someone who has neither cared nor taken the time to learn about our neighborhood and our neighbors.

Our residence is not shown on the submitted survey, making it more difficult to picture our loss of privacy, light, and cross ventilation.
There are three parking spaces indicated for each of the proposed subdivisions. This would barely be sufficient for the current amount of vehicles already on site. Can an additional five or more vehicles fit on this property? Please see illustration of current and recent parking situations.

I don't believe that was an attachment, but perhaps he's referencing the plan.

To conclude, our quality of life has already been negatively affected by the rental properties Mr. Olinkiewicz currently established on Fifth Avenue.

The increased density inherent in these proposals is directly counter to the direction the Village Trustees and the Village Planning Board wish to see.

If these proposals were to pass, know that you will be adding ten vehicles at a minimum to our already over saturated street.
Please listen to the voices of the residents and neighbors of Fifth Avenue, and do not further degrade the quality of our Village and neighborhood for the sole purpose of enriching a developer.

Your neighbors, Jack Weiskott and Roberta Garris.

And then there is a diagram here indicating numbers of cars and placement of cars on the properties as indicated by, I guess, Mr. Weiscott.

Then there is another letter from Diane Peterson, I believe at 228 Sixth Avenue.

I will be unable to attend the site inspections or either public hearing for 221 Fifth Avenue or 238 Fifth Avenue, Greenport, New York 11944 on August 16, 2016, due to the fact that I will be out of town.

I have voiced in the past subdivisions of this kind that if approved, would create substandard lots.
as per the Village of Greenport's Building Codes. It should be denied due to the negative impact that both will have on the community.

As members of the ZBA who has been appointed and entrusted to uphold the Village Zoning Codes, I request you do just that and deny both of the requests to subdivide these lots.

The ZBA should be declared lead agency in both these matters so that a SEQRA study can be performed. Once the pertinent questions are reviewed and asked of each ZBA member, you can only really reach the conclusion that the division of these both -- it says -- 221 Sixth Avenue and 238 Fifth Avenue on sub-standard lots would not meet adopted code and should be denied.

Several meetings ago, Mr. Saladino raised some very good points when coming to the difficult decisions of requests to the ZBA when it deals with matters that would result in such large
variances to the Zoning Codes. Considerations for approval should not include whether the person requesting the variance is a native to the Village, North Fork or not; whether it would cause a financial hardship to the developer; whether the developer/owner felt they were offering a service such as providing workforce housing; all of which Mr. Olinkiewicz has used in the past to seek approval for these building projects. Please keep this in mind when reviewing the information that will be presented August 16th.

In the past, this developer has been suspiciously successful in building oversized residences on postage stamp-sized lots. This type of over-development in the Village of Greenport needs to stop. The Village of Greenport and Southold Town Boards of Trustees are the only entities that should be dealing with where workforce housing should be built or identify
areas/properties that would be considered to zoning to two-family residences.

Mr. Olinkiewicz will deny this, but those of us who live next to his properties are well aware of the over density he purports to rent these residences at. In addition to the over density, he uses the garages and sheds on these properties to store household items that it is believed will be sold at auctions or yard sales in the future. Adding to the already overuse of these properties cannot be allowed.

Infrastructure, roads, sewer, and utilities, lights, water, could not handle more use. Safety of the neighboring houses would be eroded and in the event of a fire or some other disaster, properties bordering these substandard lots would be in danger.

Codes to help you in your decision have been put in place to prevent just these situations where there is a
disproportional percentage of lot size to house size.

We have waited four years for this decision and trust that you will follow the standards set for you by the Village of Greenport, and I request that you deny both applications for 221 Sixth Avenue and 238 Fifth Avenue.

Diane Peterson.

And obviously Sixth Avenue was a mis-spelling.

Okay.

And we can now take some public testimony, name and address please, and as succinctly and specifically as possible.

How many people tonight on the first project?

Okay, one, two, three, four --

How about no more than three minutes, if possible.

MS. ALLAN: Even less than that.

Chatty Allan, 311 Fifth Avenue.

I wholeheartedly suggest you deny
this right off the bat. These two
substandard lots, as Ms. Peterson said,
you know, you have a sewer system that
is extremely old, that constantly is
getting repairs on it, to add two more
multi-unit homes in that same vicinity,
and I live down the other way, but it
trickles down and it will effect me as
well.

You have to look at every impact.
Both projects are going to have a
negative impact for the people on Fifth
Avenue and on Sixth Avenue.

Parking is another problem. If
you're adding even just four more
units, you're talking a minimum of four
more cars on a section of road that God
forbid our fire and emergency have to
get through; you're lucky you can get
through in a regular car. I have
learned to re-route myself just to go
home. The people that live right
around both these properties, they
don't have that option.
I strongly suggest both applications get denied.

Thank you.

MS. WHITE-CORWIN: Hi. My name is Marilyn White-Corwin, C-O-R-W-I-N, I own the house on Fifth Avenue that grew up in, and the other day, I was going down the street and I happened by the property, the 221 property; and there were a couple of little kids outside playing in the yard, and I stopped and I kind of looked at the kids and, you know, they were having a great time out there, and it brought back memories of when my brothers and I used to play in that same yard.

Kids need yards. I stopped to think after looking at those kids, you know, life is good, you know, this is what it's all about.

If Mr. Olinkiewicz, you know, indeed is trying to help with a problem because we do need housing, than my suggestion is look to the east, look to
the west, look to the south. I mean, Greenport Village is one-square mile, one-square mile. I think we're a bit saturated, and my opinion of all of it is I think that quality is more important than quantity, and I think that's what you all need to think about.

Thank you.

Oh, I have a letter from my dad. My dad is 90-years old and he lives in the house Fifth Avenue. He's not able to make it tonight, but I have to read this letter.

It says:

My name is Robert E. White, I reside at 305 Fifth Avenue, Greenport. I object to any changes or amendments to the properties located at 221 and 238 Fifth Avenue in the Village of Greenport. The street is crowded with housing now and traffic is out of control due to a lack of off-street parking.
Sincerely, Robert E. White.

Should I give this to you?

CHAIRMAN MOORE: Yes.

MS. WHITE-CORWIN: Thank you.

(Handing).

CHAIRMAN MOORE: Also remind the audience that if there is a document that you would like to hand in, that would be fine as well, for the record.

MS. McENTEE: Joann McEntee, 242 Fifth Avenue.

All the letters that are being read tonight are, that are handed in will be put into public record, correct?

CHAIRMAN MOORE: Yes.

MS. McENTEE: Thank you.

I really was dissatisfied that 221 Fifth Avenue was not staked out as it normally would have been. Last time that we went through this, it was staked out, so it kind of leaves it a little bit open for us not to see what it truly looks like. I believe that he
should have done that.

Anyway, that property obviously that you noticed, that it did say, the sign did say Wednesday instead of Tuesday, but in smaller print it did say Tuesday 8/16.

I just want to make sure, Mr. Prokop, there is no repercussions in the future because the sign was slightly misleading because it did say Wednesday, and I just want to make sure that because of this hearing that we're not going to have any repercussions later on.

ATTORNEY PROKOP: I didn't see the sign, but based on the description that I got from the Board, I think that the sign is sufficient notice.

MS. McENTEE: It can move forward, right?

ATTORNEY PROKOP: Yes.

CHAIRMAN MOORE: Just to confirm that is all the signs this time around?

MS. WINGATE: Every one.
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CHAIRMAN MOORE: Had the same because that was part of a template and says Wednesday six of five --

MS. WINGATE: It said six.

CHAIRMAN MOORE: So that that would be corrected, and we thank you for pointing it out.

MS. McENTEE: Since Mr. Olinkiewicz has owned this home, he has been paying property taxes for a one-family home, not a two-family home, and there are several others, Town of Southold is losing thousands of dollars per year on property taxes.

Please refer to the 2016 Southold Town Tax Assessment Role. If the tax Assessment role states one-family, than the proposal for this property, to me, is false. This application should be denied due the misrepresentation.

Mr. Olinkiewicz is creating his own problems at 221 Fifth Avenue. These lots will now be substandard and non-conforming. If the dynamics of the

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properties are changing than those lots should conform to the current code including all newly-created setbacks.

His proposal does not meet code. Our Village Code 150.1 reads that the Village goal is to generally eliminate non-conforming uses. Our codes need to be followed by the Village officials and the Village Board members.

Street drainage and sewer lines:
It is my understanding that Fifth Avenue has one of the oldest clay pipe sewer drainage systems. We have had more than our share of drainage and repairs on this street in recent years. Adding two homes consisting of three families would add stress to these old clay pipes. A full assessment of the old drainage system on Fifth Avenue is necessary before considering any subdivision.

Please refer to our Code 118-7. The Board shall consider the impact of the subdivisions on public health,
safety, and welfare, the impact of the neighbors, community and adjacent properties, traffic, views, and other environmental consideration, the preservation of the esthetic assets of the Village, and the impact on the utilities and emergency and other services that are provided by the Village. Variances are more than excessive.

Tom Spurge who owns a lot at 216 North Street proposed putting in a two-family home in an R-2 zone. The Village Attorney Joe Prokop stated at the 3/12/15 Planning Board meeting that a two-family home was not allowed under code, so why would Mr. Olinkiewicz be allowed to have a two-family on a substandard lot or even a one-family on a substandard lot.

With this said, I strongly disagree with the subdivision and any other proposed subdivisions in the Village of Greenport and would ask that
the subdivision be denied tonight.

I also have attached to the papers that I will be giving you a copy of the 2016 final assessment roll which you can see at 221 Fifth Avenue,
Mr. Olinkiewicz is paying for a one-family residence.

Also, I'd like to then read one letter -- this was actually back the Planning Board, it is from Mrs. Tamin of Fifth Avenue, and I will re-read it and make sure that it is does go into the record as well.

I am planning to -- and it goes back to then, so I'll read from that point.

CHAIRMAN MOORE: Excuse me.

Could I ask, is this the letter from a past application or a current?

MS. McENTEE: It was to the Planning Board, and I did not see it in the ZBA minutes, so the ZBA package that I received -- I would like to re-read it.
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CHAIRMAN MOORE: It is to Planning Board for their --

MS. McENTEE: It is to the Planning Board, but it also speaks of the same issue; and I'm not sure why it was not in the ZBA package.

CHAIRMAN MOORE: Because, as you know, even if the project were successful, it still goes to the Planning Board.

MS. McENTEE: I still would like to read it; it's very short.

CHAIRMAN MOORE: How much time, short?

MS. McENTEE: Short.

CHAIRMAN MOORE: Read fast.

MS. McENTEE: I am unable to attend the meeting on October 29th, as my daughter has an appointment at the South Shore Hospital; however, I would like to make my opinion heard.

First, I thought we were through with Mr. Olinkiewicz after the neighborhood made it clear that we
don't want any additional single- or multi-family units on this block. We are the most saturated street in the Village of Greenport with multi-family units.

Secondly, parking is already a problem and so is driving when there are cars on both sides of the street. There are times I can't park on the side of my house at 307 Fifth Avenue because people from this flats are parking there.

Enough is enough and Mr. Olinkiewicz needs to take his money and go elsewhere. The subdivisions are not welcome. Not every piece of property needs to be jammed with houses.

Sincerely, Carolyn Jagger-Tamin (phonetic).

I will submit all these for your records to be put in (handing).

Thank you.

CHAIRMAN MOORE: How many more
people? I mentioned before, we will not be closing the hearing tonight. In fact, we did note the lack of the stake outs of the empty lots and propose we request that while the hearing is open, the Zoning Board will return for a site visit, if anybody is agreeable, to see where the proposed houses would actually be.

Unfortunately, not many of the site visits today had stake outs.

MS. RAE: Mr. Moore, I apologize. That was not Mr. Olinkiewicz’s omission, it was mine.

MS. McENTEE: But you did say that you would allow us one hour, so I think that we are do that at least.

CHAIRMAN MOORE: I meant for the entire public hearings tonight.

MS. McENTEE: That's not fair to us. That's really not fair to us.

CHAIRMAN MOORE: We're trying to hear as many projects and proposals as possible. Those that can wait until
next month, I would ask that we return
and continue the discussion, but we
need to do some actual regular meeting
as well.

We won't be here until midnight,
but we will stay quite awhile longer.
Would you like to speak?
Briefly, Please.

MS ZAENGLE: I will be brief -- My
name is Donna Zaengle, and you have my
name on one of those cards.

I live directly behind, we share a
fence. I live right next door to
Diane, so I'm not gonna reiterate any
of the things she said.

CHAIRMAN MOORE: What is your
address?

MS ZAENGLE: 222 Sixth Avenue.

MR. CORWIN: Spell your name,
please.

MS ZAENGLE: Z-A-E-N-G-L-E.

I just want to bring up the same
concerns that some of the others have
in terms of quality of life.
I think having that many buildings in that small of a space, besides being too green and all the things mentioned, I really worry about fire. I have lived in other places where homes are very close to one another. My home is, the backyard is filled with hundred-year-old pine trees that I am sure one spark from a house fire would set them on fire when houses are that tightly put together.

That's my concern.

MS. WICKHAM: Good afternoon. I am an attorney, but I will be brief. My name is Abigail Wickham, A-B-I-G-A-I-L, W-I-C-H-A-M.

I'm here to give you the legal objections of my clients Roberta Garris and Mr. and Mrs. Weiskott who could not be here and are adjoining immediately to the north.

CHAIRMAN MOORE: Can you say that name again, please?

MS. WICKHAM: Garris.
My name or their name?

CHAIRMAN MOORE: Their names.


CHAIRMAN MOORE: The address?

MS. WICKHAM: The address is 229 Fifth Avenue, Greenport.

Very quickly, I'm not a detractor and I don't believe the quality of Mr. Olinkiewicz's work or the racial characterization of his tenants is relevant; but the number of cars and the number of people and the impact on this neighborhood is, and those are factual.

This particular subdivision would impinge greatly on the neighborhood because of the very small size of lot number one and the setbacks that are proposed. The Zoning Board of Appeals should not, in my opinion, grant a substantial variance merely to enable a
subdivision that could not otherwise be accomplished. This is a variance merely to get a subdivision for undersized lots, and it was purchased as a merged parcel in its entirety with knowledge of the merger, so it is not a hardship situation this lot created.

Lot 1 with a proposed building envelope complies, it is not a matter on which you are voting. This is a problem because you are being asked to consider several variances today, but you are not necessarily having before you all of the variances that could end up on this property because on lot 1, the proposed building envelope shown as complying is not a matter on which you are voting; and he could come in after the subdivision and ask for a bigger house with smaller lot size and end up with more variances that you would be asked to consider. So I don't think we really know to what degree the property will even be at variance with the code
and this must be addressed before any
action is taken by the Board.

I'd also like to address

specifically what we do know about the
property. It, first of all, creates
too much intensity. I think the first
clue of that is you can't even read the
survey easily, there is so much on it.
And that's not a disrespect to the
surveyor, it's just very tight in

there.

We know and we've heard that
parking and density is a problem. This
afternoon there were four vehicles in
the backyard on the property, three of
them were on lot 1, and they were
vehicles there for lot 2, so they're
already imposing on the lot-1 area for
parking on lot 2, and there were also
parking areas, vehicles parked on the
street.

The impact of the having a second
driveway, if you subdivide the property
is that you lose a street parking
space, so there is more intensity of parking issues than would ordinarily appear.

Traffic, noise, congestion, fire hazards, overcrowding, those are all things that I'm sure are being fully addressed by neighbors, and they are a problem.

Specific to lot 1 are four very mature holly trees that are located about 3 feet south of the northerly line, and with that setback of, I think 12 feet is shown again as a proposal, and he can change that. They're not going to be able to remain there if they're going to be trimmed back, they'll be right up against the house.

I just noted on the survey, this was a map that was filed in 1875, things have changed. That was a different error, and there is a reason that you have the non-conforming prohibition or restriction in your codes to try and avoid things that
years ago were not a problem.

There is also no buffer of landscaping between the two lots or between the lot on the south and the lot by the adjoining on the south of that, so this is going to end up as a very crowded lack-of-green-space type of problem.

In short this is going the have a huge impact on the neighborhood and on my clients and their properties, both financially and environmentally as a quality of life.

While we desperately need housing in the Village of Greenport, that's not at issue, but how you get it in this manner is not correct. To solve one type of problem, you're creating another, and I ask that you deny the variances requested because you would be creating a non-conformity that does not belong in this area.

Thank you.

CHAIRMAN MOORE: I'd just like --
I'd just like one clarification from the Building Inspector.

These plans are the ones that were before the Planning Board; is that correct?

MS. WINGATE: Yes.

I did hear one thing that was our mistake. They are not for two-family houses, both of them a for single-family houses.

CHAIRMAN MOORE: The only point I'm trying to make is that these plans relative to the variances, the variances apply to the deficiencies that the subdivision site plan created and need relief if given by the Zoning Board to accomplish the subdivision, so they aren't linked, and I don't believe would change. In other words, it wouldn't be arbitrary for the owner to change the subdivision size or setbacks, anything like that.

The matter before us is whether the setback variance would be permitted
to allow the subdivision to go forward,
so I just wanted to clear that up.
It's not an option for the applicant to
suddenly the change the plan that's
before us because it would be --

MS. WICKHAM: I'm speaking to lot 1 where there is no building.

CHAIRMAN MOORE: Yes.

MS. WICKHAM: Yes, and I think that while it may be on the site plans,
unless your conditions are very clear,
he would have that option, so I'm asking that the Board make sure that is
not going to be happen in the future
and without staking, it's hard to visualize anyway, but it does have to
be made clear or he would be free to come in and ask for more variances.

CHAIRMAN MOORE: There is, in the code a catch-22 that if a subdivision occurs, even if it creates a substandard lot, I believe that lot is now legal.

MS. WICKHAM: That's exactly
right.

CHAIRMAN MOORE: The point is that the code than allows a conversion of a single- to a two-family house.

MS. WICKHAM: Yes.

CHAIRMAN MOORE: Although the code also specifies on a small lot, and this is, I guess this is considered to be a small lot, it is available to build a single-family house, so there could be restrictions if I understand the code correctly. If a variance was granted, there could be restrictions as to the one- verses two-family house.

ATTORNEY PROKOP: Yes, there could be, that's right.

CHAIRMAN MOORE: So we're aware of what you're saying.

MS. WICKHAM: May I just add a couple of additional items?

On lot 1, the proposed reduction in lot size to 6,587 is 13.2 percent over 10 percent; it's a big reduction.

On lot 1 again, the proposed
reduction in lot width down to 47 feet is over 20 percent. That's big, that's a big reduction.

On lot 2, the proposed lot width is 12.75 percent less than the minimum required. On the combined side yard he's requesting on lot 2 is 28.4 percent of the deviation. That's a big number.

I'm not sure I understand the third one because it refers to a 5-foot side yard on the north property line where a setback of 10 feet is required, as I read that, that's a 50 percent variance, so those I'd like to be clear on the record. That's a big set of numbers and a lot of numbers too, a lot of variances, five.

Thank you.

MS. POLLACK: Karen Pollack, 630 First Street.

I just want to talk about the application. It was stated that there are numerous other non-conforming lots.
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on the block and indeed elsewhere in Greenport. That's completely immaterial. We're not supposed to be creating more.

As was just stated, these are large variances. In my experience in building, applying for a variance is when you blew the setback by six inches, these are huge in my experience.

The third thing I would like to bring up is that on August 21st of the year 2013, I was in this room when the very same subdivision was argued. There was considerable objection from the public and to my understanding, the application was withdrawn before a determination was made. I ask this Board to consider the impact of this type of practice on the neighbors and whether or not this is fair to the neighborhood. The neighbors have a had to, of course, watch their mail to be sure that they're notified, see what's
going on. They thought this was
resolved, done, a dead issue and here
it is again. I'd like to suggest that
you don't get two bites at the apple
for the same subdivision on the same
parcel and that if you apply for a
subdivision on a separate and distinct
parcel of land, that it does go to a
vote and is either granted or denied so
that the public does not have to live
in fear that their neighborhood is
going to destroyed in the future.

And please listen to the people
that live on Fifth Avenue and please
listen also to the other people of
Greenport. I don't live on Fifth
Avenue, but the addition of more people
creates more density and effects, not
just Fifth Avenue, but it effects the
entire village.

Thank you.

CHAIRMAN MOORE: We're getting to
the point where we do have another
hearing that has not yet started.
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Would the public -- could we ask others to hold their comments for the continuation next month because the hearing will be open, and we need to hear the next project as well.

AUDIENCE MEMBER: It's your job to hear the voices, correct?
CHAIRMAN MOORE: Pardon?
AUDIENCE MEMBER: Your job is to hear the voices, you're here to look out for the betterment of every neighborhood in the community, correct?
CHAIRMAN McMAHON: And serving the rest of the public as well.

AUDIENCE MEMBER: I understand that, but people need to be heard. You should not be able to delegate who, yes, no what, everybody should be able to be heard.

MS. McENTEE: This ZBA decided to have this many hearings tonight and it should be heard.

MR. SWISKEY: You should be willing to stay here 'til midnight if
you have to.

MR. CORWIN: I think you should come up and --

MR. SWISKEY: William Swiskey, 184 Fifth Street.

To just touch on what was said, you don't get to something on the agenda, than you have to postpone that, but this shouldn't be broken off.

People came to speak, they have rights. If this Board has to stay 'til midnight, you took the job. I mean I hear this from other boards all the time, when --

AUDIENCE MEMBER: Let's move on.

MR. SWISKEY: I'm just stating for the record.

Anyway --

CHAIRMAN MOORE: Let me just explain something. I am trying to complete an agenda to serve projects, some of which are already before us and some of which are just coming before us. I could predict to you that we...
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would not be finished by midnight tonight if we didn't meter out our public input.

I'm not stopping public input, I'm just allowing it to occur over a longer period of time. This project isn't going anywhere tonight and the hearing will remain open.

It's my suggestion to try and get through a process.

MR. SWISKEY: Is the attorney for the applicant going to be allowed to rebut comments that are made tonight?

CHAIRMAN MOORE: I would think not. I would like to hear public comment without the back-and-forth dialogue.

MR. SWISKEY: No.

She said, she asked for time at the end when everybody was finished speaking and if you're gonna cut it off, is she going to be allowed to stand --

ATTORNEY PROKOP: I think based on
what the chairman just said, she would
be requested to make her rebuttal at
the continued public comment.

CHAIRMAN MOORE: I think at the
end of public comments so as not to
have to do it again. I would suggest
she wait until all the comments are
made.

I feel that we're doing a
disservice to other applicants by
continuing this. I'm not trying to say
that people are saying more than they
should or that too many people are
speaking, it's just we understand there
are a lot of people who wish to speak.
I'll allow anyone who can't be here
next month to speak tonight, but many
of you are local and will certainly
come, I know your dedication and I know
your interest, so I'm not stifling the
public comment, I'm trying to
accommodate an entire agenda which we
really don't have a choice of, you
know, not putting them on the agenda.
I think once we accept applications, we have the responsibility to get moving with them.

MR. SWISKEY: You can schedule the agenda, you didn't have to schedule all this time --

AUDIENCE MEMBER: Can you just move on?

MR. SWISKEY: I'm just saying because you're acting here like it's our fault.

Anyway, getting to the application itself.

What is a conforming house if I might ask the ZBA? That's a house that meets all the size requirements, bedrooms, plus the lot requirements, right?

MS. WINGATE: And the setback et cetera, et cetera.

MR. SWISKEY: All right.

Then how does he plan to construct a conforming house when he needs all these variances? That first sentence
makes no sense to me.

CHAIRMAN MOORE: Is that the right term?

MR. SWISKEY: It's written here.

CHAIRMAN MOORE: I know what it says, but the other one -- the next application is a non-conforming house; is that correct, perhaps not?

MS. WINGATE: I'm not sure I understand the question.

CHAIRMAN MOORE: Mr. Swiskey is asking: Is the definition of a conforming house appropriate for this application, the proposed new house?

MS. WINGATE: I would think that if what he is saying is his house would be conforming according to State code, not to, I mean --

MR. SWISKEY: That's what it says here, it says conforming. To me conforming is conforming to Village Code, State Code, Fire Codes; so basically this new house would be non-conforming.
CHAIRMAN MOORE: It would meet the
setbacks.

ATTORNEY PROKOP: It's gonna be a
non-conforming lot.

CHAIRMAN MOORE: The lot is
non-conforming, but the house
apparently conforms to the requirements
of a lot of that size; is that correct?

I'm looking at this, if we're
talking about --

MS. WINGATE: It's a conforming
use, it's a non-conforming building
with a conforming use.

CHAIRMAN MOORE: Which is?

MS. WINGATE: Which is --

CHAIRMAN MOORE: Which house are
you talking to?

MS. WINGATE: Which one are we --

CHAIRMAN MOORE: I think it's a
matter of semantics. The house itself,
I believe, meets the setback
requirements on a lot that requires
variances to be created.

MR. SWISKEY: If it requires
variances, it can't meet the code; so it can't be conforming, you need variances. I mean, maybe --

CHAIRMAN MOORE: I think I know what you're driving at. My point is that if the lot were there, the house would be conforming according to the code, but the lot is not conforming.

Wait a minute.

MR. SWISKEY: It says a minimum lot of 60 feet requiring a variance for 12.18 feet, so there's no way that the lot's conforming.

CHAIRMAN MOORE: It's not conforming.

MR. SALADINO: And we admitted that, Bill, we said that that the lot is not going to be conforming, but the house will be.

MR. SWISKEY: How does the house --

All right, if --

MS. WINGATE: The house is --

MR. SALADINO: Because the
MR. SWISKEY: What is the required setback on the front?

MR. SALADINO: How many questions are we gonna ask at the same time?

MR. SWISKEY: I'm asking the questions, Mr. Saladino.

(Whereupon, several people spoke simultaneously.)

MR. SWISKEY: I'm asking about something that makes no sense here, and I'd like it straightened out.

It's 30 feet in the front yard; isn't it?

MS. WINGATE: And it conforms.

MR. SWISKEY: This house is setback 30 feet?

MS. WINGATE: It's 30 feet in the rear yard, and it conforms; it has to be a minimum of 10 feet on the side yard, and it conforms; and it has to be a combined side yard setback of 25 feet, and it conforms.

MR. SWISKEY: And it conforms,
huh.

MS. WINGATE: So the house conforms, the lot is shy.

MR. SWISKEY: The lot is shy, so, I mean --

Anyway, get back to house 1. You're gonna cut down a couple trees to make the driveway which is right up against Stuart's property basically, so you're taking away green.

Now, if I read the thing on New York State on planning, the Department, and what we're supposed to look for --

MR. SALADINO: No. That's wrong. That's wrong.

MR. SWISKEY: What?

MR. SALADINO: It's not against Stuart's property.

MR. SWISKEY: The driveway is going on the north side of the existing house, right?

MS. NEFF: Yes.

MR. SWISKEY: Who owns that property on the north side?
South side, excuse me, south side.

MR. SALADINO: What lot are we talking about?

MR. SWISKEY: We're talking about the lot for the existing house, I guess that's lot 2. The driveway abuts Stuart's property, that would be --

MR. SALADINO: That's lot 2.

MR. SWISKEY: Yes, that would be to the south.

All right, so all that green and the tree is going then.

Now, in planning because I've read some things you're supposed to do in planning, it's like green, preserve, everything else, not overcrowd the neighborhood. Now, this is going to be a new house, it's gonna be a single-family house, right?

MS. WINGATE: Yes.

MR. SWISKEY: For the time being?

CHAIRMAN MOORE: I think we discussed that, but the answer is yes.

MR. SWISKEY: He can go and
request -- it's in a two-family zone,
he can go and request a two-family
house?

CHAIRMAN MOORE: That's a concern.

MR. SWISKEY: How many square feet
is the new house since you have plans
and I don't?


MR. SWISKEY: That's a fairly big
house; how many square feet?

MS. WINGATE: 780-square feet in
the footprint, two-story, 1,560.

CHAIRMAN MOORE: These are
publically available, so you could look
at them.

MR. SWISKEY: Well anyway, what
I'm saying here is: What this guy
wants to do is overcrowd a neighborhood
that's already overcrowded, and we all
know it's overcrowded. If you have
ever driven down in the summer, I
mean -- it sounds nice, oh, I'm making
housing for people; but, you know --

It was a little bit insulting what
she said that we were going to attack
Mr. Olinkiewicz. This is not about
Mr. Olinkiewicz's quality of his, it's
about the quality of life of these
other people; and I think this Board
has to consider it because we have
nothing else.

Thank you.

MR. SALADINO: I would just like
to respond to that.

I would hope that you would
believe that this Board has that
ability.

AUDIENCE MEMBER: What was that?
Were you referring to Bill?

MR. SALADINO: I did. I was.

AUDIENCE MEMBER: No, we didn't
hear what you said.

MR. SALADINO: I would like for
you people to believe that this Board
does have the ability to make that, to
discern that.

AUDIENCE MEMBER: That's why we're
here.
CHAIRMAN MOORE: I've heard mixed suggestions or comments about where we should go from here. We may end up not having a full public hearing tonight on everything because we may run out of time. Would it be the public's interest to keep on keeping on and then pick up with another hearing? I think we're getting a feel of the public to start. Should we move to the next application or hear some more comments? We simply won't get out of here tonight without even getting the hearings finished, I think.

MR. REID: Just, what you just said apropos.

Mike Reid, Front Street. Most of you know me; my family has been here forever.

What you said is right, you just heard these people, my neighbors; they have been here, they told you time and again. Four years have gone by, you know.
God bless you all, you all have a hard job, but what's right is right for the whole community, the whole neighborhood, not for one man. That's what it's coming down to.

Put yourself in our situation. That place is unsafe, it's overcrowded, the sewer systems are adequate at best. You don't believe me ask Kipper (phonetic) and Whitey (phonetic), they deal with it. From my corner or from Main Street to Johnny Gaden's (phonetic) which is Fifth Avenue South, I believe was 1920 to 1980 -- how do I know? Because Bobby (inaudible) father was in charge of all the sewage and I have a lot (inaudible). From Gaden's house to Dave Murrey's (phonetic), which I'm not sure on the logistics, that's brand new.

Seven times a year, I have to call, my mother calls, Mr. Goldsmith, some other people in my neighborhood to get it cleaned out. Now you're doing...
something that you're overbearing,

overtaxing the sewer system that's just inadequate.

You know, I know it's tiring, you guys want to get done, I apologize, but this is very passionate, you seen, you all know, you've been to some of the meetings, we had 20 people here. If it's just one person, it would be totally different, it would be irrelevant; but you've got, not 100, but 95 percent of the community, or neighborhood I should say, they just don't want it, so that should say volumes.

That's all I want to say.

Thank you very much.

CHAIRMAN MOORE: What did we think we should do?

MS. GORDON: How many people are going to --

CHAIRMAN MOORE: How many more people on Number 5 do we have that are willing to speak tonight and would any
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of those individuals --

MS. GORDON: If there are no more ready to speak, maybe that's --

CHAIRMAN MOORE: If there are no more that would like to speak tonight, we'll move on, and the hearing will be open for letters, open for more public testimony next month and hopefully the other people; is that okay?

MR. SALADINO: My opinion is that I agree with Mike. These people waited a month for this hearing, some waited longer than that because we put it off. We kind of brought this on ourselves. Mr. Pennessi is waiting, you know, he wants his turn at bat. We kind of blew him off last month.

It's 9 o'clock, I mean, we all stay up later than 9 o'clock, I think we should stick around.

CHAIRMAN MOORE: What I'm going to suggest is that the second application, I think will have a different set of comments --
(Whereupon, several people spoke simultaneously.)

MS. NEFF: -- Close the public hearing for Item Number 5.

CHAIRMAN MOORE: No, we're not gonna close the public hearing because I want to see the site staked out at another site visit, and I want the opportunity of the public to send letters and speak more.

I'm going to ask -- I'll make a motion that we --

Is it proper term to adjourn the public hearing?

ATTORNEY PROKOP: It should be adjourned, yes.

CHAIRMAN MOORE: Adjourned until next month. It will remain open.

So may I have a second?

MS. GORDON: Second.

MS. NEFF: Second.

CHAIRMAN MOORE: All in favor?

MS. NEFF: Aye.

MR. CORWIN: Aye.
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MS. GORDON: Aye.

CHAIRMAN MOORE: Any opposed, abstained?

You're free to say nay.

MR. SALADINO: If there's no one else to speak, than I'll vote aye.

CHAIRMAN MOORE: Okay.

The hearing is adjourned.

Opened again next month, take notice and come back.

Number 6, this is a public hearing regarding area variances sought by James Olinkiewicz, 238 Fifth Ave Greenport Incorporated, 238 Fifth Avenue, Suffolk County Tax Map number 1001-4-8-3.

This Property is not located within the Historic District.

The applicant requests several area variances required to subdivide an existing lot and construct a non-conforming house.

This time not a conforming house.

This subdivision will create two
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new substandard lots requiring area variance as follows:

Lot Number 1: The proposed subdivision creates lot 1 which is 5,389.5-square feet where Section 150-12A requires a minimum lot size of 7,500-square feet. The proposal requires an area variance of 2,110.50-square feet.

The proposed lot width is 50 feet where Section 150-12A requires a minimum lot width of 60 feet, again an area variance of 10 feet.

The proposed lot coverage is 37 percent, 2,024-square feet, Section 150-12A of the Village of Greenport Code requires a minimum of 35-percent lot coverage for a two-family house in the R-2 District requiring an area variance of 2 percent.

That was the front lot, which is the existing two-family house, I believe.

Lot 2: The proposed subdivision
creates lot 2 which is 4,026-square feet where section 150-12 A of the Village of Greenport code requires a minimum lot size of 7,500-square feet requiring an area variance of 3,474-square feet.

The proposed lot depth is 50 feet where Section 150-12 A requires a minimum lot depth of 100 feet requiring, again, an area variance of 50 feet.

The proposed cottage is 15 feet from the front, west property line, where Section 150-12A of the Village of Greenport code requires a minimum 30-foot yard setback. This will require a 15-foot front yard area variance.

The proposed cottage is 10 feet from the rear, east property line, where Section 150-12A of the Village of Greenport Code requires a minimum 30-foot rear yard setback. This will require a 20-foot rear yard area variance.
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variance.

The proposed one-story-frame house is 800-square feet with 695.5-square feet of livable space where Section 150A of the Village of Greenport Code requires a one-family dwelling located in the R-2 District to have 1,000-square feet of livable floor area. This will require an area variance of 304.5-square feet.

Site visit was scheduled and conducted at 4:45 p.m. today. I'll note that we did not see a marked out footprint for the house which we will expect to see before next-month's meeting.

I have one question: The final variance, had that been changed; or is there still a request, the minimum square foot of the house; is it still being submitted as substandard house size?

MS. RAЕ: Yes, it is.

CHAIRMAN MOORE: Okay. I thought
I remember a change.

MS. RAE: Right, we are seeking two variances for that, correct.

MS. GORDON: Mr. Chairman, can we simply adjourn this hearing also and hope and expect that the neighbors will come next time to comment. They will probably be commenting on the first hearing and --

CHAIRMAN MOORE: I'd like to leave it up to the Board to decide whether we wanted to stop now or continue to comments.

MS. McENTEE: I think that's very unfair. Mr. Moore, you have missed several, several meetings. This has been delayed and due to you being out last month, this really causes a problem for us.

CHAIRMAN MOORE: Excuse me.

MS. McENTEE: We would like to move forward.

CHAIRMAN MOORE: This was accepted last month, and we're hearing it
tonight.

MS. McENTEE: That's correct, and you want to leave.

CHAIRMAN MOORE: I am asking if there is an interest in holding off or whether the public would like to make comments tonight.

I assume they would, so why don't we hear some public comment.

MS. McENTEE: Yes.

CHAIRMAN MOORE: I'm not objecting to that. That was a suggestion from a member of the Board.

Is that agreeable with the rest of you?

MS. GORDON: My feeling was, my thought was people would be coming anyway for the previous hearing, and they would be ready --

CHAIRMAN MOORE: I understand.

MS. GORDON: -- it's fine.

CHAIRMAN MOORE: This is a different application. I understand your feeling.
So I would like to hear some comments. Obviously the representative might want to make a few brief comments. It's pretty clear there are a large number of variances on this proposal.

MS. RAE: Kimberly Rae, Westervelt and Rae, Shelter Island for the applicant; and I'll say again these comments would be extremely brief because I would like to reserve the bulk of my comments as rebuttal to what I anticipate will follow here.

So I'm going to say simply that for those of you who walked the property -- and by the way, Mr. Moore, we will have that staked for the next meeting -- you would have noticed that what has been proposed here is taking down the part of the building that encroaches into the driveway presently, part of the kitchen; that's going to come out. The rest of the proposal would be to remove the garage apartment.
that is in complete disrepair at this point, and to replace that --

CHAIRMAN MOORE: Excuse me. To be correct, that is not currently a sanctioned apartment, correct?

MS. RAE: It is not; that's correct. It was, however, at one time.

CHAIRMAN MOORE: It's a delapidated garage.

MS. RAE: It is.

CHAIRMAN MOORE: I don't want to --

MS. RAE: I believe it was used as a dwelling on this site.

CHAIRMAN MOORE: It has in the past, but that non-conforming use has long expired; so I'd rather not call it the garage apartment.

MS. RAE: Very well.

But the structure itself would be, under this proposal, taken down.

The alternative would have been to leave it up and have Mr. Olinkiewicz come in here and ask for that to be...
permitted, to be renovated and used as an apartment.

However, as you can tell from having been to the rear of the property, the rear of property is largely vacant. There is not much going on back there, and it seems to me certainly, and to Mr. Olinkiewicz as well that the better use of this property is to construct this very small cottage for which we indeed are seeking relief. We replace the structure that is now in the way, and the part of the kitchen that presently encroaches, or I shouldn't say encroach, but it protrudes into the driveway, taking that part of the house down would improve access to the rear.

So the variances that we seek speak for themselves.

I'm sure the public will have a good deal of comments for that. I'm going to go ahead and reserve, but I wanted to make it clear that his intent
is to simply make better use of the property that currently exists and then what existed as of the date that he bought it because what you see there now, in terms of the outbuildings is what he purchased.

He has renovated the large building that's presently in use, again beautifully in my opinion and to very high standards.

The small cottage that has been proposed there would be fully compliant with New York State Building Code. As you can see, it has been constructed to minimize impact on the neighbors on the surrounding properties.

So with that, I'll reserve my comments.

MR. REID: Mike Reid, 430 Front Street.

It would behoove Mr. Olinkiewicz to do his due diligence --

Ladies.

-- to do his due diligence and
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have (inaudible) knowing that this has
gone on -- gentleman, for how many
years; ladies, how many years for this?

You know, what my father, God rest
his sole, the old man used to tell me
put lipstick on a pig, it's still a
pig. He used to call it like it is.
I'm born and raised here in Greenport,
I'll call a spade a spade, that's how
it is.

We've gone over this numerous
times. Again, I don't want to take
your time, it's valuable. I appreciate
every one of you up there because this
is probably a headache-and-a-half for
you, but it's so repetitive. You know,
you have these rules in place for a
reason, substandard is substandard.

Just look in your heart, if this
was your neighborhood and you were
passionate like every one of these
neighbors here, you would see it how we
look at it.

That's all I'm gonna say.
Thank you.

MR. HOLLID: Joe Hollid, 415 South Street.

MR. CORWIN: Can you spell the last name?

MR. HOLLID: H-O-L-L-I-D.

I live adjacent to the property in question, 238, and I believe everyone in this room and probably the Village would say enough is enough. The amount of properties that are getting, and all land getting used up is just getting crazy.

The amount of variances that this guy wants, Mr. Olinkiewicz, is just beyond my imagination. We're not talking .5 or half-a-foot or more, we talking about feet. The is really downgrading our roads. Right behind me, even on South Street, all that traffic goes down there on Fifth Street and they -- especially the trucks, there's a lot of traffic going up and down, maybe not so much during the day,
but in the evening, you can't get by there without having another car coming to you, and you have the wait for them to go around you.

I'm just disturbed that this 238 alone is going even up for consideration; and that's what really bothers me. I hope you go down with this, put it down. I hope you don't accept this as a go-ahead.

Thank you.

CHAIRMAN MOORE: Thank you.

Thanks everybody for your brevity thus far, I appreciate it.

MR. KEHL: Robert Kehl, 242 Fifth Avenue.

There's many problems with the 238 Fifth Avenue subdivision that aren't even listed on the variance requested.

First, the existing house only has 3 foot on the right-hand side of the house. It only has 8 feet in the very, in the front of the house. On the left-hand side of the house, I mean
they said the left-hand side of the
house is 8 feet, the right-of-way they
said they're gonna cut it off and it
would be a 12-foot driveway, it's a
right-of-way. A right-of-way is
supposed to be 15 feet, that's for fire
department access.

The other problem with this is,
you put a right-of-way in,
right-of-ways are supposed to go by the
same rules as roads. Now the house has
two front yards. It also makes my
house have two front yards, so that
means my fence on my right-hand side of
my house can't be 6 feet anymore, it
can only be 4 feet, and if I want put a
garage in the back of my house, which I
got a variance once before and didn't
do, but I can't put a garage in the
back where I wanted to put it because
it will be in the front yard.

The traffic on the street is
unbelievable, most of the ones that are
racing up to the thing in those little
rice eaters are all the ones from Mr. Olinkiewicz's houses, and I'll take pictures and bring them in to show you as they go racing up at 60, 70 miles-an-hour. We got some that go past the house, I swear to God, they must be doing 80 or 90 in the morning.

It's just getting out of hand here. I mean this isn't gonna change.

When he filled out the application, it says it isn't going to change the way the neighborhood is gonna be. That's a lot of crap. I mean, there's no way around it. I mean if you're gonna take --

I have to look at what's nextdoor now because you cut my fence down, if he has now two front yards, how can he have a house that's right on the edge of the right-of-way when he's only got a 12-foot right-of-way, and it's supposed to be 15 to begin with?

I mean, there's some real problems here, not counting all of the other --
I mean, that's a lot of variances. I mean that's isn't even reasonable.

Thank you.

MR. SALADINO: I'm curious.

For the Building Inspector: Is that a fact, the right-of-way?

MS. WINGATE: A right-of-way does not make it a front yard, it does not.

MR. SALADINO: Does it have to be 15 feet?

MS. WINGATE: That I don't know, but I do know that it doesn't make it a front yard.

I'll look into that.

MR. SALADINO: That would be --

MS. WINGATE: I will do my research.

MR. SWISKEY: William Swiskey, Fifth Street.

I have a question before I speak, all right.

On this, the paragraph says a single-family dwelling located in the R-2 District has got to be a thousand
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square feet, right?

MR. SALADINO: Yes.

MR. SWISKEY: How can an
eight-hundred-some-square foot house on
the last parcel than be conforming; it
can't, can it?

MS. WINGATE: Because they're
asking for a variance.

MR. SALADINO: He's asking for a
variance.

MR. SWISKEY: No, not on that one,
on the previous one.

CHAIRMAN MOORE: It's a two-story
house, the footprint was --

(Whereupon, several people spoke
simultaneously.)

MR. SWISKEY: Oh, so we're taking
the second floor, but not --

CHAIRMAN MOORE: Livable floor
space.

MR. SWISKEY: All right. That's
all right, so that I understand because
a lot of jurisdictions including the
people in the tax take the footprint

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and that's how they consider it, but as long as you're saying it's livable space, all right.

This second one is creating a undersized, a non-conforming house on a flag lot which is not big enough. I mean, it should just be rejected. I mean you can vote on this one tonight without even breaking a sweat, and I think you probably should because kill it and let it go.

CHAIRMAN MOORE: There is a process.

MS. ALLAN: Chatty Allan, Fifth Avenue.

I'm just gonna basically reiterate what I said about the first one.

This one has even more variances, it goes back to the same thing, you're bringing down the quality of our life on Fifth Avenue. To me you're making it even more dangerous than it already is, putting a burden on everybody that has lived there; and I truly don't get
why this application -- I know you have
to have your public hearing, like the
first one. This application needs to
be denied.

I've only lived on Fifth Avenue
for a couple of years, these people
have been dealing with this for I don't
know how long. Month after month, year
after year, they have the come back and
forth to the same concerns, quality of
life, they brought up, and I did as
well about a sewer system that's
already taxed. You are making so much
more in an already congested area.

And I'm sorry there are a lot of
homes in Greenport that are abandoned
that can be renovated, that can be
rented out. There are empty lots that
he could build on, one of them is where
the old Manson (phonetic) house stood.
It was a rooming house, that has been
vacant since it burned back in the
early '90s. There's other places he
can build.
Please take into consideration the people that have to live with this decision, and make the right one for those of us that have to live with this.

Thank you.

MS. McENTEE: Joann McEntee, 242 Fifth Avenue.

The letters that were written for 221 Fifth Avenue, would they be brought into the public record for 238 Fifth Avenue?

CHAIRMAN MOORE: That's a good question.

I want to see if they address --

MS. McENTEE: They did.

CHAIRMAN MOORE: They have been read and they're part of the record, so they --

MS. McENTEE: They're part of the record in the first hearing, so they need to go into this hearing.

CHAIRMAN MOORE: Surely.

MS. McENTEE: Okay.
Thank you.

ATTORNEY PROKOP: They don't automatically go in unless the occupant --

MS. McENTEE: So do they have to be read?

CHAIRMAN MOORE: No.

MS. McENTEE: So if I hand them in to you, that'll be fine?

CHAIRMAN MOORE: Yeah.

ATTORNEY PROKOP: It sounded like you're directing the Board. With all do respect, the Board should make a decision that they be included.

I was going to mention that at the end. Thank you for bringing that up.

It's my recommendation to the Board that there would be a cumulative impact for the two applications, any written documents be included in both records.

Thank you for bringing that up.

MS. McENTEE: I do have extra copies for this file.
Again, we talked about that the property was not staked out.

Ian Wile did have a letter that was attached to the ZBA, does this get read into public record or is that already public record and not read to the community?

CHAIRMAN MOORE: I don't know that we have a letter.

MS. McENTEE: For the ZBA, it's attached to all the ZBA papers that I have.

MS. WINGATE: It was the past application.

MS. McENTEE: When I received the ZBA packet from the Building Department --

MR. SALADINO: Is it part of the new application?

CHAIRMAN MOORE: He lives next to 238, so he would be the biggest person --

I'm not aware we have a letter from Mr. Wile.
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MS. McENTEE: Okay. Here

(handing).

MS. RAE: Mr. Chairman, may I request copies of all these letters?

CHAIRMAN MOORE: Yes.

MS. RAE: Thank you.

CHAIRMAN MOORE: They will be available with the file, so you can work with the Building Department.

MS. RAE: Thank you.

CHAIRMAN MOORE: Are you aware of a letter from --

MS. WINGATE: I am not in receipt of a letter on this application from Ian Wile.

ATTORNEY PROKOP: Can I make a recommendation?

MS. McENTEE: Are you saying that possibly this letter might be attached to the Planning Board letter, Planning Board minutes?

MS. WINGATE: I have not seen a letter from Ian Wile on this application, Planning Board, Zoning.
Board, or other. There was a letter from Ian in the previous application.

MS. McENTEE: Okay.

While we look for the Planning Board letter from Ian Wile, if it is in there, I do apologize, I thought --

ATTORNEY PROKOP: The public hearing is going be adjourned --

CHAIRMAN MOORE: Why don't you suggest that your neighbor send it again --

MS. McENTEE: Actually, I do have it --

CHAIRMAN MOORE: He doesn't have to be here tonight.

MS. McENTEE: It's not an issue.

So again, the property at this -- this property 238 was noticed Wednesday at 6:00 p.m. even though it stated Tuesday at August 16, 2016.

Mr. Olinkiewicz is creating his own problems. These lots are now, will now be substandard and non-conforming.

The dynamics of the properties are
changing on both lots to conform to the current codes, including all newly-created setbacks. His proposal does not meet the code, it should be denied by the Zoning Board today.

Our Village Code 150.1 reads that the Village Code is to gradually eliminate non-conforming uses. Our codes need to be followed by our Village officials and Village Board.

The street drainage and the sewer lines, it is my understanding that Fifth Avenue has one of the oldest clay pipe sewer drainage systems. This has had more than it's share of drainage and repairs on this street in recent years.

Adding two homes consisting of three families, which I'm told, is now two-families, consisting of three-families or now two, would add more stress to our old clay pipes. An assessment of the old drainage system on Fifth Avenue is necessary before
considering any subdivision.

The storm-water drainage. All
storm-water drainage will run off to
all lots surrounding this
newly-proposed lot number 2 as this
land is almost landlocked, or this
property is almost landlocked.

The porch removal and the kitchen.
I noticed that the Board did not go in
to really take a look at what was being
removed from the kitchen. I felt it
was necessary and possibly when you do
go to the next site visit, that you do
see what is being removed in the
kitchen as you will notice that the
foundation will need to be rebuilt to
support the new portion of the kitchen.

So I would read what I have here.

When the porch is removed
approximately one-third of the kitchen
will need to be removed for the
right-of-way which is not stated on the
subdivision proposal, thus changing an
interior layout of the home in lot 1
and requiring a demolition and
alteration permit as a foundation would
need to be installed to support the end
wall of the partial removal of the
kitchen.

If the portion of the kitchen is
not removed, there is 8 foot of
right-of-way.

The renters will continue to drive
into the corner of the house and the
fence. How would a fire truck get to
the home at lot number 2 behind lot
number 1?

Right-of-way. This creates, in my
opinion, creates a corner lot of 238
Fifth Avenue which then creates a
change to 242 Fifth Avenue in which I
live.

The property which is created by
Mr. Olinkiewicz is created, again,
we're trying to get away from this
creation. He's creating his own
problems. This would now restricts 242
Fifth Avenue from improvements which
may not have required variances.

Our law is to protect the adjacent properties not create hardships to other properties.

Please refer to our Code 118-1:
The Board shall consider the impact of the subdivisions on public health, safety and welfare, the impact on the neighbors, community and adjacent properties, traffic, views, and other environmental considerations, the preservations of the esthetic assets of the Village and impact on utilities and emergency and other services that are provided by the Village.

The right-of-way needs to be reported and filed with the Suffolk County Clerk's Office along with both deeds and then forwarded to the Village of Greenport's Clerk.

Generally when a subdivision is created, the road plan is approved prior to the subdivision construction.

Why is this is reverse? This is my
question. Why?

The right-of-way square footage
cannot be included in either percentage
of the lot coverage; therefore, the lot
coverage percentage had increased
greatly, the lot size has decreased
significantly and has been stated
incorrectly in this subdivision
proposal.

Variances are more than excessive,
our code states 1,000-square feet
living space for a home, not 695-square
feet. The area variance on both lots
are excessive.

Currently the existing home is
supposed to be a two-family rental. It
is my understanding that there are at
least three families living there. I
have witnessed between 12 to 17 people
living at this home in one single time,
several come and go.

Our neighbors that you see here
tonight do not come and go, but on
Mr. Olinkiewicz's properties,
specifically speaking of this, they come and go. We don't know our neighbors, but I certainly know my neighbors here.

I strongly agree, I strongly disagree --

I put agree when I hand this to you.

-- disagree with the answers on the short environmental assessment forms as follows: Number 6 should be no, it will change the natural landscape.

8A, yes, it will increase traffic level.

So this is obviously incorrect.

Number 17, storm-water drainage discharge is created.

17A, water will flow to adjacent properties.

17B, water discharge system will need drywells.

Tom spurge, who owns a lot at 216 North Street proposed putting in a
two-family home in an R-2 Zone; village attorney Joe Prokop stated at the 3/12/15 Planning Board meeting that a two-family was not allowed under code, so why would Mr. Olinkiewicz be allowed to have a two-family on a sub-standard lot or even a one-family on a sub-standard lot?

Please refer back to the 8/17/2015 minutes for Mr. Olinkiewicz's subdivision proposal at 412 Third Street, Mr. Olinkiewicz states that he is leaving the one-family a one-family, but later it is mentioned by Chairman McMahon pertaining to the schedule that he is allowed to put a two-family dwelling on both properties. Now it's no longer three families, it four; so he may have the opportunity to do that on this lot.

With this said, I strongly disagree with the subdivision and any other proposed subdivision in the Village of Greenport and would like to
ask that the subdivision be denied tonight.

I do have a few other comments.

Make no mistake, I understand that possibly there might be, if this is denied, that there might be some re-purposing of the garage apartment, let's call it a non-conforming-use building because that's what it truly is. If that -- and I don't believe that that should follow through either because that should be denied.

And the driveway for the rear lot, if you look at your plans, the driveway for the rear lot is extremely close to Mr. Holoid's lot. You can't back up and do -- back up, you're gonna hit the fence. There is no way with the way that the property goes and slightly this way (indicating) where you're gonna get that parking space closest to the fence to get out of there properly. There -- currently, there are three cars that will stay in the driveway as
a rule of thumb, the rest will stay out
in the road, and they all have
difficulty coming out of that driveway.
Currently two park in the back, one
park in front of the non-conforming.

Thank you.

CHAIRMAN MOORE: Anybody else who
would like to speak tonight?

MS. WHITE-CORWIN: Marilyn
White-Corwin. I own a home on Fifth
Avenue, Greenport.

I am not an expert on any of this,
setbacks and lot things and all that
stuff; there is one thing I am an
expert on because I was one once, is
being a kid; and I just kind of feel
bad for Mr. Olinkiewicz and his
representation here because they don't
understand that an empty piece of
property is okay. That's where the
kids that live in the front house go
and play, so, you know, I don't
understand why it's, oh my God, there's
an empty piece of property, let's build
on it. You know, I do understand that there is a need for housing, but again, I'm going to say again, it does not have to be in one-square mile of Greenport Village; it can be in East Marion or in Southold; Shelter Island would be a nice place. That's all I'm saying.

I also have the same letter from my dad, so I don't have to read it again, I'll just give it to you.

CHAIRMAN MOORE: Sure.

MS. WHITE-CORWIN: Okay. Thank you. (Handing).

CHAIRMAN MOORE: Is there anybody else that wants to speak tonight on the same project? Could it wait 'til next month and speak some more?

MS. McENTEE: This Ian Wile letter, would you like that?

CHAIRMAN MOORE: You can send it. It's sort of third party, but it hasn't been seen.

MS. McENTEE: Yes, it has. This...
was attached to the Planning Board.

CHAIRMAN MOORE: Okay, well it's --

MS. McENTEE: Yes, but it should have been forwarded to you.

CHAIRMAN MOORE: It would have been nice.

MS. ALLAN: I just have one real-quick question because Marilyn just bought up about yards. Is there -- when you build, is there supposed to be a certain amount of a yard?

CHAIRMAN MOORE: There are requirements for front, side, and rear-yard setbacks.

MS. ALLAN: My apartment complex, I don't know how they got away with it, I have no yard whatsoever, and our porch is almost on two sidewalks. I don't know this building ever got what it got.

The 238, the one we're talking about, do they need a variance for a
yard as well because the way it's sounding, there's like, no yard with the two buildings?

CHAIRMAN MOORE: Oh, yes. They need, I believe the back part is five variances which include --

MS. ALLAN: I got confused when I started --

CHAIRMAN MOORE: Square footage, front yard, rear yard --

MS. ALLAN: So basically you were going to have at least three units that more than likely will have children in them with cars, and see that's what scares me; you have children in these apartments and you now have cars pulling in between the two buildings. That should also be taken in, that's a danger hazard right there. I have no backyard, and I literally crawl in one side to come around to back in so I'm not backing out into the road, and it's scares me every time because there's children that live in my apartment.

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building.

That should be a major reason to deny this application.

Thank you.

CHAIRMAN MOORE: Have we gotten to the point where can adjourn the hearing until next month?

If so, I will make a motion we --

MR. SALADINO: If there is no one else, and the neighbors would know better than we do if in their mind, there is no one else that might have to add something different than they have to add.

CHAIRMAN MOORE: I would like to see the lot staked out.

I'm just going to make a motion to leave it up to Board that we adjourn the hearing, leaving it open until next month for further discussion and in the meantime, we will see the marked out house footprint as well as hopefully the parking areas, and we will do another site visit in between, so I'm
making that motion and ask for a second.

MR. CORWIN: Second.

CHAIRMAN MOORE: Discussion?

MS. GORDON: Is the understanding that we need to leave it open for another site visit because I think the general feeling is that for this one at least, not for the other one, for this one we might be able to actually close the hearing, so we can have a discussion.

CHAIRMAN MOORE: I understand what you're saying, but there is indication that the combination of these projects may have an additive impact, and I'd like to deal with them at the same time; so I would make that motion and ask for a second, which we have.

All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Any opposed?

MS. NEFF: Opposed.
MR. SALADINO: I'm gonna vote nay.

CHAIRMAN MOORE: We have two nays, so motion passes anyway so we will talk about it again next time.

Next, Item Number 7. This is a continued public hearing for area variances sought by Daniel Pennessi.

Do I have to read it?

ATTORNEY PROKOP: You don't have to read it. You can just ask her, the stenographer to put it in.

CHAIRMAN MOORE: Okay. Are we ready to move on to number 7?

Mr. Prokop indicated that I don't have to read the the full notice, but I would like to indicate that the remaining discussion, if there is anymore public comment is on the requested variances which have changed somewhat in number.

There is still the lot-coverage issues for a small increase in the lot-coverage allowance.

There is a remaining variance for
21 parking spaces with the understanding that there are 11 parking places proposed.

The third is the requirement for an off-street loading berth which has changed from no berth to a berth that does not meet the space or size requirements.

Number 4 is the height variance regarding, first of all, the overall height which the 47 feet and requiring a variance of 12 feet.

And finally the height variance which is the issue of allowing a third story, which is remaining from the original application.

I assume you would like to refresh our memory on any items and then we'll take any public input that might remain tonight.

Our hope is to close the hearing tonight.

(Whereupon, the public hearing notice was added to the record by the Flynn Stenography & Transcription Service (631) 727-1107)
Item number 7. Continued public hearing on area variance sought by SAKD Holdings LLC, Daniel Pennessi President.

The property is located on the southeast corner of Front Street and Third Street, Greenport, New York 11944, Suffolk County Tax Map 1001-5-4-5.

The property is located in the WC, Waterfront Commercial District. The property is not located in the Greenport Village Historic District.

The Applicant proposes to construct a new, mixed-use, three-story building, having a 60-seat restaurant and 715-square feet 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 150-11B 1, 2, and 3.
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Requested Variances 1.

1. The proposed building construction has lot coverage of 3681-square feet representing 41.7 percent of the site requiring an area variance of 147.3-square feet or 1.6 percent of the total area of the lot, 8,834.2. Section 150-12B of the Village of Greenport Code requires maximum lot coverage of 40 percent, 3,533.7-square feet in the WC-Waterfront Commercial District.

2. Variance of 21 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 150-16A 1 of the Greenport Village Code, then the applicant requests a variance of the
off-street parking requirement of Section 150-16A 1 of the Greenport Village Code.


3. Variance from size requirement of the off-street loading berth. The applicant is requesting a variance of the size requirement for one off-street loading berth in that the proposed building has provided an off-street loading berth as required by Section 150-16B E which requires one berth for each 25,000-square feet of floor area.

Loading berths are required to be 12-feet wide and 33-feet in length. The
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proposed berth is 9-feet wide and 20-feet in length requiring a variance of 3 feet for the width and 13 feet for the length.

4. The applicant requests a height variance of 12 feet where Section 150-12B of the Greenport Village Code limits the height of buildings to two stories or 35 feet, and the proposed building height is 47 feet based on the height of the elevator bulkhead located on the roof, requiring a height variance of 12 feet.

5. 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 two stories or 35 feet, and the applicant proposes a three-story building in violation of Section 150-12B.

MR. PENNESSI: Dan Pennessi, P-E-N-N-E-S-S-I, on behalf of SAKD Holdings LLC, 567 Fifth Avenue, New York.
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Rochelle, New York.

Apropos of Chairman Moore's comment at the beginning of the evening, optimism does prevail and I thank you for your commitment to the process of the agenda. I will keep it brief.

We did revise the plans generally as described in tonight's agenda in response to some of the public comments that have been made.

We've tried to limit the number of variances we are seeking, and we feel that these are the most important to the project to allow it to move forward.

We have also considered all of the comments made by New York State DOT and as of a July 20th letter, they've accepted the revised site plan as it is in conformance with their comments; so we would request that the public hearing be closed and that resolutions for SEQRA, and for the variances that
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we have been requesting are drafted for hopefully the next meeting.

Thank you.

CHAIRMAN MOORE: I would just like to point out, there was an additional letter which I guess was the follow up of the DOT you referred to, and it mostly had to do with the issues of the construction process and not the content of the plan.

MR. PENNESSI: Yes. I think at the beginning paragraph it says that the revised site plan is acceptable subject to --

CHAIRMAN MOORE: Yes.

MR. PENNESSI: -- satisfying the conditions when construction begins.

CHAIRMAN MOORE: Thank you.

All right.

Members of the public, does anyone have any remaining comments regarding this proposal which is before us?

MR. SWISKEY: William Swiskey, 184 Fifth Street.
A variance of 21 parking spaces, where does the applicant intend to park his guests? That would be the first question because I don't know if you have been down the street this summer, but there's nothing. I mean it's --

Trustee Phillips has a letter in the monthly report coming up for the Thursday Work Session about we really have to enforce the limited parking time in the IGA parking lot because the IGA is losing business because this very instance. These businesses have no parking. I mean this right then and there should kill it.

Plus it's on the corner of Third Street; have you been on that street lately when the ferry comes in. I mean the whole thing just like .

-- I understand we have to go through the process, this pig can't fly.

Have a good day.

CHAIRMAN MOORE: Thanks, Bill.
MS. ALLAN: Chatty Allan, Fifth Avenue.

Since day one when this application was done, yes they had tried to cut back on this variances, but there are still major ones. I think the hurdles are way too high.

And I agree with Bill Swiskey, I drive a big school bus, so I've used that corner on Third and Front on a daily basis. The traffic alone that it will cause and the hardship that it will cause people that have to use that corner.

It's a beautiful project. That lot is too small for what is being proposed. I wish I knew of another lot to put it on because it is a gorgeous project, but the amount of variances, and it's not -- yes they have come down a lot, but they're still major variances.

We just had someone who wants to extend their porch and people are
quibbling over how close it's gonna be to the sidewalk, that's for one house. In a neighborhood where the neighbors don't have a problem with it; this is the corner lot that is extremely busy, and it's going to be butting almost up to the sidewalk. You will have cars trying to pull in, they are trying to get in where people are getting into a turning lane, so now you're going to have a traffic jam there. It's already crazy to begin with, and I don't know how it's being designed because I haven't seen the latest plans with the loading berth, but I would assume you would have to back a truck in there. Again, not the right area for this project.

Thank you.

CHAIRMAN MOORE: Any remaining public comments?

(No response.)

Okay.

I think I could ask for a motion...
that we close the public hearing.

MS. GORDON: So moved.

MS. NEFF: Second.

CHAIRMAN MOORE: Second.

Ms. Neff.

Any further discussion?

(No response.)

All in favor?

MR. SALADINO: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: I didn't hear any opposed since they were all ayes, we close that public hearing.

Now we are on to the regular meeting.

We have closed the hearing for Mr. Liakeas. I believe he and his representative have left. We could talk about it tonight or catch up next month when I assume they will be here to talk about it.

Seems to me, the remaining
discussion really revolves around any further substantiation as to whether a multi-family occupancy pre-existed the 1971 date. Lacking that, we would then proceed with the consideration of variance requests.

To me, the first one, if it could be resolved is simple, we haven't necessarily had enough information to know what our decision will be at this point, so I'm going to propose that we table further discussion until next month on Number 1, Liakeas.

In that case, I'll make that motion and ask for a second.

MR. SALADINO: Second.
CHAIRMAN MOORE: All in favor?
MR. CORWIN: Aye.
MR. SALADINO: Aye.
MS. NEFF: Aye.
MS. GORDON: Aye.
CHAIRMAN MOORE: Opposed.
(No response.)
Motion carries.
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We will bring that up next month.

Just jumping down the agenda, to item 4, it is on hold and 5 and 6 remain open and wait for closing of those hearings to discuss them.

We could briefly talk about Mr. Foote and Mr. Tuthill's plans or would you like to have some discussions about the SAKD?

MR. SALADINO: I think we should address what we can. I think Mr. Pennessi's application is going to take more than a couple of minutes.

CHAIRMAN MOORE: Would you like to have a brief discussion on that?

(Whereupon, several members of the Board spoke simultaneously.)

MR. CORWIN: I've got a little problem with the project. I think it's too intense a use, parking --

AUDIENCE MEMBER: Excuse me. I can't hear.

MR. CORWIN: What I just said was I have a little problem with the

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project. I think it's too intense a use. The parking is certainly a concern. The loading space is stuck in there after, asking for an interpretation because the loading space looks like it's going to be difficult to use. The traffic on that street when that ferry gets out is just, in July it's pretty intense. I think it's too intense a use.

CHAIRMAN MOORE: Another point that I'd like to make and Mr. Prokop pointed out that there may be a requirement to re-notice the coordinated review.

ATTORNEY PROKOP: Yes.

For that reason we have to keep it open. We can discuss it, but we have to keep it open.

CHAIRMAN MOORE: One point is that the SEQRA determination must be done before we take any actions. We're now on the clock, so we have to do that and we have 62 days to give you an answer,
so that has to be done anyway, but we

don't have to complete that today

before we can have substantive
discussions and deliberations at this
point. I think it would be beneficial
to do similar to what Mr. Corwin said,
to have our comments regarding the
different variances, so that it would
be more expeditious when they come up,
it would be very clear how we should
vote.

MR. PENNESSI: I would appreciate
that opportunity tonight to discuss it.
I did just want clarification on the
SEQRA.

CHAIRMAN MOORE: Yes.

MR. PENNESSI: What triggers the
additional time period for the
coordinated review and how long that
coordinated review will take?

ATTORNEY PROKOP: There's two
things we have to do.

One is to re-notice the SEQRA
review, it's another 45 days; and
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second thing is we need to re-notice
the County and that would be, that will
have a quick turnaround.

MR. PENNESSI: And the 45 days
runs from when you submit?

ATTORNEY PROKOP: Yes.

It will be done tomorrow.

MR. PENNESSI: It will be sent
tomorrow?

ATTORNEY PROKOP: Yes.

So we closed the hearing tonight,
so we have 62 days to make a decision
and in that time, we're going to finish
up the SEQRA process.

MR. PENNESSI: I would just
request that as we get closer, perhaps
at the next meeting, provided our
discussions are continuing and we're
seeing where SEQRA is going, maybe we
can seek draft resolutions, but I will
leave it up to you, Mr. Prokop, how we
continue.

CHAIRMAN MOORE: The other point

is that the SEQRA could go a number of
ways and one of them is to require -- I can't say that would happen -- require an Environmental Impact Statement which is, I don't know --

Was that the term, Mr. Prokop?

ATTORNEY PROKOP: Pardon?

CHAIRMAN MOORE: Is it Environmental Impact or long form?

ATTORNEY PROKOP: It's a long form. We do the -- the applicant has submitted part 1 long form and the Board does part 2 and part 3.

CHAIRMAN MOORE: That would be more on us than you.

ATTORNEY PROKOP: I'll get the copies around to the Board.

CHAIRMAN MOORE: It's been submitted, I believe at this point in time.

I'd just like -- unless you want to clarify anything further.

MR. PENNESSI: Do you need me for discussion?

CHAIRMAN MOORE: Other than you to
hear it, no. We could ask you

MR. SALADINO: Just so I'm on the

same page with everybody else,

apparently I'm not; why are we

re-noticing the SEQRA?

ATTORNEY PROKOP: Because the

application changed.

CHAIRMAN MOORE: Anyway, I don't

know if I can attribute it to Mr.

Saladino or this project, I believe at

one time you said this is ambitious

project. I think that might have been

this time around, and it is. You know

there are some very steep hurdles.

My impression, the lot coverage, I

mean you reduced it, there is a little

bit remaining, to me, not a big deal.

You know, I would actually worry more

about the loss of architectural design

from some of the changes that are made

than the small percentage that has to

be approved.

The loading berth, I have a
problem with that. I joked that you
mine as well put it on the roof because
it's undersized, it's at the back of
the lot, there are some encumbrances on
it, and the parking is in front of it.
I just don't see it as useful.

Which brings me to the parking,
and the parking is a major obstacle.
My impression is, if you had a way to
provide parking off-site, most of your
problems as far as site plan go away.
You have ample room for a drop-off and
pickup area, you have room for loading
and handicap parking. That clarifies
that, and I see the parking as a major
hurdle. I know that the Planning Board
could excuse a large number of parking
places, but two-thirds of the parking
places is required by code aren't being
supplied, and you've heard many times
people talking about the burden on
parking. The people that come, if the
excuses were generated, will still have
to find a place to park; and that's a
problem even for customer satisfaction. I see that as a problem, that's a real hot issue.

The height issues, I don't have a big problem for a third story occupied by hotel rooms. We've seen it down the street, and it's worked very well. There are other more than two-story buildings in the Business District and next to the movie theater. I think it's very appropriate having seen the site plans and the drawings, it's very pleasing.

I do have a problem with the use of the roof which many times has been referred to as a fourth story. It's going to occupy, going to have customer, at least, public access. It adds to the variances needed for the roof. I mean if the roof were not occupied you wouldn't need an elevator going to the roof, you wouldn't need a lot of things, other than perhaps the mechanicals, which I don't know if you
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have dimensions on the height of HVAC
equipment and exhaust for a restaurant
space; but they clearly aren't the
height that's required to occupy; and I
think just the other issues of noise
and disturbing the neighborhood with
this amount of outdoor space. I think,
you know, it's something that you will
have trouble with.

I could see that there would be a
chance a number of these variance
issues would be granted, but I can see
that a number of these wont, and as far
as I'm concerned this is one that
doesn't really meet the standard. It
just adds to a fourth floor occupancy
in my opinion.

The plans, I really like the
plans. It is an intense, very intense
use, you have three different things
happening, but to some degree
coordinate together.

I believe that it was a very good
offer to not have outdoor dining. It
doesn't stop you from using that space transiently, as many other restaurants do as long as it's your property, but it could have impact on parking, so you have to be careful.

Overall, it's an intense plan that could, I think, have an opportunity for some approval, but right now, I'm not very optimistic that all the variances will be granted; and then you go to the Planning Board and they may have their own comments.

That my opinion.

MR. PENNESSI: If I may just respond.

I said that I generally agreed with how the agenda described the variances that we're seeking.

Where I disagree with what the agenda says is that we are not asking again for a clear 47-foot height variance. Specifically we're asking for a height of 36 feet 11 inches for the top of the mechanical equipment.
For the restaurant and retail uses, we're asking for a height of 42 feet 9 inches to a proposed rooftop trellis which we're not necessarily committed to. It's an architectural feature that can stay or go. And the last piece 46 feet 8 inch to the top of the bulkhead for the stairwell and the elevator. Again, we are not requesting a clear 47-foot height, we are asking for very specific variances for those very specific items at very specific locations on the roof.

The loading berth as part of site planning, we are open to talking about where the loading berth is located. If not in that left corner, perhaps closer to the road, and, of course, where it's located currently, we may have to relocate perhaps where the trash enclosures are located, but as far as site planning, we're open to doing that. The variance request is for a loading space in that area, having
And lastly, parking, we have been very clear about what we have been asking for in the interpretations and disagreements with the Board's discussion in those matters. Specifically, we have delivered parking and traffic studies that show that this use is not, in fact, an intensive use, and we did analyze how people would be traveling to the Village, whether they would be by car or would be by rail. We're getting a tremendous number of people coming, according to our traffic consultant, coming by rail to the Village; and we would certainly encourage that based on the number of parking spaces we have on the site.

Of course I would love to say we would go out and buy parking in the Village, but people previously commented that it is one-square mile, it's not an easy proposition to go out and find the property, particularly
when we've been in front of the Board
since December 2015. It's not exactly
an easy answer to just go find property
for parking.

MR. SALADINO: I sympathize with
your position. Like Mr. Moore,
Chairman Moore said, the loading zone
was always a big problem. I just can't
imagine servicing a hotel and doing it
from the street, especially that
street, especially those two streets;
so the loading zone is a big problem.
I have no idea how you can resolve it.
I don't have a problem with the
dimensions of the loading zone. I have
a problem with dumpsters in the middle
of it, you know it's the drywell too.

Unlike Chairman Moore, I don't
have a problem with the height. I
don't have a problem with the third
story. I don't love the idea of a
rooftop deck; I think it would be crazy
not to have a rooftop deck.

The lot coverage. There is a lot
of buildings there with more lot coverage than you are asking for.

And it brings us down to the parking. Again, I sympathize with your position. There's a building across the street from you because of the time that it was built, he doesn't have to worry about parking, doesn't have to worry about a lot of different things, unfortunately that's how our code was written. I wouldn't have problem with this application if it wasn't for the parking.

As far as suggesting, again, Mr. Pennessi, you're really an optimistic guy that you think all your customers are going to come by train. I mean, only a couple weeks ago, they even decided to run a train on the weekends.

CHAIRMAN MOORE: I'd just like to add one thing.

I'm sorry.

MR. SALADINO: So for any of us
here to believe having watched the
tourist industry grow and grow and
grow, for any one of us here to believe
that the majority of the people that
are coming to perhaps patronize your
hotel or coming to Greenport just to
experience Greenport are coming by
public transportation is not realistic,
not to me, Perhaps to my colleagues,
but to me it's not. I don't see lines
and jitneys lining up ferries, Long
Island Railroad trains. In the old
days, that was the way, but now
everybody drives.

MR. PENNESSI: I do appreciate
your sympathy. The code, while we are
specifically requesting a 21-space
variance, the code did provide for the
Planning Board in circumstances to
accept payment in lieu, as we've
discussed, for up to 20 spaces so that
there is, there was some consideration
that there could be a project of this
nature that would require an excess of
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20 spaces, and there is a mechanism to do that in addition to asking for a variance. We've decided strategically to request a 21-space variance as opposed to a one-space variance and then hold our breath for perhaps another 275 days for the Planning Board to find out we have to come back for a 20-space variance.

CHAIRMAN MOORE: We don't want to go back and forth.

One thing I'd like to comment on is, you mentioned sympathy, I think we're all sympathetic, but I don't know if we can allow ourself the appearance of unfairness to generate sympathy to grant a variance that is really well documented in the code; and not do be coldhearted, but I think you have more chance, as you just said, to deal with the Planning Board, they can allow a certain amount of in-lieu-of spaces.

MR. PENNESSI: To be clear, I was not requesting sympathy, Mr. Saladino
simply referenced it, and I certainly appreciate it.

CHAIRMAN MOORE: We try to hide our sympathy.

MR. PENNESSI: Perhaps we decide to go forward with the Planning Board, you know, as one of a variety of options we have.

CHAIRMAN MOORE: The problem I have is that, you know, it's true, they're not all cars. I see more and more people trailing suitcases heading for the bus or the train, and that's certainly a possibility, but we're being faced with a lot of parking places, you know, you are taking care of a number that reduces it, but you still have a lot of parking you need, two-thirds of your needs are not being supplied. That's a really big hurdle, and I think we have to consider it, and when the vote comes, we'll see what happens; but to me, that's a major obstacle.
I think you can jockey a loading berth possibly around with some creativity. I have coffee frequently on mornings and I see the delivery trucks, full size tractor trailers backing down the street to come around the corners, they can't expect to park on the Third Street or Front Street, it just won't work, so they need to be off-street, and I'm not sure that you want to be a block away to deliver, so that is a very critical part of the operation.

Other Board members, I don't mean to stifle you.

MS. GORDON: Last winter when this issue began to be hot for us, I started paying some attention to the parking around the Village and in the center of town, and I was struck by how seasonal the parking problem is. I mean, really it's three months where it's intense, and you can take a nap in the middle of Front Street during January; so it's
very complicated. I recognize that, and I'm not as concerned about parking as everybody else, partly because I think you would find imaginative ways to respond to your customers.

And I also disagree with John about the use of the train and the buses, particularly the train. The train used to have -- when I first moved to Greenport eight years ago, the train on the weekend had one car, one passenger car. This summer it has three, and you see people getting off those trains, it's as though something huge has changed, but if that will last or not, I don't know.

I guess I'm kind of skeptical about this concern about the parking, and especially because I watched the Harborfront parking most of the year and saw that there was lots of extra parking in there, and people who are not guests park in there all the time, so I sort of -- and I'm concerned that
parking should not become the sort of
dominant rational that we apply in
rejecting and deciding projects, so I'm
not so concerned about the parking.

I'm also not concerned about the
lot coverage, and it's going to be a
small -- it's a small lot, I don't know
what we could possibly fit on that lot
that wouldn't have a lot coverage
problem.

Like my colleagues, I am very
cconcerned about the loading berth and
how you make it truly off-street. I'm
worried that if, in fact, that area is
crowded and the trucks are coming in,
they'll just rely on the street and
then there will be a terrible mess, so
that's one area where I'm quite very
doubtful.

I'm not so concerned about the
third story, but I don't want the roof
to be a fourth story, and I take your
comments about the mechanisms
seriously; but I really wonder how
realistic it is to think that you can put all that mechanical stuff into a relatively, you know, not without changing the vertical picture of what the third-story roof is like.

So I'd say the loading berth and roof area are the things that concern me, but I don't know how I would vote if a vote were taken right now. I'm glad we have a little more time.

MR. PENNESSI: The decision to even propose this project was not without a lot of consideration on A, what Greenport is and has to offer, but also who will be coming to the property and how they would be getting there, and thinking about the future of things like travel and how people get from where they're coming from and how they're going to get there.

In response to the height issue, there is sufficient room up there, even with the size of the roof deck that's being proposed to have those
mechanicals up there.

Just to be clear, we do have a wall at the 35-foot height, so the mechanicals are only just over a foot above that, so there's plenty of room up there on the roof from the flat roof to (inaudible).

CHAIRMAN MOORE: I'd also like to point out that these variances are individually listed and would be voted on one-by-one, so that obviously our members have the opportunity to yea or nay for whatever they like, and the overall impact is you have to score a hundred percent in your test to move forward, so at least it's constructive, or should I be pessimistic at this point that you might not get all of your variances, but at least it's a direction.

MR. PENNESSI: We're still optimistic.

MR. SALADINO: I would like to make one more comment.
MR. PENNESSI: Yes.

MR. SALADINO: Just to clarify.

I believe like if you build it, they will come, like with the train. I believe you can fill your hotel and not worry about parking if the Long Island Railroad ever decided to provide the service that Greenport needed. Unfortunately, having worked for the Long Island Railroad, sometimes they don't listen to us, so, again, if there was train service like there used to be, I don't think that would be a problem, but unfortunately, it's not, I think the railroad threw the Village a bone bringing back weekend service, and I'm not sure it's going to last, but that's just my opinion.

MR. CORWIN: I'd like to mention one more thing, and that is the purchase of parking. That's not up to us, that's up to the Planning Board, but I would like to say how that came about.
That came about 35 years ago. I was on the Planning Board, and a dollar amount was put on the idea of purchasing parking. It reflected 35 years ago what it would cost to build a parking place. That has probably multiplied by what? Ten, since 35 years ago. It's entirely up to the Planning Board, it's no longer a realistic figure in terms of the value of the parking place.

MR. SALADINO: I think actually there was a code change proposal by the attorney or the Village Board to raise the price. I don't want to scare you, but I think it was about $10,000 a space.

MR. PENNESSI: I would say, generally speaking, a surface space uncovered, not a garage space is still about $2,500 worth; a garage space, the cost of it is more like --

MR. CORWIN: Is that due to the cost of the land?
MR. PENNESSI: Yeah, that's construction; cost of the land is notwithstanding. $2,500 is still a good number for parking.

CHAIRMAN MOORE: Unfortunately, those spaces would be outside the one-square mile, so that's the problem.

What I'd like to do since we're waiting again on the SEQRA review is table this discussion for further discussion. I think we talked it out pretty well tonight, and the pot still has to turn and we have combined 62 days, 45 days, and something is going to happen in October.

I'm make a motion to table this discussion for further discussion and ask for second.

MR. SALADINO: Second.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. SALADINO: Aye.
CHAIRMAN MOORE: Opposed?

(No response.)

So that is tabled.

MR. PENNESSI: Thank you.

CHAIRMAN MOORE: Thank you again for coming a long way.

Mr. Prokop, are we obliged to accept Items Number 8 and 9 in motion to variance applications?

My point is that I doubt that we even get to them next month, the schedule we've already arranged for ourself to try and resolve --

ATTORNEY PROKOP: No, you're not obliged.

CHAIRMAN MOORE: So are we obliged to move on this?

I'm gonna, first of all, suggest that we make a motion that we table the acceptance of the these applications, number 8 and 9 for another meeting; and in the meantime, there were some comments about number 9 as far as the suitability of the application. I
think that time will allow it to be worked out, so I'll make a motion to --

Is it table accepting these --

ATTORNEY PROKOP: Yes.

CHAIRMAN MOORE: -- for another meeting and --

MR. SALADINO: What would be the difference between tabling and not accepting?

ATTORNEY PROKOP: Not accepting means it goes back to the applicant.

MR. CHARTERS: I have a question on one of those items that I wanted to speak about accepting the application.

CHAIRMAN MOORE: It's not public input at this time.

ATTORNEY PROKOP: The person is Gary Charters.

MR. CHARTERS: Gary Charters C-H-A-R-T-E-R-S.

I wasn't questioning --

CHAIRMAN MOORE: You have a technical question, I take it?

MR. CHARTERS: Yes.
CHAIRMAN MOORE: It's not public testimony, but --

MR. CHARTERS: Absolutely not.

MR. SWISKEY: The man was here for four hours.

MR. CHARTERS: Gary Charters, Greenport, C-H-A-R-T-E-R-S.

Unfortunately, I'm not like Mr. Saladino, around 8:30, 9:15, I've fallen asleep three times already in the chair and woke myself up snoring, so I'm usually home snoring by now; and I'm hungry.

My question is: If you make a motion to accept these applications, are they accepted on fact or are they accepted on principle?

CHAIRMAN MOORE: They're accepted on format and content, but the application --

MR. CHARTERS: Because I actually had an opportunity to look at the plans that were submitted. No dimensions, I sat with Ms. Wingate, she measured with...
her, one of her magical rulers, the parking spaces did not even comply to Village Code, the setbacks or whatever, so I'm wondering why you would even accept it if doesn't have dimensions or it doesn't apply to present code?

CHAIRMAN MOORE: We haven't got there because because we're actually tabling them 'til --

MR. CHARTERS: I see that, but I waited all night to --

It's a technical question that why would you even consider it if it's not factual to begin with?

MR. SALADINO: What I was going to say before Gary decided he wanted to speak was that I feel that as of this moment, the application is incorrect and incomplete.

CHAIRMAN MOORE: Okay.

So let's do it this way --

MR. SALADINO: So I would rather reject the application and not, as opposed to table it and what
deficiencies are in the application can be worked out later; that would be my --

CHAIRMAN MOORE: Okay.

MR. SALADINO: That would be my --

MR. CHARTERS: That would be my point.

Thank you very much.

CHAIRMAN MOORE: Let me just do it this way. We haven't voted yet, so Item Number 8, I will make a motion to table that application for consideration to accept next month, and that's the Ralph and Maureen Caouette, 447 Sixth Street, the carport addition.

Could I have a second?

MR. SALADINO: Second.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MR. SALADINO: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Opposed?

(No response.)
Motion carries.

That's tabled.

Now, if there are a number of deficiencies, I did see some correspondence back and forth about some deficiencies, some of which I think were cleared up, but I would go at this time to make a motion to accept an application for an area variance from Robert Brown, Agent for Milillo Main Street LLC, 912 Main Street for a bed and breakfast expansion, so I'm making a motion to accept it.

Can I have a second?

MR. SALADINO: Second.

CHAIRMAN MOORE: All in favor?

MS. GORDON: Mr. Chairman, can we have some discussion?

CHAIRMAN MOORE: We will discuss it.

MS. GORDON: I'd like to know why John said -- it was you who said it was incomplete, I'd like to know why.

MR. SALADINO: Well, the first
thing I have is that there is a problem with the authorization. 

Again, it's a Planning Board form; it's not a Zoning Board form. "To apply for variances on my behalf under Greenport Village Planning Board," we're not the Planning Board.

Plus, it's not notarized, so Milillo Main Street LLC really doesn't have the authority to authorize Robert Brown to make this application, number one.

Number two, I have more than a few problems with the EAF. Some of the questions are just out-and-out wrong.

I also have a problem with the site plan. On the site plan that I received, there's only five bedrooms shown, and their variance is to ask to increase the number of their rental rooms to five; so we all know that B&B has to be owner-occupied, and I don't see an owner's bedroom.

CHAIRMAN MOORE: Okay.
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MS. GORDON: Can you explain to me why isn't this authorization with notary's signature?

MR. SALADINO: Perhaps I have a different form.

CHAIRMAN MOORE: That's the actual variance description. That's the application, it's not the authorization that Mr. Saladino --

MS. GORDON: Okay.

CHAIRMAN MOORE: What was done is the Planning Board form was used and wasn't corrected to the Zoning Board, and I think the suggestion is that there should be a form that has both and the people can circle or cross out --

MR. SALADINO: I would be willing to concede that for future applications, but also this -- unless you have a different form than me.

CHAIRMAN MOORE: No.

MR. SALADINO: This one is not notarized, so the reality is --
MS. GORDON: It has a notary, but no seal.

MR. SALADINO: I don't even know if I -- this is the form that I'm talking about.

CHAIRMAN MOORE: Why don't we go ahead and point out some of the issues, and let's vote it.

ATTORNEY PROKOP: Excuse me for a second.

Why is there a motion to accept it if we don't think it's --

CHAIRMAN MOORE: Because the vote will tell us whether we're accepting it on not.

That's how I think it would be.

So we have a second, I think.

Yes.

MR. CORWIN: Before we vote on this, I think we have to try to line up all the things we're objecting to because I have my own objection.

CHAIRMAN MOORE: Okay. So the objections thus far are the site plan...
as for as bedrooms, the other objection
is notarization, no authorization and
identification under the ZBA. There
is -- what else?

MR. CORWIN: There is a question
of the size of the parking places.

CHAIRMAN MOORE: Parking layout.
I understand that was revised, but I
haven't had a chance to review it, it
only came in very recently. There may
be a revision in the parking.

ATTORNEY PROKOP: We just had an
application two months ago where we
required the person to come back with
an architects -- the dimensions of the
rooms are not indicated correctly?

CHAIRMAN MOORE: Yeah, but
that's --

ATTORNEY PROKOP: That's something
we forced somebody else to come back
with an architects measuring of the
rooms.

MR. SALADINO: The spaces have to
be designated, for B&B, they do.
Parking for B&B spaces have to be designated, they should also have the size, you know, you can't just say here is a parking space.

CHAIRMAN MOORE: Now, the understanding that we have is that the current bed and breakfast was a three-room bed and breakfast with owner quarters, and the plans, although they are more or less overlapping additions to the existing house, it depicted two new bedrooms; so doing the math, I would assume there are six bedrooms.

Why don't we ask for a complete drawing that shows all the rooms?

MR. SALADINO: I have -- because I would just like to resolve it; not resolve it, but at least explain my position now.

I have the architect's rendition, if somebody can point it out to me where the owner's bedroom is, I'll withdraw my objection.

CHAIRMAN MOORE: Why don't we let
that be resolved if this is returned next agenda?

MR. SALADINO: I see an existing bedroom, that's one; a new bedroom is two; an existing bedroom is three; an existing bedroom is four; and a new bedroom is five. I don't see an owner's bedroom.

CHAIRMAN MOORE: That would be a point to resolve.

We have those items. Do we have sufficient information to make a vote on accepting this application's.

MR. CORWIN: I suggest also that the notary wasn't done correctly, apparently that was followed up on, but it wasn't given to us a week before.

CHAIRMAN MOORE: No. It was restamped on the request.

MR. CORWIN: I haven't had a chance to look at it again.

There was no letter from Karen Sycotsa (phonetic) as anyone's agent, but she's on the form.
CHAIRMAN MOORE: Well, my understanding is that she is an employee of the Mr. Brown's practice, and he indicates his, you know, the authorization for him and his assistants, so apparently that's resolved because she works for him anyway.

MR. SALADINO: The other question I have for the attorney is: On the new application that they submitted that I really didn't have a chance to go through, they have a corporation as owner, and they have the list of people named in that corporation or LLC as owner with their interest in the business. Now we all know that a bed and breakfast has to be owner occupied. You know, there's one, two, three, four owners, 45 percent 45 percent, 5 percent, 5 percent interest.

So my question is: Who is going to live there?

CHAIRMAN MOORE: Somebody does.
There is a resident in the house.

MR. SALADINO: Can a corporation be --

CHAIRMAN MOORE: A B&B is accessory to the primary use as an occupied business, so someone has to be an occupant in the house.

We can find that out.

Anyway, I did make a motion to accept the application.

MR. SALADINO: I second it.

CHAIRMAN MOORE: And you second.

Keep in mind that accepting the application is ignoring the concerns, so a yes vote is going forward and a no vote is send it back.

My I have roll call, please?

Mr. Corwin?

MR. CORWIN: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: No.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

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

CHAIRMAN McMAHON: And I say no, so it's going back.

That not accepted, and we can move on.

Let's take a few minutes.

(Whereupon, a recess was taken at this time.)

CHAIRMAN MOORE: Just a point of information, the application of Steven Bull for an improvement of a house on 24 Sandy Beach Road has been withdrawn, so we're not going to be proceeding with it.

We could now have the discussion on Walter Foote's application, and we presumably can move forward with it.

There was some discussion as to the size of the porch and whether it would be four-and-a-half feet as proposed or 6 feet as requested and it seems like the best thing to do is just talk about what's acceptable to the Board.
MS. GORDON: Is there any rational for any other number than the 6-feet proposed? Is there a rational for 4 feet? For example, does it make it further away from the sidewalk, you know, I'd like some standard.

MR. SALADINO: You know the deal with us, there's a difference in need and desire, you know, it's what is the need, and what does he want.

I got to be honest with you, the only problem I have with this is that we don't have a drawing of what he wants. You know we have the applicant standing at the podium saying, well, I could make it 6 feet or I can make it 6-and-a-half feet, and it would be 7 feet from the sidewalk. We would just kind of like it in front of us, so everybody signs off on it.

MS. GORDON: Well, I think this is a historical gift to the Village to have the building renovated with a handsome front porch that will remind
us of what porches looked like a hundred years ago.

You know, I would like to have a better idea of why it should be 6 feet or 4 feet, but we don't have that and maybe we would need to get it if we asked you to do some research about these buildings, so I'm sort of inclined to say let's embrace the historical -- as I said, I feel it's a historic gift to the Village and appreciate and acknowledge that.

MR. SALADINO: Are you saying that you want to know between 4 or 6 feet from a historical perspective or from like a --

MS. GORDON: There are two -- presumably, there's an esthetic consideration and there's a functional consideration, maybe it was you who asked about that, and I'm sorry, I don't remember your wife's name, but she said we would like it to be large enough so we could put a chair out.

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there and move around, so maybe that's
the difference between 4 and 6, but I
don't know, you know. We haven't been
given enough information, I think, to
make a judgment about that, and maybe
it doesn't matter a lot.

CHAIRMAN MOORE: Would you come to
the mic.

We had a discussion about, that
the original request was 4-and-a-half
feet which limits, by your claim, some
mobility, and you were thinking perhaps
6 feet would be more appropriate.

MR. FOOTE: And it's, you know,
looking at the photograph, I don't
think you can tell what the depth was,
you know, there wasn't a measurements.

It does appear to be very close to
what seemed to be the sidewalk back
then, but I don't know if it's the same
sidewalk as exists now, so I'm really
reverting back to just functionality
and, you know, observing for myself
other porches in the area, and it just
seems like 4-and-a-half is awfully narrow and 6 feet is more reasonable. Bearing in mind also that I'm already taking -- when it's built, the measurement is to the exterior of the porch, right away, I'm gonna lose about 8 inches because of the posts and railing.

CHAIRMAN MOORE: And the steps onto the porch are contained within the porch, the stoop, it doesn't stick out, does it?

MR. FOOTE: The steps, if we're gonna take it to 6 feet, since the boundary is 6.2 feet, the step, although it would be on top of that granite slab, I guess technically, it would be outside the property boundary.

CHAIRMAN MOORE: That's something I don't think --

MR. SALADINO: We can't give you permission to build on Village property.

MR. FOOTE: Than the way to
address that is to just simply have the step, an insert step.

CHAIRMAN MOORE: That's historically correct and it's amenable, than the porch is a porch and you don't have to worry about that.

MR. FOOTE: Right. That way we wouldn't have that issue.

MR. SALADINO: That's why it would be nice to have plans.

MR. FOOTE: I know.

Well, we did, but it, I didn't review the way he drew it before it was submitted, and I should have been looking at it more carefully.

CHAIRMAN MOORE: And the drawing is really just a box at this point. I know you have artic renditions.

MR. SALADINO: Would it be easier for us or would it be easier for you to say, the outside limits of the porch will come within X amount of inches or feet from the sidewalk?

MR. FOOTE: Yeah. That would be
MR. SALADINO: I'm not sure if it's fine with us.

MR. FOOTE: That would be fine with me as long as it's, I agree with the number.

MR. SALADINO: What do you think, David?

MR. CORWIN: I thought this was going to be the only one we got solved tonight.

Since the dimensions have changed, it's very hard to --

What I was thinking of is going down the street and measuring a couple porches and find out what the narrowest you can make it.

CHAIRMAN MOORE: Your schedule for construction is continuing, I assume without relying on --

MR. FOOTE: I'm not going to build it until I get it approved.

CHAIRMAN MOORE: Okay.

MR. FOOTE: We're trying to
complete construction by the beginning of October, and I have -- all the subs are in the process of finishing up the rough work.

CHAIRMAN MOORE: What I'd like to suggest is that with those things we mentioned in mind that you consider providing a drawing with the dimensions you would like, and where the front step, including the step down would be, whether it's internal, external, whatever your preference is and just come back.

I think you have a favorable view of the porch overall, but the details, to be politically correct, should be there and then we can vote on it.

MR. FOOTE: That's fine.

CHAIRMAN MOORE: That would be in September.

MR. FOOTE: Okay.

CHAIRMAN MOORE: So that works for you, so would the Board --

MS. NEFF: Can I add one piece of
information?

CHAIRMAN MOORE: Yes.

MS. NEFF: I don't know if you're familiar with the Sanborn Maps of Greenport of different dates, including 1890, 1900, they would show dimensions of this porch. They may not be exactly the way your architect or you want to build it, but those maps show exact materials and dimensions. In other words, the photograph that you have is probably from the period 1890 or something plus or minus ten years of that, and there are such maps, Eileen could help you find them. They're Sanborn insurance maps, they show very detailed what the roof was made of -- yes, they are very detailed.

MR. FOOTE: Thank you.

MR. SALADINO: So what I'll do is make a motion that we again table our discussions pending resubmission of the dimensions, drawings for the front porch. And we will consider it next.
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month.

I'll make a motion we table this 'til next month.

MS. GORDON: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Opposed?

Motion carries.

We can talk about Mr. Tuthill's proposal if you'd like, and we can finish that up.

I had a concern that even though the garage or the guest house, whatever it is, fully screens the pool, if you stand at the point where the pool would meet and look toward the street, there is no problem seeing the street, so I would think that the screen down the front portion of the pool toward the street might be of some benefit, just along the pool fence.

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MR. SALADINO: But the code says the only time you have to provide screening is if the pool is within 50 feet of the boundary.

CHAIRMAN MOORE: The boundary is to the right, that could be --

MR. SALADINO: Or the street, and it's further than 50 feet from the street.

CHAIRMAN MOORE: Definitely, but not from the property line. The property line is true property line because they are two independent parcels.

MR. SALADINO: To the Mitchell property.

CHAIRMAN MOORE: To the Mitchell property, which is under their ownership, but it's still a separate parcel.

That could be a condition on the event of sale.

MR. SALADINO: I agree. I agree with that. I just didn't think we had

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to concern ourselves with screening from the street.

CHAIRMAN MOORE: But in the future, if no directive is in place, the new owner adjacent would have to protect themselves from the pool by adding a screening at their expense; so I would think it would be on the current applicant to have some responsibility to the future owners.

I imagine we could put that in as a condition should the property be sold to a third party or second party, whatever it would be, that the screening would then be installed at the cost of the owner.

MR. SALADINO: Can we say that?

MS. NEFF: Yes.

CHAIRMAN MOORE: I think so, yes, we can say that.

MS. GORDON: And, in fact, the young woman who was here sort of agreed with that, accepted it.

CHAIRMAN MOORE: Mr. Prokop, can
ATTORNEY PROKOP: I think that's fine, yes.

CHAIRMAN MOORE: So what is, if you're ready to move ahead on this, Board, so we can accomplish --

ATTORNEY PROKOP: The problem with this application, and this was mentioned before, we don't have an applicant right now.

CHAIRMAN MOORE: We have estate, yes. Is that --

ATTORNEY PROKOP: We don't have estate, there is no estate. There is a -- I'm sorry, but we don't --

CHAIRMAN MOORE: Is the applicant a corporation or an individual?

MR. CORWIN: It was Jerry Tuthill.

CHAIRMAN MOORE: It was Mr. Tuthill.

So where does that put the applicant process at this point.

MR. SALADINO: Didn't the attorney, didn't Mrs. Giglio say she...
had something for you from the estate?

ATTORNEY PROKOP: She's not an attorney, and she said she would have something by the next meeting, yes.

MR. SALADINO: She's not an attorney?

ATTORNEY PROKOP: No.

CHAIRMAN MOORE: She can certainly get a document.

Is that than a requirement we wait pending receipt of disposition of the property or something else?

ATTORNEY PROKOP: Yes. There is no applicant. For all we know someone is going to show up next time and say they want something else.

CHAIRMAN MOORE: Okay.

I guess we have to table.

ATTORNEY PROKOP: I'm sorry.

CHAIRMAN MOORE: I appreciate it, that's a very good technical point.

So then I would have to purpose that we table this application pending clarification of an applicant who is
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currently deceased, so I make that
motion.

MR. SALADINO: Second.

CHAIRMAN MOORE: Any discussion
further?

(No response.)

All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: That is tabled
pending clarification of the applicant.

We have left a lot of things open,
but we also haven't accepted any new
things.

I would just like to move to Item
Number 11, this is to approve the
minutes from the June 14, 2016 ZBA
meeting.

MS. McENTEE: May I ask a question

--

CHAIRMAN MOORE: Yes.

MS. McENTEE: -- on 5 and 6.
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CHAIRMAN MOORE: Let me look.

Okay. The hearing is open in both cases.

MS. McENTEE: But my understanding is that there, you're going to do another site visit; so is a time and date planned; does it have to be 10 days set in advance, and --

CHAIRMAN MOORE: It could be the day of the meeting as we customarily do. I would suggest the --

MS. McENTEE: Do you set a time?

CHAIRMAN MOORE: Um hum.

MS. McENTEE: Okay.

Because I haven't heard that yet.

And also, are you on 238, Item Number 6, will you be visiting the interior to follow through the kitchen.

CHAIRMAN MOORE: I have a note that we should look at the part to be demolished and there is also a question about the right-of-ways width requirement which is going to be checked by the Building Inspector, and
I can't guarantee we are allowed access interiorly to that building because it's an existing two-family, but we'll talk about it, it's a consideration.

MS. McENTEE: Why would you not, I mean, you've gone into other properties, so why would you not if they're having -- if they're demoing part of a home, a portion of it, you've had access.

CHAIRMAN MOORE: I guess on the basis it might create an illegal space, that might be a contention, but I would ask the Building Inspector on that.

I believe the owner has the option to create a kitchen of his choice, so that's a point you made that has bearing on the house, but I don't know that it's something we're going to immediately jump on and --

MR. SALADINO: The Building Inspector would handle the demolition of a building permit, that's outside our --
MS. McENTEE: I completely understand, but like would there be a process of that being done before say the back portion would be done?

MR. SALADINO: Are you saying, would the Building Permit, a Demolition Permit have to be approved and issued?

MS. McENTEE: Before the subdivision is completed because suppose they never do it, suppose they never follow through with moving that portion.

MR. SALADINO: That's an enforcement issue.

MS. McENTEE: Okay.

MR. CORWIN: They don't get a Certificate of Occupancy.

CHAIRMAN MOORE: I have, have a note for the site visits which we will discuss in a minute.

Number 11, motion to approve the minutes from the June 14, 2016 ZBA meeting.

So moved.
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MS. NEFF: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Motion carries.

I skipped one, Number 10. It is the motion the accept the minutes from the July 19th ZBA meeting. I make that motion but abstain from voting.

Second, please.

MS. NEFF: Second.

CHAIRMAN MOORE: All in favor?

MS. NEFF: Aye.

MR. SALADINO: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Motion carries.

I abstain since I wasn't present.

Now the ZBA to schedule site visit times for items 5 and 6, I would propose we go to 221 Fifth Avenue at 5:30 and 238 at 5:45, and this is
mostly to see the marked out sites and
the parking spaces.

Is that agreeable to everybody,

221 First and 238 second, at 5:30, 5:45
prior to our meeting and the date is
September 20th, Tuesday; is that
amenable to everybody?

MS. GORDON:  Fine.

MR. CORWIN:  Does he have to make
any consideration for the Monsell
Place --

CHAIRMAN MOORE:  He has to finish
his notification. The hearing hasn't
opened yet, so we could ask --

MR. CORWIN:  No. I said to that
gentleman when he walked out the door a
month or two months ago, I said stake
it out.

CHAIRMAN MOORE:  We could -- if we
had accepted, we have accepted the
application. Yes, we have, we haven't
started the hearing, so we might be
able to do a site visit up there.

MR. CORWIN:  We mine as well.
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CHAIRMAN MOORE: Nicholson on Monsell would be 5:15, and it's east of 217.

MS. GORDON: Why are we doing it again?

CHAIRMAN MOORE: He hasn't staked it out, so we're doing it with the stake outs.

And just before motion to adjourn --

We need to schedule the next ZBA meeting for Tuesday, September 30, 2016 at 6:00 p.m. and the Third Street Fire Station conference room, so I make that motion and ask for a second.

MS. GORDON: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Just one announcement is that I am resigning my position for the end of September,

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which means next will be my last meeting. I sent the notice to Mayor Hubbard in June indicating that I would be leaving, and I am; so this will be my second-to-last meeting.

MR. SALADINO: When's the party?

MS. NEFF: Chairman Moore, that's not because the meetings are too long, is it?

CHAIRMAN MOORE: I've decided it's way past my bedtime.

With that, I would make a motion to adjourn.

MS. GORDON: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Thank you everybody.

(Time noted: 10:50 p.m.)
CERTIFICATE

I, STEPHANIE O'KEEFFE, a shorthand 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 .

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 16th day of August, 2016.

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STEPHANIE O'KEEFFE