VILLAGE OF GREENPORT
ZONING BOARD OF APPEALS

REGULAR MEETING AGENDA
September 18, 2013
5:00 p.m.

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

## APPEARANCES:

Douglas Moore - Chairman

David Corwin

Ellen Neff

Denise Rathbun

Charles Benjamin (Not Present)

Joseph Prokop - Village Attorney

David Abatelli - Village Administrator

Eileen Wingate - Village Building Inspector

(Not Present)



- 1 (WHEREUPON, THE MEETING WAS CALLED TO ORDER
- 2 AT 5:24 P.M.)
- 3 CHAIRMAN MOORE: I believe we can get started
- 4 with tonight's meeting. This is the Regular
- 5 Session of the Zoning Board of Appeals, Village of
- 6 Greenport. It's about 5:20. I apologize for the
- 7 delay. We're waiting for a few members to arrive
- 8 who may not arrive, but we'll see.
- 9 We have a number of items on the agenda
- 10 tonight. If anyone was here regarding the
- 11 application for a variance by Margaret and Anthony
- 12 McDonald, just to let you know, it's on our agenda
- 13 and the application is being withdrawn. So, if
- 14 anybody is hanging out to make comment, it wouldn't
- 15 be necessary, so I'll just give you that heads-up.
- 16 MR. CORWIN: There's a note on that one. I
- 17 think we left the hearing open.
- 18 CHAIRMAN MOORE: Yes, and there is activity
- 19 during the Regular Session to close the hearing and
- 20 withdraw the application. So, with that said,
- then, we're going to go ahead with the agenda.
- The first are two public hearings, not three
- 23 as it was planned for. The first is a continuation
- of a public hearing for James Olinkiewicz for the
- 25 subdivision request, variances regarding a

- 1 subdivision request on Fifth Avenue, a number of
- 2 things to cover tonight. Obviously, in a few
- 3 minutes, if there's any additional public comment,
- 4 we can take it.
- 5 I am0 recalling the petition that was handed
- 6 in last time. I don't recall if that was read into
- 7 the record. It might have been by the individual
- 8 submitting it, but I can do that, if necessary.
- 9 MR. WEISKOTT: It was read in. The names
- 10 weren't read in --
- 11 CHAIRMAN MOORE: Yes.
- 12 MR. WEISKOTT: -- but the content was read.
- 13 CHAIRMAN MOORE: And I will make a comment on
- 14 that.
- 15 As you recall, those that were here last
- 16 month, we have had some extensive discussions about
- a manner by which we could get the Planning Board's
- 18 input. And partly, as a result of that, at their
- 19 last session, or a session last month, did have a
- 20 discussion, with the Applicant present, to discuss
- 21 some of the generalities of issues regarding
- 22 planning that may come under view, should this
- 23 application proceed to the Planning Board.
- 24 What I'm proposing to do tonight is to read
- 25 some sections of their minutes into the record,

- 1 which represent, at least in my opinion, the
- 2 sentiments that they were expressing.
- 3 One of the difficulties of this process is
- 4 that the Planning Board has not yet fully heard
- 5 this application for a subdivision, which goes to
- 6 the Planning Board, and, without public comment,
- 7 perhaps may not be fully informed of some of the
- 8 issues that have been expressed before the Zoning
- 9 Board of Appeals. But, in that regard, we do
- 10 appreciate their input. And they did indicate in
- 11 their minutes that the best way to transmit their
- 12 feelings was that we would have access to the
- 13 minutes from their discussions. So that's one
- 14 thing I will do.
- 15 And then, lastly, Mr. Olinkiewicz has
- 16 submitted a letter, which I only received minutes
- 17 before coming to the meeting. And the Attorney for
- 18 Mr. Olinkiewicz, who is not here tonight, was not
- 19 able to come, had asked that I read that into the
- 20 record as well. So we're going to do those things
- 21 tonight.
- 22 And, first, I would suggest that if there are
- 23 members of the public that would like to speak
- 24 tonight, you can come to the podium, and your name,
- and address, and affiliation, if appropriate, and

- 1 your comments about the variance application.
- 2 MR. PROKOP: I just wanted to mention
- 3 something. Could we just note on the record that
- 4 his Attorney is here?
- 5 MS. NEFF: His Attorney is here.
- 6 CHAIRMAN MOORE: Yes.
- 7 MS. NEFF: He's not here.
- 8 CHAIRMAN MOORE: Yes, Mr. Olinkiewicz is not
- 9 here.
- 10 MS. NEFF: Yes.
- MR. PROKOP: He's not here.
- 12 CHAIRMAN MOORE: The Attorney is representing
- 13 him, and we're going to proceed as normal.
- MS. REA: Mr. Olinkiewicz had a very pressing
- 15 family matter that arose suddenly, so he's
- 16 authorized me.
- 17 CHAIRMAN MOORE: I'm sure you can represent
- 18 him. Sir.
- 19 MR. WEISKOTT: Hello. Jack Weiskott, 229
- 20 Fifth Avenue, Greenport, New York.
- 21 A little background, or a little possibly
- 22 additional information that I'd like the ZBA to be
- 23 aware of, and then I have a statement to read.
- One of the things I would like the ZBA to be
- 25 aware of is that within the -- since the last

- 1 meeting, Mr. Olinkiewicz has acquired another house
- 2 within a quarter mile of the property he is
- 3 proposing here, which is the Kaplan Market.
- 4 MR. CORWIN: I think you got to get a little
- 5 closer to the microphone.
- 6 MR. WEISKOTT: A little closer to the mic?
- 7 MS. NEFF: That's better.
- 8 MR. WEISKOTT: Okay.
- 9 MS. GILLIGAN: I can't hear anybody.
- 10 MR. WEISKOTT: Is this better?
- 11 MS. GILLIGAN: Yes.
- MR. WEISKOTT: Anyway, since the last
- 13 meeting, he's acquired the Kaplan Market, which
- 14 he's working on currently. He's put a bid in on
- 15 another house on our street, and there's another
- 16 house that he's looked at as well. We could
- 17 possibly be calling our street Olinkiewicz
- 18 Boulevard at some point.
- 19 (Laughter)
- 20 And another thing I'd like everyone to be
- aware of is that you've probably seen on the
- 22 property, there's some extremely large holly trees
- 23 right on the property line. They're his property,
- 24 but they're lining my property. At one time, those
- 25 property -- those trees gave us, my wife and I and

- 1 my kids, really good privacy. The first thing that
- 2 happened when he purchased the property was those
- 3 trees were limbed up above six feet high. We now
- 4 sit on our screen porch and we watch cars drive
- 5 back and forth in the driveway. We do not have
- 6 anywhere near the privacy we had. If someone comes
- 7 and parks on the grass, the headlights shine
- 8 directly into our house. And I'm just mentioning
- 9 that as an illustration of the non-neighborly
- 10 factor of what's going on over there.
- And then I just have a commentary, which I'd
- 12 like to read into the record.
- To me, something seems wrong in the Village.
- 14 The process of this application has had a lack of
- 15 communication, miscommunication, inaction and
- 16 improper procedures. I think it's somewhat
- 17 inconceivable the Planning Board has held four
- 18 lengthy meetings discussing this subdivision
- 19 proposal, with the Applicant allowed to make his
- 20 points and his points of view. Not one of us on
- 21 the street has been notified of these meetings, and
- they have received no input from the residents
- 23 affected by his proposal.
- One of the meetings has -- one of the minutes
- 25 from one of those meetings is a 45-pages-long

- 1 discussion about his proposal. So, if the Planning
- 2 Board is saying they just had a brief chat about
- 3 it, it's four meetings long and some of it 45 pages
- 4 long, without any input from the residents of the
- 5 street.
- I find it stunning that valid and verifiable
- 7 concerns of 18 or 19 of the families that live on
- 8 this street not in any way, shape or form
- 9 invalidated this proposed subdivision right at the
- 10 beginning. We're the ones who live there.
- 11 The excess quantity of cars and people
- 12 already existing at 221 Fifth Avenue to me clearly
- indicate the consequence of a subdivision and the
- 14 construction of an another large multi-bedroom
- two-family house; that the degradation of the
- 16 quality of life of longtime and lifelong residents
- of the Village of Greenport is not as important as
- 18 the profit of a nonresident developer is a sad
- 19 state of affairs.
- Is there anything that would prevent every
- 21 depressed property in the Village being purchased
- 22 and converted to overfull tenement style housing?
- 23 There must be regulations, but, unfortunately,
- 24 there seems to be no signs of their usage.
- That's what I have to say on the matter.

- 1 CHAIRMAN MOORE: Thank you.
- 2 MR. WEISKOTT: Thank you. And I'd also like
- 3 to thank the ZBA for their patience. This is a
- 4 long passionate discussion, so you guys have been
- 5 extremely levelheaded about it, so I thank you for
- 6 that.
- 7 CHAIRMAN MOORE: Someone else from the
- 8 public? Yes.
- 9 MR. SWISKEY: William Swiskey, 184 Fifth
- 10 Street.
- 11 Granted, I don't live in this neighborhood,
- 12 but a lot of my friends do and they mentioned it,
- 13 so I took a ride by that.
- 14 Do you realize that neighborhood is becoming
- 15 overcongested? You don't have to approve this
- 16 variance. Nobody is entitled to a variance. If
- 17 you look at our neighborhood as a whole, I mean,
- 18 what's happening there is massive. It's like
- 19 people are being crushed.
- 20 And another thing that you mentioned at the
- 21 beginning of the meeting, this thing has been
- 22 before the Planning Board how many times? Is it --
- 23 CHAIRMAN MOORE: I don't know about the
- 24 Planning Board.
- MR. SWISKEY: You mentioned it yourself.

- 1 MS. MUNDUS: One time. One time.
- 2 MR. SWISKEY: Yeah, but you're not even
- 3 supposed to -- this isn't even supposed to go to
- 4 the Planning Board. This -- it went to the
- 5 Planning Board and it came here for a variance. It
- 6 shouldn't be going back to the Planning Board
- 7 before you make a decision.
- 8 CHAIRMAN MOORE: That's correct.
- 9 MR. SWISKEY: It's almost -- and the Planning
- 10 Board shouldn't even be sending you minutes.
- 11 They're not supposed to be influencing your
- 12 decision. The decision is yours, and the decision
- is whether you really want to wreck this
- 14 neighborhood finally or -- and go back to what we
- 15 had here in the '70s, and we started getting rid of
- in the '80s and '90s. You didn't live here in
- 17 those days, did you, Mr. Moore?
- 18 CHAIRMAN MOORE: At what time?
- 19 MR. SWISKEY: I mean, it was a hard time. It
- 20 was a bundle to get rid of that. We got
- 21 affordable -- we got new houses built there. But
- 22 what we had before is exactly what you're heading
- 23 for now, and it's up to this Board. Like I said,
- 24 you don't have to grant this variance. In fact,
- 25 anybody walking by that property right now or

- 1 walking down that street say at 10 o'clock at
- 2 night, when you see the cars, or on a Sunday
- 3 afternoon when you see the people, would know that
- 4 this neighborhood does not need any extra people,
- 5 it has more than enough right now. Thank you.
- 6 CHAIRMAN MOORE: Thank you. Just as a point
- 7 of explanation, the reason we had a response from
- 8 the Planning Board, which is basically supply of
- 9 the minutes from their last meeting, is that we
- 10 requested some of their input regarding the
- 11 planning process, not the variances, but the
- 12 planning process, the site plan.
- 13 Is there anybody else from the public that
- 14 would like to speak? Yes, ma'am.
- 15 MS. MC ENTEE: Good evening. My name is
- 16 Joanne McEntee. I live at 242 Fifth Avenue.
- 17 I just -- tonight, I do want to express my
- 18 disappointment for the Planning Board not being
- 19 here. I do feel this is a combined issue that
- 20 everyone needs to address, and it's very sad that
- 21 we cannot address it all together in the community.
- One of the questions I do have, and I did
- 23 address at the last Zoning Board meeting, is
- 24 that -- well, let's start it this way: Who
- 25 compiles the mailing list for all the residents or

- 1 the homeowners to know what is going on in your --
- 2 CHAIRMAN MOORE: Are you referring to the
- 3 public notice list?
- 4 MS. MC ENTEE: Yes, that's correct.
- 5 CHAIRMAN MOORE: The Building Department does
- 6 that, and it's based on the property tax map and
- 7 adjacent properties.
- 8 MS. MC ENTEE: Okay.
- 9 CHAIRMAN MOORE: And just for your
- 10 information, in the case of this application, we
- 11 expanded that to include the entire street.
- MS. MC ENTEE: Okay. So 242 Fifth Avenue is
- owned by Robert Kehl, K-E-H-L. We were not
- 14 notified. I happened to go to the Building
- 15 Department today and see there were two notices,
- 16 two lists of emails or mailing addresses in there.
- 17 One was an error, that was 237 Fifth Avenue. We
- 18 never were notified of any of these.
- 19 Then I looked at the second mailing list that
- 20 was entered into the minutes for 8/21, and I
- 21 noticed that there were -- excuse me -- one --
- 22 Mr. Kehl's was admitted on the second one that was
- 23 in the minutes of 8/21, therefore, not receiving
- 24 any notice whatsoever. I'm wondering how many
- other people were not notified on our street.

- I also notice, between the comparison of the
- 2 two notices, yes, we do have one of those, but
- 3 you'll see it's 237 Fifth Avenue. It was never
- 4 received. Okay?
- 5 So then on -- if you compare the two lists
- 6 that were in the Zoning Board notes, there are
- 7 three duplicate names and addresses of the same
- 8 person, same address, and five others that were
- 9 omitted, omitted from the original list. So I'm
- 10 kind of dis-saddened. Thank God that we have
- 11 neighbors, that we stick together. We talk, we
- 12 understand, and we are here. So, in the future, if
- 13 there are things that are being mailed out, please,
- 14 have our address changed and corrected.
- 15 CHAIRMAN MOORE: And it would help if you
- 16 could also notify the Building Department of your
- 17 correct address.
- MS. MC ENTEE: I just found the information
- 19 out today.
- 20 CHAIRMAN MOORE: Yes, okay, but that would be
- 21 helpful.
- 22 MS. MC ENTEE: It's not -- we've always been
- 23 at 242. You know, there's not an issue here.
- 24 Obviously, we pay taxes. Robert is on the -- he
- 25 votes, I vote. We're -- you know, it's 242 Fifth

- 1 Avenue, that doesn't change. So I will do that.
- 2 CHAIRMAN MOORE: Sure. Thank you.
- 3 MS. MC ENTEE: Now, as far as
- 4 Mr. Olinkiewicz, 221 Fifth Avenue, there's a shed
- 5 on the lot. Now, when I looked at the -- I looked
- 6 at some of the plans, the proposed plans. There
- 7 was a small shed that was on the lot. The shed had
- 8 been, I guess, removed, then replaced with a larger
- 9 shed, and now was moved to a different location. I
- 10 do understand that in talking to Elaine -- Eileen
- 11 Wingate today that the true zoning law is you can
- 12 have 120 foot, square foot shed on your property.
- 13 This is 198 square feet. I asked if there was a
- 14 permit, a CO, or anything that was in reference to
- 15 this shed; there was not. I asked her why. I was
- 16 told by Ms. Wingate today that it will be handled
- 17 at another time. And I'd like to understand how
- 18 come and why? Why is this not being addressed now?
- 19 This is -- he's changing the whole property, he's
- 20 subdividing, so where is he going to go?
- The existing house, the proposed house and
- 22 the driveway. The existing home currently we know
- is a legal two-family with three beds -- three
- 24 bedrooms, and the proposed is a legal two-family
- with three bedrooms. So, if the bedrooms are

- 1 nine --
- 2 AUDIENCE MEMBER: Six, six bedrooms.
- MR. WEISKOTT: Three bedrooms upstairs, three
- 4 downstairs.
- 5 MS. MC ENTEE: On both homes?
- 6 AUDIENCE MEMBER: On the proposal.
- 7 MR. WEISKOTT: On the proposal.
- 8 MS. MC ENTEE: Okay. Six. Excuse me, I
- 9 apologize. Thank you.
- 10 So, in one bedroom, a 9-by-19 equals 171
- 11 square feet. So can you tell me how many members,
- 12 and I believe the Attorney had addressed how many
- 13 members can occupy this -- a one bedroom that
- 14 consists of 171 square feet. Can someone address
- 15 that? No one knows the answer?
- 16 MR. PROKOP: It's a New York State Code
- 17 question. The only thing that I -- I said at the
- 18 last hearing, and I'll say it again, that the
- 19 number of occupants of a house is governed by the
- 20 square footage of the bedrooms, because there's a
- 21 maximum number of people that can occupy bedrooms
- 22 based on the square footage. But, honestly, I
- 23 don't know exactly what the square footage maximums
- 24 are. There's people that are trained in the Code
- 25 that know that. Eileen Wingate, as the Building

- 1 Inspector, is one of those people, she's certified
- 2 to know.
- 3 MS. MC ENTEE: Well, that's why I feel it's
- 4 very important that she be here tonight, or, you
- 5 know, the Planning Board be here. You know, these
- 6 things need to be addressed. And we get partial
- 7 answers, and we don't hear everything in one
- 8 meeting. So we have to -- we may not be as
- 9 educated as you are to know what the laws or the
- 10 codes are, so we have to pick and choose and figure
- 11 it out, and we get little bits and pieces. And so
- 12 that's why we come to these meetings to try to find
- 13 out.
- MR. PROKOP: Well, I'm going to ask you the
- 15 same question I'm going to ask her tomorrow. If
- 16 you met with her today with those other questions,
- 17 did you ask her this, that question about the
- 18 bedroom?
- MS. MC ENTEE: I grabbed the paperwork that I
- 20 could possibly grab. I went home and I analyzed
- 21 it --
- MR. PROKOP: Okay.
- MS. MC ENTEE: -- what I could possibly do.
- 24 I did not have the time. I work full-time, so I
- 25 did not have the time to be able to do that on an

- 1 earlier day.
- 2 MR. PROKOP: Okay.
- 3 MS. MC ENTEE: Okay? So Mr. Olinkiewicz, as
- 4 we see in other buildings that he has built,
- 5 there's many, many issues, many cars. There's a
- 6 lot of indoor furniture on the porches and things
- 7 like that. From what I understand, that I would
- 8 not put it past Mr. Olinkiewicz to take these
- 9 9-by-19 foot rooms and cut them in half. From what
- 10 I understand, word on the street, Mr. Olinkiewicz
- 11 gets \$5 per head, and when --
- MR. CORWIN: Can you say that again, please?
- MS. MC ENTEE: Five dollars per -- excuse me,
- 14 \$500 per head for a renter, what he calls, so calls
- 15 a renter. I'm not happy with this.
- The last ZBA meeting that he was at, he did
- 17 say he goes down and he collects his money from
- 18 these people. I'm sure he does, I'm sure he gets
- 19 paid in cash.
- 20 So what constitutes a family in these
- 21 residences? So has anybody -- has the rental law
- 22 been passed to be able to say what constitutes a
- 23 family yet?
- 24 CHAIRMAN MOORE: I don't believe it has, no.
- MS. MC ENTEE: Okay. I just would like to

- 1 say there are five to six vehicles with different
- 2 out-of-state plates that have been at the
- 3 Olinkiewicz residence at 221 Fifth Avenue. That
- 4 means to me that five of those are not true family
- 5 when they come from different states.
- I'd like to be able to submit to you some
- 7 pictures. I have in this one six vehicles, five of
- 8 these vehicles, and you will see the following
- 9 vehicles with different plate numbers. You will
- 10 also see the barn that I was discussing that is
- 11 oversized. You will also see two other residence
- 12 that Mr. Olinkiewicz has, and I will discuss
- 13 further that he has set a precedent in Greenport of
- 14 having furniture which looks -- it devalues a
- 15 neighborhood, furniture on a porch that belongs in
- 16 a living room. You put lawn furniture on, you put
- 17 a little table, you make it nice. This is
- 18 consistent with all of his rentals.
- 19 So I would like to submit that now, if I
- 20 could, please.
- 21 CHAIRMAN MOORE: You want me to hang onto
- 22 these?
- MS. MC ENTEE: No -- yes, you could have
- 24 them.
- 25 So I understand that the six to eight

- 1 vehicles that are there on a regular basis in the
- 2 driveway at the same address, there are
- 3 approximately, and there could be more, at least 11
- 4 people, three males. There are children in this
- 5 house. There are more than what should be in a
- 6 two-family residence, legal two-family.
- 7 The site plan that -- for the second foot --
- 8 home, from what I understand, there's supposed to
- 9 be, on the south side was a driveway of the
- 10 existing home. The south side was a driveway for
- 11 the proposed home. Last meeting, Mr. Olinkiewicz's
- wanted to join and make it a shared driveway. I do
- 13 have an issue with that.
- 14 The one driveway for the existing home is
- 15 said to be 30 feet. This holds two vehicles. The
- 16 other is said to be 142 feet, and that holds seven.
- 17 So that's nine vehicles; that's quite a few
- 18 vehicles. So -- but, if there are six to eight
- 19 vehicles already in one two-family home, let's just
- 20 say there's going to be 12 to 16 vehicles between
- 21 both parties. Okay. The driveways only hold a
- 22 total of nine on the proposed plan. So where are
- 23 these other three to seven cars going to park, on
- 24 the street? We don't have any room on the street
- 25 anymore. You -- if one car parks on one side of

- 1 the road and a -- right across on the other side of
- 2 the road you can only get one car through. It's
- 3 just the way our street is. I don't believe that
- 4 the law states that they're supposed to be parked
- 5 on the street. I'm not in favor of this shared
- 6 driveway.
- 7 The other issue I do have, suppose
- 8 Mr. Olinkiewicz at one time in the future wants to
- 9 sell one of these lots. Where does that lead? The
- 10 issue here is now it's a shared lot, so what is
- 11 shared? What goes with what? There's no property
- 12 line, basically.
- 13 I mentioned about all the furniture, the
- 14 indoor furniture that is on the porch -- porches of
- 15 his homes and around the neighborhood right behind
- 16 us. To me, when I drive past a house like that, it
- 17 is devalued. So I see that. Now I'm seeing it on
- 18 Fifth Avenue, and it's going to become like that
- 19 again. And I'm not -- I am not happy with seeing
- 20 something that has furniture on the porch, and it's
- 21 already starting.
- We were told about the inspection, that there
- was going to be an inspection Monday after our 8/21
- 24 ZBA meeting, and that weekend people were packing
- 25 up left and right, packing their mattresses, their

- 1 cars, their belongings and hightailing it out of
- 2 there. You are not there to see that. I
- 3 understand the inspection was finally held on 9/11
- 4 and not in August.
- 5 These people are not tenants, they are
- 6 transients. This home is not occupied -- not
- 7 occupied long, yet we see regular overnight,
- 8 different vehicles now and then, than we did in
- 9 August, opposed to now. So these people are not
- 10 full-time people, they're not permanent people,
- 11 they come and go as they please. And I would bet
- 12 by November and December, there'll be different
- 13 vehicles there. This is somewhat of a temporary
- 14 hotel.
- 15 As for the safety, I truly worry about the
- 16 safety of my children. I worry about the safety of
- 17 the children that are here in our neighborhood.
- 18 I've been seeing the children playing out and it's
- 19 absolutely wonderful. They haven't played out in a
- 20 long time. It's a great time of year. And when we
- 21 have people that we don't feel safe with -- safe
- 22 within our neighborhood, that's going to start
- 23 closing down. I feel for the elderly, I feel for
- 24 the children, I feel for my safety. If I come home
- 25 at 10 o'clock at night, I want to make sure the

- 1 lights are on, I want to make sure that someone
- 2 knows I'm walking in the house. I shouldn't have
- 3 to feel that way. I'm 50-something years old and I
- 4 should not have to feel that way.
- 5 The values of the homes. We all know that
- 6 there is a greater activity of crime. The traffic
- 7 is -- there's quite a bit of traffic. I approached
- 8 the cars parked on the streets. There is -- we
- 9 have these, what we call -- I'm calling various and
- 10 transient renters and a lack of upkeep on
- 11 Mr. Olinkiewicz's properties, and I say that
- 12 because of all the furniture that I do see. This
- 13 lowers the value of our homes, that we've been
- 14 living there, that we've worked so hard for, that
- we've built, and he's taking that away from us.
- 16 I'm not feeling that with him having this property
- 17 subdivided is going to make any benefit to any of
- 18 our neighbors, none whatsoever.
- 19 He's also -- oh, let me just mention to you
- 20 this: Mr. Olinkiewicz -- and I know it was said
- 21 before. I am not happy that he is prospecting
- 22 another house on Fifth Avenue. I will not -- I
- 23 will be here if that's the case, and I will be here
- 24 to make sure it doesn't go through. I realize he's
- 25 allowed to buy what he wants to buy, but it's not

- 1 going to -- I am going to give you the same
- 2 complaints.
- Where does this end? Truthfully, where does
- 4 this end? You're taking a nice street and you're
- 5 making it like Flanders, bad areas of Flanders.
- 6 There are great areas in Flanders, but you are
- 7 taking our street and you are making it crumble.
- 8 I'd also like to say that you, as a Board --
- 9 oh, excuse me, one more thing. This property is
- 10 not for business use, I understand.
- 11 Mr. Olinkiewicz has had several yard sales there,
- 12 several antiques at this residence, and selling
- 13 things. It is not business use. And next time
- that he does that, which I doubt he will, because
- 15 he might do it at Mel's, he might do it at another
- 16 place -- these places are not business zoned. If
- 17 he's going to have a yard sale, then have a yard
- 18 sale. File for a permit, if that's the case. But
- 19 they're not yard sales, these are businesses. He's
- 20 selling these beautiful portraits. I've been
- 21 there. He's selling furniture. It's not just a
- 22 yard sale, I'm selling a piece of Tupperware.
- You, as a Board -- and, unfortunately, again
- 24 I'm sad to say that the Planning Board is not here
- 25 to hear us. I don't believe, and I am hoping that

- 1 they do read these minutes, but I can't promise
- 2 that everyone is going to really truly read these
- 3 minutes from the Planning Board.
- 4 You, as a Board, may see what we see -- may
- 5 not see what we see. The neighbors see. We are
- 6 your eyes, we are your ears. We hope today you
- 7 hear us and our concerns, and now you -- now we
- 8 hope that you have a clearer picture of how
- 9 Mr. Olinkiewicz is about to destroy what we have
- 10 put our hearts and souls into. If I were you, I'd
- 11 vote no. I'd tell you, if I was on the Board, I
- 12 would vote no. If it was your town, your street,
- 13 you probably would vote no.
- 14 I do have a few little issues. I don't know
- 15 about Ms. Wingate, but I understand there's a few
- 16 conflicts of interest here. That's the first time
- 17 I met with Ms. Wingate, was today. I would ask
- 18 that -- I understand that her son did rent from
- 19 Mr. Olinkiewicz, but I would truly ask that this is
- 20 a conflict of interest, and that she would -- if
- 21 she had any way of voting this up or down, that she
- 22 would not be considered for a vote.
- 23 Mr. Murray, as far as I am concerned about
- 24 Mr. Murray, that I understand that he -- this is a
- 25 conflict of interest as well; that carpentry has --

- 1 he has done some carpentry for Mr. Olinkiewicz,
- 2 construction, whatever he has done in his field.
- 3 And I would again say that this is a conflict of
- 4 interest, and would ask that the vote -- that he
- 5 not vote, if he had anything to do with voting.
- 6 And I'd just also like to say who in this
- 7 room, just please tell me, who in this room,
- 8 besides Mr. Olinkiewicz, who is not here tonight,
- 9 and his Attorney is in favor of this, other than
- 10 the Board? Is anybody?
- 11 AUDIENCE MEMBER: No.
- MS. MC ENTEE: There's your answer. There is
- 13 no one here that's giving you a definite yes.
- 14 Thank you. I really appreciate you listening
- 15 to me today.
- 16 CHAIRMAN MOORE: Okay. Could I just ask one
- 17 question of you?
- 18 MS. MC ENTEE: Sure.
- 19 CHAIRMAN MOORE: I understand the purpose of
- 20 the pictures and they are labeled on the back.
- 21 There are two pictures that are not of the property
- 22 in question.
- 23 MS. MC ENTEE: Right.
- 24 CHAIRMAN MOORE: The purpose of those, then?
- MS. MC ENTEE: The purpose of those were to

- 1 show you his character of what he allows on his
- 2 rentals. Actually, a brand new one right behind
- 3 here, you can just look right out the back door and
- 4 you'll see the other one with all that furniture on
- 5 there.
- 6 CHAIRMAN MOORE: So it was referencing the
- 7 materials on the porch?
- 8 MS. MC ENTEE: Uh-huh.
- 9 CHAIRMAN MOORE: Okay. And then just one
- 10 point of explanation. I don't certainly speak for
- 11 the Building Inspector, but it was discussed at
- 12 last month's meeting regarding the shed. The
- issues that you discussed with her today are at the
- 14 appropriate place, the Building Department, as far
- 15 as permits.
- MS. MC ENTEE: Well --
- 17 CHAIRMAN MOORE: Just a moment. Just a
- 18 moment. But that the shed's movement was to put it
- 19 into conformance with the proper setbacks --
- MS. MC ENTEE: That's correct.
- 21 CHAIRMAN MOORE: -- and in response to the
- 22 neighbors' complaints, which would be a zoning
- issue if the shed were being requested to be moved
- 24 to a different location.
- MS. MC ENTEE: Although it is oversized. So,

- 1 therefore, it would need to have a permit and a CO,
- 2 because --
- 3 CHAIRMAN MOORE: It would need to have a
- 4 building permit, my understanding, yes.
- 5 MS. MC ENTEE: And it does not, no. She
- 6 stated that it does not. She will worry about that
- 7 at another time.
- 8 CHAIRMAN MOORE: Okay. Well, that would --
- 9 MS. MC ENTEE: And that, to me, is unfair and
- 10 unjust.
- 11 CHAIRMAN MOORE: That would be something you
- 12 would take up with the Building Department.
- MS. MC ENTEE: Okay. That's fair enough.
- 14 CHAIRMAN MOORE: Okay. Thank you.
- MS. MC ENTEE: Thank you.
- 16 CHAIRMAN MOORE: Would there be somebody
- 17 else?
- 18 MS. PETERSON: Thank you. My name is Diane
- 19 Peterson. I live at 228 Sixth Avenue, which
- 20 directly abuts the back of this property or the
- 21 west side of the property. I was not able to be
- 22 here at the last meeting, but I did submit a
- 23 letter, which I believe all of you have received.
- 24 If you did not, I have extra copies.
- I have pictures that we've taken, not to be a

- 1 voyeur of any sort, but concerned with the traffic,
- 2 and the amount of cars, and the people that are on
- 3 this property on a regular basis.
- 4 The first one I'm going to give you, I
- 5 apologize for the darkness of them, but they were
- 6 taken in the early morning hours to try and capture
- 7 how many cars are there before the residents that
- 8 are staying in this place to go to work. And the
- 9 other ones are recent ones from this summer showing
- 10 what a typical weekend activity is at the property.
- 11 So I would like to submit these to you.
- 12 This is what's typically seen on that
- 13 property on a daily basis. And you will notice --
- 14 like I said, I apologize for the darkness of the
- 15 first set of pictures, but they were in predawn
- 16 hours trying to catch how many cars were there.
- 17 There's a lot of activity, a lot of people
- 18 changing, a lot of cars changing.
- 19 My question -- and, actually, I'll go back to
- 20 the shed that we talked about. That shed was
- 21 supposed to be moved a year ago. On the initial
- 22 site meeting and the initial hearing,
- 23 Mr. Olinkiewicz was told to move that shed. It
- 24 took him a year to do that, and the shed was
- 25 actually moved the day before we received a letter

- 1 from his Attorney letting us know about the August
- 2 meeting. We did not receive any notice from the
- 3 Village on any of these Zoning meetings. If it
- 4 wasn't for neighbors informing us what was going
- on, we wouldn't have known about that either.
- 6 That storage shed is used to store housing
- 7 items, furniture, fixtures. I don't know if there
- 8 is, and I quess this is not the place to take it
- 9 up, what is an allowed use for that shed, because,
- 10 as the previous speaker had said, it's used for
- 11 storing items that are sold in a yard sale.
- My last comment, outside of saying that I and
- 13 we are deeply opposed to this, goes back to the
- 14 original site meeting in July of 2012, when
- 15 Mr. Olinkiewicz originally had the stakes up to
- 16 show the division of the property that he wanted to
- 17 do, but it was not all the way back and set back.
- 18 He had had I jag, and I know that the -- my husband
- 19 and I had been there, and the Board at the time was
- 20 not happy with the way the stakes were up, and had
- 21 requested that he do them properly, according to
- 22 what he was asking for.
- I was at that site meeting and his
- 24 explanation for why those stakes were up there is
- 25 that his intention was to get approval for this

- 1 subdivision, and then, at a later date, request an
- 2 additional subdivision to divide that property into
- 3 a third plot. So that there would be two
- 4 two-family houses next to each other, and that
- 5 whole piece that borders my property and my
- 6 neighbor's property, to be able to put another
- 7 two-family two-story house there. That's
- 8 ridiculous.
- 9 You're going to have three two-family houses
- 10 on that one piece of property. Not only is that
- 11 overcongestion for the block itself, but it's got
- 12 to be a fire hazard. There's no way that you
- 13 should have those buildings all together there and
- 14 have it safe, not only for the neighborhood, but
- 15 for the people that were living there. As it is
- 16 now, it's not safe.
- 17 So those are some of the things that I'd like
- 18 to mention that, hopefully, will give you some
- 19 input as to our feelings on this. Okay?
- 20 CHAIRMAN MOORE: And would you mind putting
- 21 your name --
- MS. PETERSON: Okay.
- 23 CHAIRMAN MOORE: -- and address on these, so
- 24 we know --
- 25 MS. PETERSON: Sure.

- 1 CHAIRMAN MOORE: -- where they came from?
- MS. PETERSON: Yup.
- 3 MS. REA: Mr. Moore, is it possible for me to
- 4 see those photographs?
- 5 CHAIRMAN MOORE: To have copies?
- 6 MS. REA: Yes.
- 7 CHAIRMAN MOORE: Yes, or you could look at
- 8 them now, if you'd like.
- 9 MS. REA: Thank you.
- 10 CHAIRMAN MOORE: There are some indications
- 11 on the back. Thank you very much.
- 12 Would there be somebody else who would like
- 13 to speak?
- MR. REED: Good evening. My name is Michael
- 15 Reed. I live at 430 Front Street.
- 16 CHAIRMAN MOORE: Could you say that again?
- 17 MR. REED: Michael Reed, 430 Front Street.
- 18 Not beating a dead horse, but, once again, I
- 19 had more trash on my lawn again. And to my
- 20 surprise, I got a little present, an inebriated
- 21 gentleman. So, gently, I walked him to his house,
- 22 which he was in Mr. Olinkiewicz's, and I placed him
- 23 on his doorstep. You know what, this is the stuff
- 24 that goes on.
- 25 And going back to the inspection, you know,

- 1 it's all been brought up, but it's like giving the
- 2 inmates keys to the jail. Why don't you go at
- 3 5 o'clock in the morning? They've got bike
- 4 trafficking, car trafficking, walking. You know,
- 5 another thing is, that's a little bit off the path
- of -- between Mr. Wile and Mr. Kehl, the
- 7 Kruszeski's old house. Years ago, there was a
- 8 problem with carbon monoxide.
- 9 MS. NEFF: Could you raise the mic a little
- 10 bit.
- 11 MR. REED: I'm sorry, yes.
- 12 MS. NEFF: Thanks.
- MR. REED: There was a problem with carbon
- 14 monoxide, and the Building Inspector, whoever, did
- 15 not do her due diligence, whoever it was at the
- 16 time. They're supposed to have the guy fined or
- 17 have the place condemned, just what happened to
- 18 Terry Hart's (phonetic) house, which now Mr. Kehl
- 19 owns. You know what, they've never boarded it up.
- 20 You know what, that's another issue, but just these
- 21 little things go on. This is typical Greenport.
- I've lived here my whole life. My Family
- 23 have been living here almost 200 years. My
- 24 grandparents were Jaegers, they owned Jaeger's
- 25 Department Store. It was a nice -- Fifth Avenue

- 1 was one of the nicest neighborhoods here in
- 2 Greenport. Like I said before, everybody's family
- 3 to me; Mr. And Mrs. White, Mrs. Jester, Mrs. Gorlan
- 4 (phonetic), who is now Mrs. Kojeski (phonetic),
- 5 Finnes, Mr. Ruther, Goldsmiths. Susan Peterson
- 6 I've known. My Aunt owns the adjacent property.
- 7 You know what, enough's enough. When is
- 8 it -- we have to look at this. We live here every
- 9 day. I know if you guys had to deal with it, you
- 10 wouldn't be happy either. And I know it's a tough
- 11 decision for all of you. You know what, God bless
- 12 you all. But, you know what, please, look at it in
- 13 our view. I know, you know, we all analyze,
- 14 criticize everything else, but if you have to see
- it every day, you know, it's like that little piece
- of sand in your shoe, after a while, it's going to
- 17 wear you out. So I'm just asking, please, do the
- 18 right thing. Thank you.
- MR. WILE: Good evening, Members of the
- 20 Board. First, I want to say thank you for the
- 21 opportunity to speak, and for your patience as we
- 22 all wade through this and share our emotions.
- 23 My name is Ian Wile, that's W-I-L-E, from 234
- 24 Fifth Avenue. I have not been a resident like
- 25 Mr. Reed for my entire lifetime, but just the

- last -- just over a decade, raising my son here.
- 2 And we've decided that street has been such a
- 3 welcoming family of neighbors. Whether they own or
- 4 rent, it never mattered. Always came over,
- 5 barbecues, very friendly and very forthcoming.
- 6 And, as Mike said, that's the nature of that
- 7 street.
- What we're seeing now is that there's
- 9 definitely -- there's a move to turn that street
- 10 slowly into a series of apartment complexes. And I
- 11 know that that's not a -- that's wording that is
- 12 different than what we're asking for here. It's a
- 13 subdivision, I understand, there are no apartments
- 14 here, but it is an apartment building, from my
- 15 point of view. And we're looking at a space, that
- 16 even if you go by the five-and-a-half people per --
- 17 five-and-a-half people per family, you're looking
- 18 at 22 people, all told, if it stays within the
- 19 letter of the law. And the real problem here is
- 20 that this property is not being maintained in that
- 21 way, it's overcrowded already. And if we double
- that, you're certainly going to be looking at three
- 23 dozen people living in a very small space. It's
- 24 not fair to the people who have to live in that
- 25 kind of space.

- 1 My own house was bordered by a house that was
- 2 filled in the same way, and I saw kids playing in a
- 3 four-by-four, that's four-feet-by-four-feet, yard
- 4 that they were restricted to by cinder blocks by
- 5 the homeowner. This is sort of the same kind of
- 6 mentality we're seeing with Mr. Olinkiewicz, both
- 7 on this property that currently exists and his
- 8 close to -- got to be close to 10 properties around
- 9 the Village.
- I know that I have been approached by members
- 11 of the Town Board who said, you know, he built a --
- 12 "Look at the buildings, you know, some of these
- other buildings are nice." I said, "Well, it's not
- 14 what's being build there, it's what's being left
- 15 behind." It's the legacy that's being built where,
- 16 you know -- where now I have to tell my son, as
- 17 he's walking to school, don't walk across the
- 18 street and make sure you walk by Mike's house. And
- 19 I said, "Keep an eye on it and make sure you get
- 20 around the corner safely."
- Is that the nature that we're looking to
- 22 build and expand on? You know, I just need to
- 23 know, so I need to know what my future is on that
- 24 street and in this Village, if this is a place to
- 25 raise families, both -- and renters and owners, it

- doesn't matter. I grew up never owning -- my
- 2 family never owned their house, so I totally get
- 3 it. But I also know that I wouldn't want to be
- 4 restricted to this tiny space and have to park a
- 5 car and have to feel that there isn't room for me
- 6 to grow and be a comfortable -- have a comfortable
- 7 quality of life as a tenant, and certainly impact
- 8 our neighbors.
- 9 And I do think that our street has a massive
- 10 density for rental properties. From Front Street
- 11 all the way back, there's a wall of -- some of them
- 12 are maintained very beautifully, and the neighbors
- 13 all get together and it's a -- you know, it becomes
- 14 a neighborhood, it doesn't matter what it is. But
- absentee landlords, especially from -- you know, we
- 16 have -- we have neighbors who have rental
- 17 properties, but they live in Greenport, they live
- 18 down the street. They see and they come and check
- 19 on their properties. Mr. Olinkiewicz lives too far
- 20 away and has not enough care about the one that he
- 21 has.
- 22 So I do have concerns. I am -- as a question
- 23 from the -- a zoning question. I am curious about
- 24 this shared driveway. I've been kind of confused
- 25 about that. I know originally, prior to this

- 1 petition, there was a -- the original plan was not
- 2 to subdivide the property, but just to build an
- 3 additional house. I know that this has now become
- 4 a subdivision. But if it's a subdivision, how --
- 5 is there a precedent for sharing a driveway? And
- 6 as it was brought up before, if that is now two
- 7 official properties, how long -- you know, how does
- 8 that manage when you look to address those as
- 9 individual units that could be sold to somebody and
- 10 will that -- does that mean that there's an
- 11 easement for one property or another? Is there a
- 12 precedent in the Village for that? I don't know if
- 13 it's a question that can be answered now? Or is
- 14 that a Planning Board meeting --
- 15 CHAIRMAN MOORE: Perhaps the Attorney could
- 16 answer. You could also potentially have two
- 17 abutting legal driveways, one on each property, if
- 18 it were divided in that manner, but --
- 19 MS. REA: That's the proposal. That's the
- 20 proposal, not a shared driveway.
- 21 MR. CORWIN: Could I answer?
- MS. NEFF: That is the proposed law.
- 23 CHAIRMAN MOORE: Mr. Corwin would like to
- 24 speak also.
- MR. CORWIN: As I was going through the

- 1 Building Zoning Code today, my interpretation is
- 2 you can't pave within four feet of the property
- 3 line. So I don't see how you can do a shared
- 4 driveway without some sort of variance from the
- 5 ZBA.
- 6 MR. WILE: That was my question. I
- 7 understood that there were two driveways that might
- 8 abut. So then is that variance, any part of this
- 9 petition now to include that setback for the
- 10 driveways so that they are separated; do we know?
- MR. PROKOP: The application, as it stands,
- 12 does not have a variance request for that. I'm not
- 13 sure that one is necessary. That would be an
- 14 interpretation by the Building Inspector. And
- 15 this -- 45 minutes ago was the last time that I
- 16 heard -- the first time that I heard this, I
- 17 believe. I haven't reviewed it.
- 18 Generally, not speaking about this Village,
- 19 but in general, when there's that situation, if it
- 20 gets approved, it's done with easements, but it
- 21 would -- it's really too preliminary to talk about
- 22 that. That would be the end result if it's not --
- 23 if it was approved.
- 24 MR. WILE: Thank you. One of the reasons I
- 25 ask is that our house was built clearly before --

- 1 even before these particular zoning rules were in
- 2 place, or were results of a massive easement. But
- 3 I have a house that's exact -- right up to the
- 4 property line. My driveway is right on -- I mean,
- 5 right next to the building. There's inches between
- 6 the buildings. And I think that most of these
- 7 codes were developed to change that and protect
- 8 that, so that, right now, if I stick a broom handle
- 9 out, I'd have to only put half the broom out my
- 10 window, or I'd go through the other building.
- I think what we're all trying to do is make
- 12 sure that we don't turn the whole Village into
- 13 having built every possible buildable square inch
- 14 of space and start to maybe build up and go
- 15 vertical, and it becomes a whole different -- I
- 16 think you're just changing the nature and quality
- 17 of the Village.
- 18 And I can tell you that it makes for very
- 19 complicated neighbor relations when you're only
- 20 four to eight feet away from each other. You know,
- 21 we all say "bless you" when you sneeze to the guy
- 22 next door, and hear the toilet flush. It's special
- 23 in that way.
- 24 (Laughter)
- 25 And that's with neighbors you like, right?

- 1 So I think that that's -- that's the nature of a
- 2 lot of this emotion. And, you know, some of the
- 3 neighbors have not -- who have spoken have not had
- 4 houses that are abutted up that close. I come from
- 5 a place of experience, where I had one set of
- 6 neighbors who were fairly well maintained, and a
- 7 house that is an example of what I think we're
- 8 seeing built here, and there's closer to ten in a
- 9 house, and I'm nervous about that.
- 10
  If I could ask one -- that's sort of the end
- of -- from my perspective, but I would like to --
- 12 MS. NEFF: Could I comment?
- MR. WILE: Yeah, yeah.
- 14 MS. NEFF: Is this on, or do I need it?
- 15 Okay. I think, and, certainly, you can speak more,
- 16 but, in general, you have a code that dates from
- 17 the early '60's, roughly?
- MR. ABATELLI: '71.
- 19 MS. NEFF: '71, so from 1971. You have a
- 20 village substantially built by 1900, actually, but
- 21 let's say 1920. Typical size of a lot, 50 feet by
- 22 150. At least 25% of the lots are not exactly
- 23 that. So the ZBA that exists is about the
- 24 balancing between what is in the built
- 25 environment -- I live in a house that's on its

- 1 property line, but I don't live in one where the
- 2 neighbor's house is also on the property line, but
- 3 I have no side yard setback on one side. So it is
- 4 about, let's look at the situation, a site visit,
- 5 let's look at the maps, let's try to balance.
- But I think that, again, to know that the
- 7 code, I thought '60, '71, and that most of the
- 8 houses are here, and they are not that many, I
- 9 would say fewer than at that time of the code was
- 10 passed. Probably fewer than 15% of the lots in the
- 11 Village were vacant. That's a guess, but there
- 12 certainly weren't -- you know, there were not that
- 13 many. Okay. Excuse me.
- 14 MR. WILE: With that in mind, I notice
- 15 that -- for example, that's exactly the description
- of my lot, right? It's 50-by-100. It's even
- 17 shorter, right? It's 105. But we are built to no
- 18 setbacks on both sides. Like you said, 18 -- you
- 19 know, late 1800s, 1900s, pre-code, but the vacant
- 20 lots as -- I would propose that some of the vacant
- lots were actually not separate lots, but the
- 22 second and third lots within those spaces, very
- 23 similar to what we're talking about now. And the
- 24 lot that I abut behind me, for example, has houses
- in every possible space, and, you know, it cuts all

- 1 light and air, and a lot of -- you know, it just
- 2 changes the nature for sure.
- Anyway, thank you for the clarification on
- 4 the code. I think that that's an interesting
- 5 thing.
- I do have a letter that was our neighbor at
- 7 237 Fifth Avenue. Brian Merrins is not available
- 8 to -- is not available to join us today. He asked
- 9 that I provide a letter to members of the Board for
- 10 review for his statement, for him and his -- on
- 11 behalf of him and his family, and I'd ask to be
- 12 able to read that in and provide you copies.
- 13 CHAIRMAN MOORE: You could do that. But the
- 14 person's name again?
- MR. WILE: Brian Merrins, M-E-R-R-I-N-S, and
- 16 he is --
- MS. NEFF: I think we got a letter from him
- 18 some time, but it's okay.
- 19 AUDIENCE MEMBER: This is dated August 20.
- 20 It's a different letter, dated August 20.
- 21 CHAIRMAN MOORE: It's a different letter?
- MS. NEFF: Okay, different letter.
- 23 CHAIRMAN MOORE: Is it very long?
- 24 MR. WILE: I respect your question. It's a
- 25 page.

- 1 CHAIRMAN MOORE: It's a page, okay.
- 2 MR. WILE: And it's -- you know, it's not
- 3 double spaced.
- 4 CHAIRMAN MOORE: We will accept it and put it
- 5 in the record. It will be part of the folder as
- 6 well.
- 7 MR. WILE: Okay. So would you --
- 8 CHAIRMAN MOORE: Yes, please.
- 9 MR. WILE: -- prefer me to read it?
- 10 So, again, this is dated August 26th, 2013,
- and addressed to the Village of Greenport, from the
- 12 Merrins Family.
- 13 Testimony begins, "James Olinkiewicz's
- 14 properties are a cancer in the neighborhood he
- 15 infects. They are plaqued by overcrowding, poor
- 16 construction, and disregard for the community.
- 17 Is I mentioned in my last letter to the
- 18 Board, I have personally witnessed violation after
- 19 violation, and my family has been personally
- 20 affected by the dangerous driving, excessive noise,
- 21 and drunk and disorderly behavior, not to mention
- 22 refuse left on and around the property. I have a
- 23 dossier of photographic and video evidence that I
- 24 would be more than happy to present.
- Some facts to get out of the way. One, any

- 1 benefit in the form of tax dollars be gotten by the
- 2 Village for allowing multiple variances required.
- 3 To force a new structure onto this property would
- 4 be far outweighed by the burden put on our school
- 5 system by adding to an already strained system.
- 6 Said another way, it costs more than a few grand to
- 7 put one kid through school, much less a bunch.
- 8 Adding additional" -- "Number 2, adding an
- 9 additional rental property to a parcel of land not
- 10 zoned for or intended to accommodate a new
- 11 structure is exclusively to the benefit of
- 12 Mr. Olinkiewicz and his yet-to-determine" --
- 13 "yet-to-be-determined tenants, and to the specific
- 14 detriment of its immediate neighbors and residents
- 15 of the block in general.
- 16 Extrapolating on the eight cars routinely
- 17 parked in the driveway, I have repeated
- 18 photographic evidence this is fact. If I were to
- 19 double that, there would be 15 to 16 cars parked on
- 20 and around the lot intended for one house. The
- 21 above unequivocally lowers the property values of
- 22 everyone in the immediate area, this infill, and,
- 23 thus, takes dollars out of the pockets of Greenport
- 24 residents and longtime owners and puts them in the
- 25 pockets of someone who lives on and sends his kids

- 1 to school on Shelter Island.
- 2 Four, I hate to draw on logic here, but this
- 3 would never be approved in almost any other
- 4 jurisdiction, simply because it hurts many while
- 5 helping relatively none. Changing the rules for
- 6 the benefit of one person at the great expense of
- 7 the rest is exactly why we have laws and
- 8 regulations. No one on our block bought their
- 9 house with the assumption that 221 Fifth Avenue
- 10 become a subdivided apartment complex on a quiet
- 11 residential street, because there were rules to
- 12 present that" -- "to prevent that, which for some
- 13 unexplained reason be reconsidered so
- 14 Mr. Olinkiewicz can make more money.
- What about the money? I will lose if I have
- 16 to sell my house, because I no longer want to live
- 17 down the street from an apartment complex, should
- 18 that also not be considered, since we are thinking
- 19 of individuals above the community.
- There is a reason Mr. Olinkiewicz doesn't
- 21 build these boarding houses where he lives and
- 22 sends his kid to school, the first of which the
- 23 community would never allow it. Between having to
- 24 send my" -- "between having to have my son witness
- 25 forcible evictions and late-night break-ins,

- 1 resulting in arrests on our block, just within the
- 2 past few weeks, drug deals, car repairs in the
- 3 street, I can't see" -- "I can see why he wouldn't
- 4 want this in his neighborhood.
- 5 I'm a hard-working, tax-paying, proud
- 6 community-supporting citizen who is just asking for
- 7 a reasonable place to raise my family. Adding more
- 8 non-owner-occupied infill is a great way to drive
- 9 out the people who contributed greatly to make
- 10 Greenport the special place that it is, bear our
- 11 fair share of rental property, both on our blocks
- 12 specifically and in town in general, that the
- 13 greater risk to our community is the lack of
- 14 owner-occupied property and not inadequate rental
- 15 housing stock.
- 16 Considering his \$300,000 initial purchase and
- 17 the minimal up-fit, although I have to admit, the
- 18 La-Z-Boy recliner on the front porch is classy, and
- 19 the fact that I see people using a ladder to climb
- 20 into the attic, again, I have pictures, to sleep at
- 21 night when there isn't a sheet covering the window,
- 22 I don't think that keeping this new structure from
- 23 being jammed onto this lot is going to cause his
- investor to be a loser, as it would be to the rest
- 25 of us who have to live around it.

- 1 Sincerely, Brian Merrins."
- 2 I appreciate your time --
- 3 CHAIRMAN MOORE: Thank you.
- 4 MR. WILE: -- and allowing me to read that
- 5 into the record.
- 6 CHAIRMAN MOORE: Is there someone else that
- 7 would like to speak? Yes.
- 8 MS. WICKHAM: Good evening.
- 9 CHAIRMAN MOORE: Go ahead.
- 10 MS. WICKHAM: My name is Gail Wickham of
- 11 Mattituck, New York. I am appearing tonight for
- 12 Jack Weiskott and Roberta Garris, who live at 229
- 13 Fifth Avenue, adjoining the proposed Lot 1 on the
- 14 north. Their residence is approximately 12 feet
- 15 from the Applicant's northerly property line.
- Under Resolution 8-2012-29, the Village
- 17 Trustees saw fit to issue a moratorium on
- 18 subdivisions until the code could be rewritten.
- 19 Now, practically the first application under the
- 20 code is seeking five variance requests for
- 21 reductions in setback, area and lot width, ranging
- 22 from 12% to 28.4% in order to be able to proceed
- 23 with the subdivision. I think this is a bad start
- 24 to the new code and a bad precedent for the future
- of Greenport's neighborhoods.

- Our position is that the subdivision requires
- 2 so many variances and of such magnitude that to
- 3 grant them all would enable the creation of a
- 4 subdivision which is vastly out of touch with the
- 5 zoning code. The five variances cumulatively would
- 6 violate the letter and the spirit of the zoning
- 7 code far more than any one or two variances.
- 8 Facilitating a subdivision only by granting
- 9 variances to so many provisions of the code is not
- 10 fair play. You must not look only at the merits of
- 11 each individual variance, which I will address, but
- 12 also at the cumulative effect of all of them. The
- 13 result is overuse of the properties involved and a
- 14 severe detriment to the neighborhood.
- The Planning Board did not endorse this
- 16 subdivision. We thank you for recognizing that
- 17 their initial comments were made without a vote, a
- 18 hearing, or input from anyone but the Applicant.
- 19 The Planning Board Members, at their August 1st,
- 20 2013 meeting, did express concerns about the
- 21 cookie-cutter impact of dividing up the open area
- 22 that now makes a large old house an attractive fit
- 23 within the Village of Greenport.
- Losing landscaping for parking, i.e. vehicle
- 25 density, impacts on the existing dwelling beyond

- 1 the questions of lot size and lot division,
- 2 neighborhood density and the probable loss of the
- 3 old growth holly trees. The Applicant has already
- 4 chopped the lower limbs from them and will be
- 5 excavating well into their root system.
- 6 The Applicant's references to the two lots,
- 7 as shown on the 1879 map, are really inapplicable
- 8 135 years later. The more important questions are
- 9 what does the area look like now, and how does that
- 10 relate to current zoning? The Applicant's own
- 11 chart shows that the existing two-family homes are
- 12 mostly on larger lots, not undersized lots. The
- 13 existing small lots have been there for years. The
- 14 Board did not approve their zoning inadequacies.
- 15 To chart the insufficiencies of homes built
- 16 decades ago, some in the 1800s or early 1900s, well
- 17 prior to zoning, does not in and of itself justify
- 18 the granting of variances from the current code.
- 19 Codes are implemented and updated to improve
- 20 questions of density, open space, and setbacks.
- 21 The goal of the zoning code is to eliminate
- 22 nonconforming structures, not perpetuate or
- 23 increase them.
- The neighborhood is already saturated. This
- 25 is not a reason for the Board to further saturate

- 1 it with an extra lot and two -- and an additional
- 2 two-family dwelling that just doesn't fit.
- 3 Housing is a concern in Greenport, but there
- 4 are ways to improve housing without violating
- 5 multiple code provisions and creating four
- 6 three-bedroom units where there should be two.
- 7 Need for housing is a use issue, not an area
- 8 variance issue.
- 9 Further, I do not recall seeing any
- 10 representations or restrictions on the Applicant to
- 11 provide affordable housing in these units.
- To address the specifics of the variance
- 13 application, all five of them, I'll take them one
- 14 at a time.
- Number one, Lot 1, area variance, 913 square
- 16 foot reduction. That's a 12-foot -- 12% reduction
- of an already small 7500 dollar -- square foot lot.
- 18 The lot is proposed at 6587 square feet only
- 19 because there is just a five yard setback proposed
- on Lot 2. With a more reasonable setback on Lot 2,
- 21 Lot 1 would be even smaller. This Lot 1 is being
- 22 created, therefore, at the expense of Lot 2, which
- 23 really requires a much larger lot size, given the
- 24 size and location of the existing house.
- 25 Further, the reduced size and width creates a

- 1 much greater impact on the Weiskott-Garrises
- 2 because the side yard of Lot 1 abuts their
- 3 property.
- The Applicant's chart shows six lots in the
- 5 same block and several others in adjoining blocks,
- 6 which are comparable in size to his current lot.
- 7 To allow this substandard division -- subdivision
- 8 would create a precedent for those lots to be
- 9 divided in the future, dramatically increasing
- 10 neighborhood density.
- 11 The second variance, Lot 1, width variance,
- 12 12.18 feet, is a 20% proposed reduction. Again,
- 13 this reduction is only as, quote, small as it is
- 14 because of the narrow side yards on Lot 2. If
- 15 there were no side yard reductions on Lot 2, then
- 16 Lot 1 would only have a width of 38.6 feet.
- 17 So the applications are, again, piggybacking
- 18 the insufficiencies from one lot to another.
- 19 Please consider the cumulative effect of all of
- 20 them.
- 21 I'm sorry this is so long, but there are five
- 22 variances.
- Number three, Lot 1 combines a side yard
- 24 variance of three feet. While three feet isn't a
- 25 big distance, but on a 25-foot requirement, it's a

- 1 12% reduction. This brings the proposed house
- 2 right up to the old growth holly trees, which
- 3 surely will be ruined. If they are somehow
- 4 miraculously maintained, they will be too close to
- 5 the house and create problems with dampness. So
- 6 granting this variance is definitely condemning
- 7 those trees.
- 8 Lot Number 2, width variance of 7.65 feet,
- 9 that is a 13% reduction. This lot contains a house
- 10 of 35 feet in width, the existing home. A 60-foot
- 11 width for that size house is really called for, and
- 12 that's how -- you know, that's how you would look
- 13 at it if you wanted to reduce it down. If you did
- 14 that, then there wouldn't be enough room for the
- 15 second lot. So, therefore, I would suggest that
- 16 this is not an appropriate request for a variance.
- Number 5, the Lot 2 side yard variance of
- 18 7.10 feet, that's a 28.4% variance reduction. The
- 19 southerly side yard is fixed at 12.9 feet because
- of the location of the existing house. To propose
- 21 only five feet on the other side of the house, that
- 22 would be the north, is an insult to the historical
- 23 nature of the house, and does not allow sufficient
- 24 area to even maintain the house, should the
- 25 adjoining lot be sold to a third party.

- 1 The Applicant's chart shows only one other
- 2 boundary within this block with adjoining homes
- 3 less than 20 feet apart. There are two -- these
- 4 are on two obviously preexisting small lots, not on
- 5 new lots that are going to be created. There are
- 6 only three in the adjoining block. This does not
- 7 constitute the basis for a compelling argument. It
- 8 does constitute a severe fire hazard, compounded by
- 9 the fact that there would be two family's houses on
- 10 each of these properties.
- In summary, the variances individually and
- 12 cumulatively will result in an overcrowded, overly
- 13 dense proposal. The Applicant's assertion that he
- 14 requires this relief to recoup his investment is a
- 15 self-imposed financial hardship.
- 16 Other issues which result from this multiple
- 17 variance request are traffic and -- one, traffic
- 18 and parking. He shows three parking spaces within
- 19 the driveway itself. Not only are three spaces
- 20 insufficient, but most of the rear yards will have
- 21 to be paved over in order to accommodate the
- 22 vehicles. So now you have lost more than just
- 23 holly trees.
- The six bedrooms would generate more than
- 25 three or four cars, that's the six new bedrooms,

- 1 not the existing ones, and excessive occupancy will
- 2 exceed even that. You have or will -- you have
- 3 heard from the neighbors about the facts of
- 4 vehicular traffic in the neighborhood and of this
- 5 property in particular.
- 6 Number 2, Density: The Applicant's garbage
- 7 receptacles already on the Weiskott side of the
- 8 property creates an annoyance. If granted, these
- 9 variances will allow more garbage and a somehow
- 10 larger garbage receptacle. And then you have the
- 11 question of density of homes, people, all of the
- 12 things that go with it.
- Number 3, Accessory Building: The Applicant
- 14 should not be permitted to run a business, whether
- it be storing or selling antiques, storing
- 16 equipment for his off-site properties or his other
- 17 businesses. This creates additional traffic, noise
- 18 and a use violation.
- 19 Number 4, Operation: Inspectors can see a
- 20 building one day, and on all the days before and
- 21 after, the occupants' cars, noise and disturbances
- 22 are different than on the day of the inspection.
- 23 The recent inspection was of one apartment building
- 24 during working hours, with far fewer cars, people
- 25 and probably mattresses than at other times. The

- 1 neighbors now -- the neighbors have detailed the
- 2 specifics of these issues. They site a minimum of
- 3 six cars now before the new residence, and
- 4 excessive traffic on the street.
- 5 And Number 5, we ask the concerns of
- 6 neighbors. We ask the neighbors' petition,
- 7 submitted at the prior hearings on August 21st,
- 8 2013, which Mr. Moore mentioned at the beginning of
- 9 the hearing, and also the one submitted July 12th,
- 10 2012, be incorporated by reference into this
- 11 hearing. At the conclusion of this hearing, I can
- 12 hand you a list of -- that my clients have provided
- 13 enumerating a large number of proponents in the
- 14 immediate neighborhood.
- 15 Finally, Property Values: An excess of
- 16 rental housing crowded together will decay the
- 17 values of the neighborhood. Greenport has a
- 18 wonderful mix of old rental, owner-occupied, single
- 19 and multiple use residences with a charm that makes
- 20 the Village a viable residential community. We ask
- 21 that your efforts continue on upgrading the
- 22 difficult housing and not facilitating the
- 23 imprudent proposals.
- Even if well maintained, and if we didn't
- 25 have the problems that we have at this particular

- 1 home, we would maintain the same objections to the
- variances in terms of space, open space, etcetera.
- 3 So please don't lose site of those structural
- 4 issues in terms of depth and width, etcetera.
- 5 Also, a one-family dwelling on the new lot
- 6 will not alleviate those concerns if the variances
- 7 are granted, because you'll have the same
- 8 structural issues set back with an area for a
- 9 single home there.
- In summary, this variance application must be
- 11 considered in terms of its multiple impact, as well
- 12 as the individual variances, and not based on
- 13 imprecise or inaccurate impressions of similar
- 14 neighborhood conditions. We ask that the variances
- 15 be denied.
- I have copies of this letter I'm glad to hand
- in at the end of the hearing
- 18 CHAIRMAN MOORE: If you could provide at
- 19 least one copy --
- 20 MS. WICKHAM: Thank you.
- 21 CHAIRMAN MOORE: -- that would be good.
- 22 MS. WICKHAM: Yes.
- MR. CORWIN: Before we go any further, I have
- 24 a question.
- 25 CHAIRMAN MOORE: Yes.

- 1 MR. CORWIN: Mr. Hubbard, last month the Fire
- 2 Department had a meeting and we kind of held them
- 3 up a little, and I'm wondering if you know they're
- 4 going to have problems? They're going to have a
- 5 meeting tonight or --
- 6 MR. HUBBARD: The meeting is at 7:30 this
- 7 evening.
- 8 CHAIRMAN MOORE: 7:30.
- 9 MR. CORWIN: So we got an hour.
- 10 MR. HUBBARD: I'll just tell them they'll --
- 11 I can let them know you're running late.
- 12 MR. CORWIN: I think that --
- 13 CHAIRMAN MOORE: No. We're going to aim for
- 14 7:30.
- MR. CORWIN: But we still have the Hospital.
- 16 CHAIRMAN MOORE: That's correct, yeah.
- 17 MS. NEFF: Right, right.
- 18 MR. CORWIN: We're going to have to move
- 19 along somehow on this thing.
- 20 CHAIRMAN MOORE: What I'd suggest we do
- 21 tonight is try and get all of the testimony
- 22 entered, if possible. There is also a letter from
- 23 Mr. Olinkiewicz as well. So why don't we try and
- 24 get as many of the public comments as we can, if
- 25 there are still people that wish to speak. How

- 1 many? May I see hands, how many --
- 2 MR. CORWIN: May I say one more thing?
- 3 CHAIRMAN MOORE: Yes.
- 4 MR. CORWIN: Since Mr. Olinkiewicz is
- 5 submitting a letter that nobody's had a chance to
- 6 go over, I think we're going to have to leave the
- 7 hearing open and give everybody an opportunity to
- 8 read that letter, including myself, to respond to
- 9 it. So I don't know that it's absolutely necessary
- 10 that everybody has to speak tonight, because I
- 11 think we're going to do the same thing next month.
- 12 CHAIRMAN MOORE: Yup. I suspect that --
- 13 question?
- MR. WILE: I was just wondering, would it be
- 15 possible or does it make sense to have that letter
- 16 read into the minutes now, so that we --
- 17 CHAIRMAN MOORE: We're going to try.
- 18 MR. WILE: Okay.
- 19 CHAIRMAN MOORE: We're going to try and do
- 20 that. I think with the timing with our -- with the
- 21 other application we have, if we can complete as
- 22 much of the public testimony as possible, I would
- 23 see that we wouldn't have the opportunity to
- 24 deliberate and make any kind of progress on the
- 25 decision tonight, so we will have to adjourn to

- 1 another meeting anyway. It's understandable that
- there's so many public comments and we do want to
- 3 hear them all. So, if we can do that, I will make
- 4 a comment about the petition. I might be able to
- 5 review the minutes from the Planning Board. And
- 6 the Attorney, I'm going to ask, even though I think
- 7 she might not want to, to read the letter into the
- 8 record, rather than me reading it. So, if we do
- 9 that, then I believe we'll keep the hearing open
- 10 and adjourn it until next month, and we can try and
- 11 get finished with the Hospitals's application and
- 12 be out of here and not to be in the way of the Fire
- 13 Department again, because that would be quite a
- 14 span of time until 7:30. Is that agreeable to the
- 15 Board?
- MR. CORWIN: To me, yes.
- 17 MS. NEFF: Yes.
- 18 CHAIRMAN MOORE: Yes? Okay. So other public
- 19 comments, any other individuals? Yes, Bob.
- MR. KEHL: I'm Robert Kehl, 242 Fifth Avenue.
- 21 And, like Mr. Swiskey says, you don't have to do
- 22 this. You work for us, the way I understand this,
- 23 and you're our representatives. I don't see any
- 24 people in favor of this other than Mr. Olinkiewicz,
- 25 and because this is actually basically a favor

- 1 you're granting him. And if you got enough people
- 2 against it and no one in favor of it other than
- 3 him, it seems like you just kind of got -- if it
- 4 goes through, it's going to be ramrodded down our
- 5 throat, kind of like other things we've seen over
- 6 the last five years.
- 7 I really don't have too much other to say
- 8 than that. I mean, it just -- we got problems on
- 9 the street. There's sewage problems on the street.
- 10 It's one of the worst sewage systems in town. We
- 11 see all -- I mean, up and down the street now
- 12 there's garbage. We've got people pulling shopping
- 13 carts with their bicycles, so they can take it home
- 14 and collect stuff, their laundry, and take it
- 15 downtown. I watched this this morning. The
- 16 property values are just going to go down. It's
- 17 just ruining our neighborhood.
- 18 And everyone here has worked hard to try and
- 19 keep the neighborhood up. Finally, the
- 20 neighborhood is actually coming back. There's a
- 21 lot of young people in the neighborhood now. You
- 22 come down the street, there's actually people on
- the street, little kids playing in the street
- 24 again. But now, with cars racing up and down the
- 25 street, it doesn't help things. Some day someone's

- 1 going to get killed.
- 2 I'm just asking you, please. You know, as a
- 3 resident and one of the residents, many residents
- 4 here that are against it, please, do your job and
- 5 represent us. We're taxpayers, we live here.
- 6 Mr. Olinkiewicz doesn't live here, he lives in
- 7 Shelter Island. They won't let him do this in
- 8 Shelter Island; there's a reason for that.
- 9 Thank you.
- 10 CHAIRMAN MOORE: Okay. Thank you. Would
- 11 there be anybody else who would like to speak
- 12 tonight, keeping in mind that this hearing will
- remain open, so there'll be additional
- 14 opportunities next month?
- 15 MR. SWISKEY: Mr. Moore.
- 16 CHAIRMAN MOORE: Yes.
- 17 MR. SWISKEY: Can I just say something,
- 18 because the lady on the Planning Board said, well,
- 19 she -- when she was talking like --
- 20 CHAIRMAN MOORE: Can you come to the podium,
- 21 because you're welcome to express your feelings.
- MR. SWISKEY: I've already spoken. I just
- 23 wanted to comment on something. William Swiskey,
- 24 184 Fifth Street.
- Now, when the lady commented there that this

- 1 was undersized lot, well, in the Village, yeah,
- 2 there were -- in the '80s, there were maybe half a
- 3 dozen lots in the Village that were undersized.
- 4 What you have here is not an existing vacant lot.
- 5 You are creating a vacant lot. There's a big
- 6 difference between having a vacant lot and creating
- 7 one. And if creating one is going to create this
- 8 much hardship for this many people, then this Board
- 9 has the legal right to just turn it down. He has
- 10 no recourse in court. Thank you.
- 11 CHAIRMAN MOORE: Sure, thank you. So, if I
- don't see anymore hands for tonight, I think we'll
- 13 try and get as much as we can done before we
- 14 adjourn this part of the hearing for this period of
- 15 time.
- I would just like to comment that we have the
- 17 petition on file that was recently filed. It was
- 18 read into the record last month. And just to give
- 19 a count, that the people signing it, there were 13
- 20 individuals from Fifth Avenue, two from Front
- 21 Street, and four from Sixth Avenue on that
- 22 petition. And I won't try and read all of the
- 23 signatures, but that is in the record.
- The other thing is that there has been a
- 25 letter received from Mr. Olinkiewicz, and I

- 1 believe -- I haven't had the chance to read it
- 2 myself, it came in just this afternoon. I believe
- 3 he is responding to some of the public comments.
- 4 So I would like to ask his Attorney to read it.
- 5 I would like to ask for your respect of her
- 6 reading the letter. If you don't agree with what
- 7 she's saying, that's fine, but I would ask you to
- 8 keep it to yourself. They don't necessarily agree
- 9 with what you're saying, so that let's just hear
- 10 Mr. Olinkiewicz' comments. It will be in the
- 11 record. There are copies available, I believe, so
- 12 if any of you would like to take it with you,
- 13 you'll have a chance to take copies tonight.
- 14 MS. GILLIGAN: How long would that letter
- 15 be -- take to be read?
- 16 CHAIRMAN MOORE: I'm sorry?
- 17 MS. GILLIGAN: How long will it take for the
- 18 letter to be read?
- 19 CHAIRMAN MOORE: It's a three-page --
- MS. GILLIGAN: We're overdue here.
- MS. NEFF: It's two-and-a-half pages.
- 22 CHAIRMAN MOORE: Two-and-a-half pages, and I
- 23 believe the Attorney is familiar with it, and I
- 24 imagine she can read it rather quickly without
- 25 interruption. Yes, why don't you come up and do

- 1 that?
- MS. REA: Thank you, Mr. Moore.
- 3 Before I read the letter from
- 4 Mr. Olinkiewicz, who had a family emergency --
- 5 MR. CORWIN: Could you give your name,
- 6 please. Name, please.
- 7 MS. REA: My name is Kimberlea Rea. I'm with
- 8 the law firm of Westervelt and Rea in Shelter
- 9 Island, and, as you know, I represent James
- 10 Olinkiewicz.
- 11 Before I read this letter from
- 12 Mr. Olinkiewicz, I'd like to say that he had a
- 13 family emergency. He's not able to attend tonight.
- Before I read it, I'd also like to just very
- 15 briefly address some of the remarks that have been
- 16 made tonight as his lawyer. Those have to do with
- 17 factual inaccuracies. I believe that one of the
- 18 commentators said that he did not want to see three
- 19 dozen people living on this site, and I'd like to
- 20 say that three dozen, by my count, is 36 people.
- 21 Thirty-six people do not live there and will not
- 22 live there.
- 23 As will be outlined in Mr. Olinkiewicz's
- letter, the number of people that are presently
- 25 living in the existing structure, in the existing

- 1 two-family house, are six upstairs and a mother and
- 2 her child downstairs.
- MR. CORWIN: Would you say that again,
- 4 please?
- 5 MS. REA: Six persons.
- 6 MR. CORWIN: Six people are living
- 7 upstairs --
- 8 MS. REA: Upstairs.
- 9 MR. CORWIN: -- in a two-family house?
- MS. REA: In the top part of it, of the
- 11 house, and in the bottom part of the house is one
- 12 mother and her child.
- The number of people occupying this dwelling
- 14 is within the parameters set by the New York State
- 15 Building Code, it is not in excess of that. It is
- 16 not a tenement and cannot be called a tenement by
- 17 any stretch of the imagination.
- 18 The driveway issue that has been brought up,
- 19 the shared driveway that has been brought up here,
- 20 is I think a red herring, perhaps a
- 21 misunderstanding, and I don't think it should have
- 22 any bearings upon -- any bearing upon this
- 23 proceeding. Originally, what was proposed was two
- 24 driveways in the center of the property. This
- 25 Board asked Mr. Olinkiewicz to consider

- 1 reconfiguring that and moving the driveway, one of
- 2 the driveways, over to one side, that is the south
- 3 side of the property. He did that and that is
- 4 actually the proposal that's before you now. So
- 5 what you're looking now right now does not include
- 6 a shared driveway, and I don't believe it ever did.
- 7 So just to clarify that, that's really not on the
- 8 table here. That's something -- I think those are
- 9 the sorts of design elements that can be worked
- 10 out, but I wanted just to make that clarification.
- I don't believe that the style of porch
- 12 furniture is properly before this Board.
- 13 CHAIRMAN MOORE: Could you say that again?
- MS. REA: There were comments made earlier,
- impassioned comments, about the type of furniture
- 16 that Mr. Olinkiewicz's tenants have on their
- 17 porches, and I don't believe that that's before
- 18 this Board. I don't believe that that's a legal
- 19 consideration that's properly before this Board.
- 20 But I would like to say that I think that it is --
- 21 it is indicative of the hatred and invective that
- 22 the public clearly has for my client and for his
- 23 tenants. I do not believe that these sentiments
- 24 are underpinned by any relevant legal criteria
- 25 that's before this Board. I don't have to tell you

- 1 and I don't. You're not -- the ZBA is not in
- 2 charge of subdivision, simply the variances that
- 3 we've sought here.
- 4 And I'd like to further clarify, and I don't
- 5 know why this has not been made clear, but there's
- 6 no question that the Planning Board has not had a
- 7 Public Hearing on this, and it's my understanding
- 8 that they will, so all of the comments from the
- 9 public can be aired at that time. I think that the
- 10 Planning Board -- this was sent to the Planning
- 11 Board for their input, which was given to them, but
- 12 I don't think anybody's arguing the fact that they
- 13 haven't held a public meeting, so -- and I believe
- 14 that that's on the horizon, so I don't think that
- 15 -- I don't think anybody's being railroaded here.
- 16 I think that they simply haven't had their public
- 17 meeting because you haven't finished your
- 18 determinations.
- 19 There were comments made earlier, I believe
- 20 by Ms. Wickham, regarding the actual variances
- 21 themselves, the specifics of those variances, which
- 22 I do think is before -- properly before you. And
- 23 I'd like to say that with respect to those
- 24 particular variances that we are seeking here, each
- and every one of those types of variances has been

- 1 in the last 10 years in the Village of Greenport
- been addressed, considered and granted in the
- 3 various variances that had been granted. I would
- 4 call your attention particularly to -- with respect
- 5 to the minimum side lot size variance of 19 --
- 6 excuse me, 913 square feet that we're requesting.
- 7 Mr. Prestwood, in 2010, requested a variance far
- 8 greater in that his lot size that he proposed was
- 9 5,775 square feet for both lots.
- 10 CHAIRMAN MOORE: May I ask that we reorganize
- 11 this a little differently? I know you've got these
- 12 that are right on the tip of your tongue to respond
- 13 to, but we were going to read the letter. I'm sure
- 14 we'll have ample opportunity, not only in the
- 15 Public Hearing next month, but in our discussion
- 16 with you, because we will engage you in a
- 17 discussion.
- MS. REA: Very well, I'll be glad to wait.
- 19 CHAIRMAN MOORE: I don't want to be impolite,
- 20 but --
- 21 MS. REA: No, no, no.
- 22 CHAIRMAN MOORE: -- if we don't get to the
- letter, we're not going to get out of here tonight.
- MS. REA: Okay. I'll agree to that.
- 25 CHAIRMAN MOORE: If you don't mind. And

- 1 we're not trying to keep you from saying it, you'll
- 2 have the opportunity next month, but I think we
- 3 want to stick to the plan.
- 4 MS. REA: Sure, I'll wait. The letter from
- 5 Mr. Olinkiewicz is addressed to Mr. Moore, and is,
- of course, to all of the Members of the ZBA. It's
- 7 dated September 17th, yesterday.
- 8 "Dear Mr. Moore, over the past month I have
- 9 been doing a lot of thinking and discussing with my
- 10 Attorney the neighbors' comments on my request to
- 11 subdivide my property at 221 Fifth Avenue and build
- 12 a two-family home on the new lot."
- MR. CORWIN: Can you get in a little closer
- 14 to the mic? I don't think everybody can hear you.
- 15 MS. NEFF: Or raise it up.
- 16 MS. REA: "I am submitting this letter to
- 17 answer some of those comments, and to give the
- 18 Board some context about what I am trying to
- 19 accomplish in the Village.
- Over the past three years, I've been buying
- 21 old houses, many of which were in terrible
- 22 disrepair. Some were boarded up, abandoned
- 23 eyesores that I cleaned up, restored and made
- 24 available for much needed rental housing. I've
- 25 built two new family homes in the Village, which

- 1 also created more housing. I have built two new
- 2 two-family homes in the Village, which also created
- 3 more housing. On more than one occasion I
- 4 purchased homes that at the time I bought them had
- 5 tremendous overcrowding. I immediately evicted
- 6 many tenants to bring these dwellings into line
- 7 with their proper dwelling capacity.
- 8 I pride myself on having a good relationship
- 9 with the Village, the Building Department and the
- 10 Village Housing Authority, all of whom have access
- 11 to all of my houses at any time for inspections,
- 12 opinions or comments. I always respond promptly to
- 13 those comments. I'm the only landlord that has
- 14 publicly supported the new rental law.
- 15 Not once in the past 12 months, since I first
- 16 applied for this subdivision at 221 Fifth Avenue,
- 17 did any of the neighbors, some of whom I personally
- 18 know and I have personally asked to call me if
- 19 there were any issues, contact me or the Village to
- 20 report any problems. That is why these comments,
- 21 which are clearly organized opposition, have come
- 22 as such a surprise to me.
- In response to some of those comments, yes,
- there are six people, two couples and two
- 25 individual men, living in the second floor

- 1 apartment in the existing two-story frame house.
- Yes, they own automobiles. Yes, almost every
- 3 Sunday they have a barbecue. And friends and
- 4 family come over and play in the yard, just like
- 5 many other American families living in Greenport
- 6 and in towns and villages across the United States.
- 7 As a landlord, I have no right to stop them, nor do
- 8 I have the inclination to prevent them from
- 9 enjoying the property lawfully, just as other
- 10 families do every Sunday afternoon.
- 11 Greenport has a problem, issue and
- 12 opportunity dealing with housing. The problem is
- 13 that not enough housing for the work population
- 14 that lives here that helps keep a bustling tourist
- 15 industry running. The issue is where to house
- 16 these workers, who are mostly young people and
- 17 young couples that so desperately need housing.
- 18 There is not a week that I don't receive three to
- 19 four calls from people looking for housing. The
- 20 other issue, one that I would also" -- "I also
- 21 consider to be vital, is to prevent overcrowding in
- 22 existing apartments. They also have the
- 23 opportunity to work with landlords who are trying
- 24 to help with this situation.
- During the last Public Hearing, I was called

- 1 an absentee landlord. If because I do not live in
- 2 Greenport I am an absentee landlord, then, yes, I
- 3 am. If this name is a way of implying that I am
- 4 never present, that is totally incorrect. At least
- 5 two to three times a week I personally visit all of
- 6 my properties to check on conditions of the houses
- 7 and yards, and make sure that my tenants are
- 8 behaving and keeping the properties neat and in
- 9 order. As a result of these visits, I occasionally
- 10 will call a tenant about an item that needs to be
- 11 addressed.
- Other neighbors commented that I was "lining"
- 13 my pockets in Greenport." In response, I say that,
- 14 yes, I am expecting to make a profit on my
- investments of time, capital and many other
- 16 resources, and, yes, I do. I work hard in the
- 17 expectation at succeeding with this work. It is my
- 18 right to do so.
- 19 Another neighbor called me a slumlord. Apart
- 20 from the insult and untruth of such a comment, I
- 21 invite the Board to look at any of my rental
- 22 houses. Those houses demonstrate better than any
- 23 words can say that I have spent, and will always
- 24 spend, significant resources in improving,
- 25 restoring, rebuilding, maintaining, beautifying and

- 1 properly managing properties that used to be
- 2 eyesores within the Village.
- 3 The definition of a slumlord is someone who's
- 4 a landlord who maximizes profits by minimizing
- 5 spending on property. This slur is, at best, a
- 6 misguided personal attack, but, in any case, is
- 7 false and damaging to my reputation. I urge all of
- 8 the Board members to visit my properties and to
- 9 consider the before and after qualities of my
- 10 restoration work on residential and rental
- 11 properties in Greenport.
- 12 Some neighbors complained about the number of
- 13 cars in the neighborhood. I took it upon myself to
- 14 go and check on this claim on several occasions at
- 15 several different times of the day and night over
- 16 the last month. As I thought, my tenants park on
- 17 my property in parking spaces allocated to them and
- 18 not on the street. In fact, virtually all of the
- 19 cars parked in the street belonging to the" --
- 20 "belong to the neighbors and/or their friends who
- 21 may not want to block other cars in their
- 22 driveways. However, this is not the fault of my
- 23 tenants who use the off-street parking provided to
- 24 them. I suggest that the complaints about too many
- 25 cars is a problem that is self-created, and that

- 1 the neighbors can be a big part of the solution by
- 2 parking in their own driveways. My application
- 3 provides for ample off-street parking for my
- 4 tenants.
- 5 Several neighbors who came to the Public
- 6 Hearing said that they were there as a "last stand
- 7 for the neighborhood." Their comments boil down to
- 8 "not in my neighborhood." They simply do not want
- 9 to see additional two-family houses built in a
- 10 residential zone that permits two-family dwellings.
- 11 But the fact remains that Fifth Avenue is within
- 12 the R-2 Zone, which the Village Board of Trustees
- 13 has chosen not to change. And, in fact, any owner
- of any of the single-family homes on the block
- 15 could apply to the Village to convert those homes
- 16 to two-family dwellings. They all have that
- 17 potential. And that zoning designation is exactly
- 18 what I relied upon when I bought the property.
- 19 My application for subdivision and the modest
- 20 variances requested are all in keeping with the
- 21 existing zoning designation, and are also in
- 22 keeping with the existing appearances and uses
- 23 within the neighborhood. I believe that these are
- the only issues at hand, not whether I reside in
- 25 Greenport, or how much money I'd be" -- "may be

- 1 making from properties I own and maintain there.
- 2 If the Zoning Board wishes to discuss reducing the
- 3 size of the two" -- "of the new two-family dwelling
- 4 to be two two-bedroom apartments, or one
- 5 three-bedroom and one one-bedroom, I am open to
- 6 that discussion and consideration wholeheartedly.
- 7 Very truly yours, James Olinkiewicz."
- 8 Mr. Olinkiewicz has authorized me to discuss
- 9 that with you further. I believe that the time
- 10 constraints of this evening won't permit that
- 11 discussion, but --
- 12 CHAIRMAN MOORE: And that would be helpful,
- 13 because it's likely next month Mr. Olinkiewicz
- 14 himself would be attending as well.
- 15 MS. REA: That's right. That's right.
- 16 CHAIRMAN MOORE: So thank you for reading
- 17 that. I'm sorry to put you on the spot, but I felt
- 18 better if you read it.
- MS. REA: No, I was happy to, it's just that
- 20 I --
- 21 CHAIRMAN MOORE: And I thank the public for
- 22 your patience on that.
- 23 What I think we'll do is I just want to make
- 24 a few comments, and that is that we're going to
- 25 eventually close the Public Hearing, but I'm

- 1 asking, and I'll make a motion in a moment, to keep
- 2 it open, because there may be some new comments
- 3 that will come up. Mr. Olinkiewicz will have the
- 4 opportunity to be here next month, and I'd like to
- 5 make a few comments regarding comments from the
- 6 Planning Board.
- 7 I should point out that the issue of the
- 8 variances that we're considering we fully
- 9 understand would direct the application to the
- 10 Planning Board for -- which is now a new code
- 11 process under their supervision to go through a
- 12 subdivision process. Previously, the only step in
- 13 the process, if a variance was required, was the
- 14 Zoning Board of Appeals. So that if we had issued
- 15 a variance in the past, the subdivision would be a
- 16 done deal.
- 17 Secondly, we consider the five factors for a
- 18 variance, and that is, very briefly, that there
- 19 would not be an undesirable change in the
- 20 neighborhood, that another method without variances
- 21 could be used, that the variance requested is not
- 22 substantial, that there'd be no adverse effect or
- 23 impact on the physical and environmental character
- of the neighborhood, and then, lastly, that it was
- 25 not self-created. The Zoning Board of Appeals

- 1 takes all of those factors into account when we
- 2 make our decisions.
- 3 There are various percentages being tossed
- 4 around. We do not decide only on percentages. If
- 5 that was the case, there wouldn't need to be a
- 6 Zoning Board. We do take those into consideration
- 7 to determine the magnitude of the request. We also
- 8 take into consideration the number of variances
- 9 that are required. So all of those things are
- 10 going to be in our discussions once the public part
- 11 of the meeting is concluded.
- 12 So the public should be assured that we are
- 13 going to consider all of the merits and the -- you
- 14 know, the unfavorable things that might be pointed
- 15 out that this variance request might cause.
- So, with that in mind, I'd like to make a
- 17 motion that we adjourn the hearing, keep the Public
- 18 Hearing open, and adjourn the discussion until the
- 19 next regular meeting of the ZBA. May I have a
- 20 second, please?
- MR. CORWIN: Second.
- 22 CHAIRMAN MOORE: Is there any discussion?
- MR. CORWIN: I would like to ask Mr. Prokop a
- 24 question. Do we have any time constraints for this
- 25 application if we leave the Public Hearing open?

- 1 MR. PROKOP: No. I believe that the
- 2 constraint is with the decision. A decision has to
- 3 be rendered within 60 days of the time that the
- 4 hearing is closed. I believe that that's the
- 5 constraint that we're working with. But, as of
- 6 now, the hearing -- as long as the hearing stays
- 7 open, we're not under that constraint.
- 8 MR. CORWIN: Okay. Thank you.
- 9 CHAIRMAN MOORE: So we have a second. May I
- 10 have --
- MS. NEFF: Second.
- 12 CHAIRMAN MOORE: All in -- we do have a
- 13 second. May I ask, all in favor?
- MR. CORWIN: Aye.
- MS. NEFF: Aye.
- MS. RATHBUN: Aye.
- 17 CHAIRMAN MOORE: Aye. So the Public Hearing
- is adjourned until next month.
- 19 And I'd like to move on now to the next
- 20 agenda item, if you'll just bear with me for a
- 21 minute, and I'll have to read this one.
- This is a Public Hearing for an application
- 23 for an area variance for Eastern Long Island
- 24 Hospital, 201 Manor Place, Suffolk County Tax Map
- 25 1001-2-3-2. The property is located on the

- 1 Waterfront Commercial District.
- 2 The Applicant seeks a building permit to
- 3 construct detached and illuminated hospital signs.
- 4 Section 150-15(G)(2) of the Village Code
- 5 prohibits directly lighted signs. The proposed new
- 6 signs are to be directly illuminated, requiring a
- 7 variance of Section 150-15(G)(2).
- 8 Section 150-15(I)(1) limits the size of
- 9 detached ground signs. Detached ground signs shall
- 10 not exceed a total area of 24 square feet.
- 11 Proposed Signs G2-01 and G2-02 are 24.36
- 12 square feet each. The combined total area is 48.72
- 13 square feet. The pair of these signs each
- 14 represent one leg of an "L" shaped sign, and,
- therefore, had been calculated as a single
- 16 sign, therefore, requiring a sign variance of 24.72
- 17 square feet. Proposed Sign G1-01 is 36.54 square
- 18 feet. Collectively, these signs represent 85.26
- 19 square feet, requiring a signage variance of 61.26
- 20 square feet.
- 21 What I'll do as quickly as possible is find
- 22 the information. This was properly noticed in the
- 23 Suffolk Times, and there were quite a few notices
- 24 to adjoining neighbors. It was also placarded
- 25 appropriately on the property with a public notice

- 1 sign. And I'm just looking here for the list of
- 2 people notified. I'm just having a little
- 3 difficulty finding that. I should read them into
- 4 the record. Yeah, there's this list here, and
- 5 there it is, I think.
- 6 MS. NEFF: There it is, yeah.
- 7 CHAIRMAN MOORE: And just bear with me. I'll
- 8 read these as quickly as possible.
- 9 Eastern Long Island Hospital Association;
- 10 Townsend Manor Inn, 714 Main; Carlos DeJesus and
- 11 Patricia DeJesus, 754 Main Street; Eunice Gardiner,
- 12 314 Manor Place; Daniel and Margot Clark, 300 Manor
- 13 Place; Joseph Townsend and Susan Johnson, 216 Main
- 14 Street; Samolewski, Robert and Rita, on 7800
- 15 Alvah's Lane; Karen Franck and Anthony Holmes, 295
- 16 St. John's Place, Brooklyn; Mary Gilligan, Monica
- 17 Gilligan, 236 Manor Place; Donnell Brown, 308 Manor
- 18 Place; the Episcopal Church in Greenport, on the
- 19 corner of Main and Manor; Christopher Bundy and
- 20 Margaret Grosswendt at 250 Dean Street, Brooklyn.
- 21 Again, Townsend Manor Inn is listed. Samuel Sifton
- 22 and Christina Fallon, 211 Conover Street, Brooklyn;
- 23 Ronald Levin, 301 Manor Place; Peter Inzerillo and
- 24 Cheryl Inzerillo, 505 7th Street, Greenport; John
- 25 Quinlan, 232 Manor Place; George Hubbard and

- 1 Kathleen Hubbard, 208 Manor Place. And I'll
- 2 provide you a copy of that list. So those were the
- 3 notifications.
- 4 We are in receipt of some letters concerning
- 5 this sign application, and I will just mention the
- 6 people that wrote them in case they're here and
- 7 would want to speak for themselves. A Michael
- 8 Collins, and I'm going to find the others here in a
- 9 second, if you'll bear with me.
- 10 MR. PROKOP: Agnes Abramski.
- 11 CHAIRMAN MOORE: Yeah, I have it here. There
- 12 is three -- I believe three letters, that I'm aware
- of. Here's the others. And there's one from Karen
- 14 Franck and Tony Holmes, and Michael Collins. And I
- 15 already said Michael Collins, that's a copy, and
- 16 John Quinlan. Are any of those individuals here
- 17 tonight?
- 18 MS. GILLIGAN: No.
- 19 CHAIRMAN MOORE: No? Okay. What I'll do --
- 20 MS. GILLIGAN: John Collins, John and Michael
- 21 Collins, they're not here tonight.
- 22 CHAIRMAN MOORE: No, no. So what I would do,
- 23 then, is read these into the record, and then I
- 24 could take public comments.
- MR. ABATELLI: These are our letters, too,

- 1 that were handed in.
- 2 CHAIRMAN MOORE: I'm not aware of those at
- 3 the moment.
- 4 MR. ABATELLI: It's this thing.
- 5 CHAIRMAN MOORE: Oh, okay.
- 6 MR. ABATELLI: It's like a packet.
- 7 CHAIRMAN MOORE: Tell you what, rather than
- 8 read those, which may take quite some time, because
- 9 the public is currently here, are there some
- 10 individuals who would like to speak --
- 11 AUDIENCE MEMBER: Yes.
- 12 CHAIRMAN MOORE: -- directly on the issue?
- 13 Yes? Let's do that, and then if there's time, I'll
- 14 read the letters. If there isn't, we may have to
- 15 adjourn and read them next month.
- MS. MUNDUS: Good evening, Zoning Board of
- 17 Appeals members. My name is Pat Mundus. And I
- 18 recognize that you are volunteers in service for
- 19 the Village of Greenport, and I wanted to say thank
- 20 you very much for your community service.
- I have a letter that I submitted by email and
- 22 I'd like to read it into the record.
- 23 "Mr. Moore and village Zoning Board Members,
- 24 I would like my comments to be entered into the
- 25 record as they pertain to the discussion on

- 1 Greenport Village lighting policy, or lack of. My
- 2 comments are offered twofold: As a professional
- 3 mariner and as a Village of Greenport property
- 4 owner. For full disclosure, please note that I am
- 5 a member of the Greenport Village Planning Board
- 6 and the Greenport Business Improvement District
- 7 Board, but my comments are solely those of a
- 8 mariner and a private citizen.
- 9 Mariners rely on excellent visibility at
- 10 night to locate channels, to avoid striking unlit
- 11 navigational aids or hazards, and to avoid
- 12 collisions. The outdoor lighting of the Eastern
- 13 Long Island Hospital is not shielded to direct its
- 14 safety lighting downward where it belongs.
- 15 Instead, it radiates outward and at excessive
- 16 wattage, blinding anyone entering Sterling Harbor
- 17 after dark.
- Sterling Harbor is a populous place with many
- 19 inexperienced recreational boaters and lots of
- 20 dinghy traffic between Village-managed moorings and
- 21 two big marinas." And I want to emphasize that the
- 22 moorings are managed by the Village. "Worse, it
- 23 has a small inlet, no lighted channel markers,
- 24 variable shoaling, and occupied slips clustered
- 25 around a potential collision zone. The unshielded

- 1 hospital lights create night blindness.
- 2 If an incident were to occur at night, an
- 3 Accident Review Board would certainly find Eastern
- 4 Long Island Hospital's blinding lights and the
- 5 Village's lack of safety management to be root
- 6 causes of an accident.
- 7 I advocate and urgently request that the
- 8 Village formally communicate with the Hospital
- 9 toward shielding their excessive wattage lighting
- 10 downwards and not outwards before an accident
- 11 occurs. I fully understand the necessity for
- 12 secure and safe parking lots at night, but it can
- 13 be done without impacting the harbor. Outdoor
- 14 lights should illuminate downward, not outward.
- To give an example of the correct use of
- 16 downward shining lights, the Eastern Long Island
- 17 Hospital illuminates the helipad with appropriate
- 18 lights that prevent outward or upward lighting from
- 19 blinding aircraft pilots. Boaters have the same
- 20 exact needs for good visibility. Safety first.
- 21 Outward radiating high-wattage lighting
- 22 should not illuminate nearby properties either,
- 23 residential or commercial. This is light pollution
- and a violation of the "peace and enjoyment"
- 25 private property rights of other residents. Nearby

- 1 Village taxpayers are well justified in urging
- 2 their elected officials to act on their behalf.
- 3 Please consider contemporary anti-light pollution
- 4 as a Village Code Committee priority.
- 5 To implement, after-market solutions are
- 6 readily available for preexisting facilities in the
- 7 form of shields and lighting heads. For new
- 8 lighting installations, an up-to-date "respect your
- 9 neighbor" established lighting code could be made
- 10 part of the Planning Board site plan review.
- 11 Please adopt a modern lighting plan, so that" --
- "so that" -- "so necessary" -- "that is so
- 13 necessary that our small property line setbacks,
- 14 modeled after plans in other enlightened East End
- 15 villages and towns.
- In the short term, I also urge the Village
- 17 Trustees to formally request the Hospital to
- 18 voluntarily modify their unshielded high-wattage
- 19 lights to shine downward rather than outward. Our
- 20 safety and enjoyment of our property rights depends
- 21 on you." Thank you very much.
- 22 MR. KOHUT: Could I speak next?
- 23 CHAIRMAN MOORE: Sure.
- 24 MR. KOHUT: I'm Richard Kohut at 172 Sterling
- 25 Street, and my property is directly across from the

- 1 Hospital.
- I don't know if you all received a booklet
- 3 that looks like this. Do you have that in front of
- 4 you?
- 5 MS. NEFF: Yes.
- 6 MR. KOHUT: That would be really helpful. If
- 7 not, I'd give you another one.
- 8 CHAIRMAN MOORE: I'll just listen. I'll be
- 9 happy to read it after.
- 10 MR. KOHUT: I just -- and, actually, what I
- 11 want to do is first highlight -- well, first let me
- 12 say that I'm not opposed in principle to additional
- 13 lighting at the Hospital, but I think there should
- 14 be an overall lighting study and evaluation done
- 15 first before any additional lights are approved.
- 16 If you look -- you know, they say a picture
- 17 is worth a thousand words. If you look at the
- 18 second page of this booklet, it will show you
- 19 exactly what I think Pat's talking about and what
- 20 the problem is.
- MS. GILLIGAN: Excuse me, but who has the
- 22 booklet? I don't have a booklet.
- MR. KOHUT: I gave them out to the --
- MS. GILLIGAN: I live right -- but where do
- 25 you live on Manor Place?

- 1 MR. KOHUT: No, on Sterling Street, across
- 2 from the Hospital.
- 3 MS. GILLIGAN: Sterling Street.
- 4 MR. KOHUT: We're on the other side of the
- 5 harbor from the Hospital.
- 6 MS. GILLIGAN: I live on Sterling -- Manor
- 7 Place and Sterling Place.
- 8 CHAIRMAN MOORE: Excuse me. Let's let the
- 9 qentleman speak.
- 10 MS. GILLIGAN: Well, I'm sorry to interrupt
- 11 him, but I didn't get that booklet.
- 12 CHAIRMAN MOORE: No. Well, that would be
- 13 something that would be handed to the Board for
- 14 their consideration, it's not something that we
- 15 generated.
- 16 MS. GILLIGAN: Is the Hospital -- is there
- 17 anybody here representing the Hospital?
- 18 CHAIRMAN MOORE: Yes, there are several.
- 19 MS. GILLIGAN: We're speaking to you, but I
- 20 want a representative here from the Hospital to
- 21 hear.
- 22 CHAIRMAN MOORE: They're here listening.
- MS. GILLIGAN: They are here?
- 24 CHAIRMAN MOORE: There's two gentlemen here,
- 25 if you want to put up your hands. Yes.

- 1 MS. GILLIGAN: Thank you.
- 2 MR. KOHUT: So, if you would like at those
- 3 pictures, there's a picture at the top of the page
- 4 that shows a photograph taken the other night at
- 5 the entrance of the Hospital on -- just to the east
- 6 side of the inlet on the little sandspit there.
- 7 And you can see the extremely bright lights that
- 8 Pat refers to shining out into the harbor and
- 9 blinding anybody that's coming in.
- 10 The other two lights (sic) are taken from my
- 11 property towards the Hospital. And the really
- 12 offensive lights are these large, I believe,
- 13 mercury vapor lights that shine outward and create
- 14 a tremendous glare out beyond the Hospital
- 15 property. So it's obviously a danger to mariners,
- 16 and it's a major annoyance to the property owners
- 17 across from the harbor shining in bedroom windows.
- 18 We have to use blinds, and, you know, it
- 19 illuminates the interior of our house at night.
- In this package, I've also included various
- 21 other pieces of information that I think might be
- 22 helpful. One is, and I just -- I'll be brief. I
- 23 know everybody wants to go. There's -- a New York
- 24 State bill was passed. New York State Assembly
- voted to overwhelmingly approve a bill to set

- 1 standards for outdoor lighting, cited as the
- 2 Healthy, Safe and Energy Efficient Outdoor Lighting
- 3 Act. And I'm just reading from the front page that
- 4 I have summarized.
- 5 "Because the human eye automatically adjusts
- 6 to the brightest light in view, the glare from
- 7 unshielded or excessive bright outdoor lighting can
- 8 actually interfere with the clear perception of
- 9 other objects in one's field of vision," which
- 10 pertains to exactly what Pat was talking about.
- 11 Also included in that is pages from the
- 12 Southold Town Exterior Lighting Law, and they
- 13 quote, saying, "All exterior lighting shall be
- 14 designed, located and lamped to prevent excessive
- 15 lighting, energy waste, glare, light trespass, and
- 16 unnecessary skyglow, " which here again is not
- 17 taking place.
- 18 I included also from the Town of Southampton
- 19 their lighting ordinance, and they say light --
- 20 "Nuisance lighting causes light trespass or glare.
- 21 Trespass is light that crosses property lines.
- 22 Glare is a light source that causes annoyance,
- 23 discomfort, loss of visual acuity, or momentary
- 24 blindness. All light fixtures must be fully
- 25 shielded," which, of course, is not the case at the

- 1 Hospital.
- 2 International -- and then there's another
- 3 document in here between -- from the International
- 4 Dark-Sky Association, and they have lighting
- 5 recommendations for parking lots, and they say,
- 6 "The first and simplest step is to use only fully
- 7 shielded fixtures. They do not allow light to
- 8 escape upward, but direct it downward to illuminate
- 9 the target. With sufficient and optical control,
- 10 the glare from such sources can be greatly reduced
- 11 and permit a low wattage lamp to achieve the same
- 12 level of illumination."
- In the booklet is a lot of detailed
- 14 information, but I just tried to summarize a few of
- 15 the pertinent points as it relates to this
- 16 discussion. And it's not the overall lighting of
- 17 the Hospital that's offensive, it's just a few of
- 18 the lights that are very polluting and interfere
- 19 with people's sleep, as well as the navigation, the
- 20 safe navigation.
- I go out fishing all the time at night and I
- 22 came back last night from fishing and it was
- 23 extremely difficult to find my way, as always, into
- 24 the harbor and in a safe way. So, you know, I hope
- 25 that you'll all take that into consideration.

- And I just -- I'm sorry, but there's one very
- 2 quick letter that I just received from Anton
- 3 Scholle, who lives at 168 Sterling Street, and he
- 4 says, if I can read it to you, "I'm writing in
- 5 reference to the application of Eastern Long Island
- 6 Hospital for permission to install additional
- 7 lighting. In your deliberations on the merits of
- 8 this application, I urge you to consider the
- 9 overall lighting at ELIA site and its impact on the
- 10 surrounding area, especially Sterling Cove. For
- 11 boats entering Sterling Harbor after dark, the
- 12 glare of the Hospital lighting makes safe
- 13 navigation and boarding mooring walls, and the
- 14 boats tied up to them unnecessarily difficult.
- I reside on the west side of the cove and my
- 16 dock" -- "my sailboat is a stone's throw from the
- 17 Hospital property. Although I've come in after
- 18 dark many times, I still have to make my way along
- 19 the western side of the harbor very carefully,
- 20 because the glare seriously reduces visibility.
- 21 There is one offending light in particular that is
- located in the Hospital parking lot to the west of
- 23 the building. This light is extremely bright,
- 24 shining directly towards the harbor entrance,
- 25 forcing skippers coming in at night to shield their

- 1 eyes, lest they are temporarily blinded by it. I
- 2 suggest you require ELIA to address these issues
- 3 before giving your approval for additional
- 4 lighting."
- 5 So I guess that's it.
- 6 MR. CORWIN: A question for you.
- 7 MR. KOHUT: Yes.
- 8 MR. CORWIN: These photographs, how long was
- 9 the exposure time on them?
- 10 MR. KOHUT: That, I can't -- I don't know the
- 11 answer to those questions. Somebody took them for
- me, so he set them up with his camera. But if you
- were to go down there at night, you'll see exactly
- 14 what we're talking about. It's really no different
- 15 from -- or come to my house and see them.
- 16 MR. CORWIN: Let me make another note, that
- 17 the Zoning Board of Appeals has no jurisdiction
- 18 over lights, to my knowledge, certainly not
- 19 existing ones. The Village Code, the Zoning Code
- 20 does cover glare from lights on adjoining property.
- 21 So anyone that has a legitimate concern, and I'm
- 22 not saying it's not a legitimate concern, because
- 23 it is, can go to the Building Inspector, file a
- 24 complaint, and try to get her to do her job.
- MR. KOHUT: Well, we've done that. We've

- 1 been doing that over the past two years, writing to
- 2 the President of the Hospital, asking them to
- 3 correct the problem, which they said they would do
- 4 and they'd undertake to do it. And then I have
- 5 spoken to the Village Administrator, as well as the
- 6 Mayor, and copying them on all the correspondence,
- 7 and I think they're aware of the situation. One of
- 8 the more offending lights is actually on the
- 9 village pole that shines into the parking lot.
- 10 So we did, over the last two years, attempt
- 11 that route, but I think this is a good opportunity
- 12 to address the overall problem, when the Hospital
- is requesting additional lighting, to say, "Okay.
- 14 Well, let's take a look at your whole lighting
- 15 plan, " and request a lighting study or evaluation,
- 16 as Southold Township would do.
- 17 MR. CORWIN: Thank you.
- 18 MR. KOHUT: Okay. Thank you.
- 19 CHAIRMAN MOORE: Thank you. One thing I'd
- 20 like to point out, I did neglect having the
- 21 Hospital personnel explain what they're actually
- 22 going to do. Currently, it's for two lighted
- 23 signs. There is a larger plan, but Mr. Eble
- 24 indicates at this point that they're only concerned
- 25 with two lighted signs.

- 1 MR. KOHUT: Right.
- 2 CHAIRMAN MOORE: I think we have to be
- 3 accepting of testimony overall about facility
- 4 lighting, because it's a matter of the overall
- 5 environmental impact that these new signs may have
- 6 on --
- 7 MR. KOHUT: Right, right.
- 8 CHAIRMAN MOORE: -- the facilities, the light
- 9 footprint.
- 10 MR. KOHUT: So they're taking that into
- 11 consideration.
- 12 CHAIRMAN MOORE: So we're certainly willing
- 13 to listen to public comments. And, obviously, we
- 14 don't know what you're going to say until you get
- 15 up here, so we appreciate your comments.
- 16 MR. KOHUT: Thanks.
- 17 CHAIRMAN MOORE: Yes.
- 18 MR. KOHUT: Thank you very much.
- 19 CHAIRMAN MOORE: Thanks. And what I think
- 20 we'll do tonight is try and get all the public
- 21 comments that we can, and then, if time, I will
- 22 read the letters, and that way the Hospital
- 23 personnel can prepare a presentation that will
- 24 begin next week's continuation of the Public
- 25 Hearing.

- 1 MS. NEFF: Next week?
- 2 CHAIRMAN MOORE: And next week -- next
- 3 month's continuation of the Public Hearing. Thank
- 4 you. Yes, Paul.
- 5 MR. HENRY: Hi. My name is Paul Henry. I
- 6 own a marina and keep a boat right in the target of
- 7 the lights from the Hospital.
- I just want to say that, you know, I'm in
- 9 favor of signs and lighting of signs. A lot of
- 10 people use the Hospital at night. And I don't even
- 11 know what the signs are going to say, but the
- 12 Hospital has been an important part of our
- 13 community, and I think I speak for everybody that
- 14 considers it a very valuable neighbor.
- The lights are a problem. And I'm not sure,
- 16 Doug, what you were alluding to in terms of this
- 17 might be the right forum or the wrong forum, but
- 18 it's my quess that a variance for additional
- 19 lighting shouldn't be granted until a total site
- 20 plan reevaluation of the lighting for the whole
- 21 property be explored.
- You know, I come in and out of that harbor at
- 23 the night as well, and it's not just an issue of
- 24 glare, it's something that mariners call night
- 25 vision, and night vision can take a long time to

- 1 acquire, it could be lost in a split second. If
- 2 you look at those lights after you've been out in
- 3 the dark, you lose -- you can't see anything. And
- 4 it's very dangerous coming in there, and there's
- 5 really no reason for the Hospital to be lighting up
- 6 the entire harbor. It just doesn't -- what is the
- 7 point? What is -- it's not their job, it's not
- 8 their advantage, it's just kind of sloppy lighting.
- 9 So I would ask the Board to not grant the
- 10 variance for any additional lighting until a site
- 11 plan be put together that encompasses the entire
- 12 lighting and makes the Hospital comply with the
- 13 needs of the Village. Thank you.
- 14 CHAIRMAN MOORE: Yes, sir.
- MR. HAMILTON: Good evening. My name is
- 16 Robert Hamilton, Jr. I live on Main Street in
- 17 Greenport. I'm a commercial fisherman and I use
- 18 the harbor all the time.
- 19 I agree with Mr. Henry, the Hospital is a
- 20 valued asset to the community. I was born there.
- 21 But on the lighting issue, I agree with the
- 22 speakers ahead of me, because an overall light plan
- 23 should be looked at.
- I've got a prepared letter, and I'll turn a
- 25 copy in.

- On the south side of the Eastern Long Island
- 2 Hospital, there are several extremely bright
- 3 lights. At night they create a severe navigation
- 4 hazard to any vessels attempting to enter Sterling
- 5 Creek. The lights compromise the night vision of
- 6 the operators, making the sandbar on the east side
- 7 of the entrance and mooring buoys in the creek
- 8 undistinguishable.
- 9 Per Coast Guard regulations, at night it is
- 10 illegal for anyone to shine a bright light into the
- 11 pilot house of a vessel while the vessel is
- 12 underway. The bright light creates a navigation
- 13 hazard by blinding the operator, which is what
- 14 these lights do.
- I fish a lot in the race. By the time you
- 16 get back in, there's water -- salt spray on the
- 17 windshield. The bright light just destroys the
- 18 night vision completely. And several times I've
- 19 gotten too close to the sandbar at the end of the
- 20 entrance and run over mooring buoys, because you
- 21 cannot see them.
- Also, the navigation buoys at the entrance to
- 23 Sterling Creek actually this year were installed in
- 24 incorrect positions. Red buoys are in eight feet
- of water, green ones are at 12 to 13 in the middle

- 1 of the channel. I've contacted the Trustees and
- 2 the Mayor to fix the problem with no results.
- 3 Perhaps next year the Village could have a
- 4 qualified person who knows where the channel is to
- 5 install the navigation needs. And new reflective
- 6 tapes are needed on them, because they're basically
- 7 invisible at night with those bright lights in your
- 8 face entering the channel. So it's not only a
- 9 problem inside the creek, it's outside the entrance
- 10 where the lights can be blinding also, and it just
- 11 creates a severe hazard to navigation.
- 12 And I would suggest that before any variances
- 13 are granted for more lights, that we politely ask
- 14 the Hospital to correct the problems that already
- 15 exist, because, like I said, the Hospital is a
- 16 valuable asset to the community. But they're
- 17 actually wasting electricity by lighting up the
- 18 neighborhood when they could direct the lights down
- 19 to illuminate the parking lot, which I believe is
- 20 the intent of the lights.
- 21 Thank you very much.
- 22 CHAIRMAN MOORE: Thank you. Yes.
- MR. HAMILTON: I'll make you a copy of what I read.
- 24 CHAIRMAN MOORE: That's fine. Thank you.
- MR. HAMILTON: You're welcome.

- 1 MS. DARLING: Good evening. My name is Roxy
- 2 Darling. I am not a resident of Greenport, I am a
- 3 professional Captain of a private yacht that visits
- 4 your village frequently during the summer, always
- 5 coming into Sterling Harbor, and almost always at
- 6 night. And I'm here visiting Pat Mundus and was
- 7 made aware of the meeting tonight, and just wanted
- 8 to come and offer my comments as a professional
- 9 seaman.
- The lights are blinding, making, as everybody
- 11 before me has said, entering Sterling Harbor very
- 12 difficult and, consequently, dangerous. I agree
- 13 with the fisherman just before me also about the
- 14 buoys outside the harbor, which is not what this
- 15 meeting is about, or the request by the Hospital.
- 16 But we are having to look very carefully for these
- 17 buoys, for the channel, be mindful of the spit
- 18 coming in, and it's very, very -- it's impossible,
- 19 it's really difficult. Had I not come in many
- 20 times during the day, I don't know how I would do
- 21 it as a total stranger to the harbor.
- 22 So I would hope also that you would consider
- 23 working with the Hospital, which is a wonderful
- 24 thing to have and very needed. And I'm sure they
- 25 also would like to see the lighting changed and,

- 1 hopefully, it will be done soon. Thank you.
- CHAIRMAN MOORE: Thank you for coming.
- 3 MS. GILLIGAN: May I speak?
- 4 CHAIRMAN MOORE: Yes, please do.
- 5 MS. GILLIGAN: I'm Mary Gilligan. I am a
- 6 longtime resident of Greenport, and I live at 236
- 7 Manor Place, which is directly across from the
- 8 lights. I'm here tonight -- I thought I was coming
- 9 here to have a presentation from the Hospital about
- 10 their plans, so I have not -- all I'm hearing now
- is about people who use the Sterling Harbor. I'm
- wondering, could you at the next meeting perhaps
- have the Hospital show us what they want to do?
- 14 CHAIRMAN MOORE: Yes, yes. In fact, we
- 15 normally --
- MS. GILLIGAN: I thought -- I think that --
- 17 CHAIRMAN MOORE: It's my fault, actually,
- 18 because normally we have the Applicant present
- 19 first, but I was trying to be sure we got any
- 20 public comments tonight, in case those people
- 21 couldn't come next month, because we assume that
- 22 the Hospital would be able to come, and I would ask
- 23 them to do that. Would you be available next month
- 24 to come?
- 25 MS. GILLIGAN: I would make sure I am.

- 1 CHAIRMAN MOORE: Good.
- 2 MS. GILLIGAN: I would like to have a polite
- 3 suggestion, that you limit the number of minutes
- 4 that a person can speak and be up here.
- 5 MS. NEFF: Here-here.
- 6 MS. GILLIGAN: I've been here now
- 7 two-and-a-half hours. I think that's overly long.
- 8 CHAIRMAN MOORE: Yes. Thank you for the
- 9 suggestion.
- 10 MS. GILLIGAN: Thank you.
- 11 CHAIRMAN MOORE: What I'd like to suggest is
- 12 -- oh, you had a comment?
- MR. HUBBARD: Yes. I'll be brief. I know
- 14 how long you've been sitting up there.
- 15 I'm George Hubbard, 208 Manor Place, right
- 16 across from the Hospital. I've got their plans and
- 17 their layout here. On your sheet that the Building
- 18 Department had says three signs. Now you're saying
- 19 it's two, so I'm assuming they're taking one off?
- 20 CHAIRMAN MOORE: Well, one of the signs is
- 21 two components, so it's considered one.
- MR. HUBBARD: The L, yes. But the L, is
- 23 pointed out here. All right. So two and three are
- 24 both pointing to the L-shaped sign, I guess.
- 25 CHAIRMAN MOORE: I believe.

- 1 MR. HUBBARD: And the other pages are not
- 2 pertaining to any at this time?
- 3 CHAIRMAN MOORE: Apparently not.
- 4 MR. HUBBARD: Okay. All right. The first
- 5 sign, 10 feet high by six feet -- four feet wide.
- 6 Ten-feet-high sign is ridiculous to the character
- of the neighborhood, anywhere in the Village.
- 8 Nobody has a 10-foot-high sign. The sign that's
- 9 there now is about six foot high, I believe, by
- 10 four foot. That's more appropriate. Ten foot
- 11 high, that's as high as a basketball rim. It does
- 12 not fit the character of the village, especially
- 13 not the neighborhood and not being lighted at
- 14 night. It just doesn't fit the character of what
- 15 belongs in the neighborhood.
- 16 All right. The sign -- the lights that they
- 17 have there now shine on everybody that lives that
- 18 way, across from the Hospital, the lights shine in
- 19 everybody's windows. We all close our shades at
- 20 night, which we do anyway, but it's very bright
- 21 along there.
- 22 And another sign, the L-shaped sign is going
- 23 to be directly across my front windows. That one,
- I believe, is seven foot high by four foot wide.
- 25 But still, seven foot high, a small sign like this,

- 1 the hedges are there, around the hedges, five, six
- 2 foot high, you know, fitting more than 24 square
- 3 foot. You know, this 40-square-foot, 10-foot-high
- 4 sign, it does not fit and it really doesn't belong
- 5 there.
- I haven't seen an actual picture of the sign.
- 7 They do show just -- I don't know what the lighting
- 8 is going to be on it, how bright it's going to be.
- 9 It says LED lighted, but, I mean, 10 foot up in the
- 10 air, that's a huge sign, and it's a small hospital.
- 11 Bigger hospitals on the Island don't even have
- 12 signs that big.
- And I've always lived across from the
- 14 Hospital. My grandparents owned the house, my
- 15 father lived there, I live there. The Hospital has
- 16 always been there. I appreciate the Hospital.
- 17 Unfortunately, I was there for a week this year
- 18 myself, and I appreciate everything they do. I'm
- 19 not against them, but a 10-foot sign right across
- 20 from my house I think is inappropriate anywhere in
- 21 the Village, especially right along there.
- 22 CHAIRMAN MOORE: Thank you.
- MR. HUBBARD: That's it.
- 24 CHAIRMAN MOORE: Any other members of the
- 25 public wish to speak tonight?

1 (No Response) 2 Okay. What I'm going to suggest we do is I'd 3 just like to make one comment towards the Hospital, 4 who I appreciate your patience to sit here, to ask 5 you to come back next month. And what I would like 6 to ask you to do is to give a presentation on the 7 proposed two signs, which will give some detail 8 about the level of illumination they will provide. 9 I'd like to ask also that for those signs 10 that are replacing current signs, that you would indicate that. And the problem I see at the site 11 12 visit today is that there are already a large 13 number of lighted signs which have no knowledge of 14 variances or history of those signs, whether they 15 preexist or came after the Zoning Code. 16 ask that you look at those signs and consider 17 incorporating the signs into your application for a 18 variance, so that we can know what signs are going 19 to be there and what signs aren't, and which signs 20 are going to be replaced. 21 It's of some concern, I think, to several of 22 the Board Members that the plans indicate a larger numbers of signs to be replaced, yet at the site 23 24 visit you indicated you're only going to do two

signs. Well, it's -- the situation the Zoning

25

- 1 Board would like to avoid is the other shoe falling
- 2 and a new application come in for another handful
- of signs, which we hadn't considered when we may or
- 4 may not approve the first. So if you could do that
- 5 and put that together in a presentation for next
- 6 month, I think we'd have a much better idea of the
- 7 overall impact these signs will have.
- 8 We discussed at the site visit that it's
- 9 understandable. This is not typical of a
- 10 store-front business that has one sign with a
- 11 certain size, but you have many needs for direction
- 12 of traffic flow and different departments, so it's
- 13 understandable that you need to, and it's good that
- 14 you're upgrading the signs. So I think it would
- 15 help that if you give that presentation next month,
- 16 we could hear any additional public comment, and
- 17 then we could move on with our deliberations on a
- 18 potential variance. If that's acceptable, we'd ask
- 19 you to do that next month.
- 20 With that in mind, I would like to make a
- 21 recommendation to the Board and move that we
- 22 adjourn this hearing until next month.
- MS. NEFF: Did they want to say anything?
- 24 CHAIRMAN MOORE: Did you want to say anything
- 25 tonight?

- 1 MR. EBLE: Yeah, we would like to.
- 2 CHAIRMAN MOORE: Yes.
- 3 MR. EBLE: We would.
- 4 CHAIRMAN MOORE: Yes. We're kind of already
- 5 into the time for the Fire Department meeting.
- 6 MR. EBLE: I'll be brief.
- 7 CHAIRMAN MOORE: If you could very brief, and
- 8 then we'd give you as much time next month as you
- 9 need. You'll be first on the schedule.
- 10 MR. EBLE: Yeah. I'm Ray Eble from Eastern
- 11 Long Hospital.
- 12 You know, with respect to the variance, it's
- 13 for signage. I understand and respect the concerns
- 14 that everyone has about the existing lighting
- 15 around the facility, but this is for two signs that
- 16 are lighted, and we're replacing existing signs
- 17 that are in excess of six feet. They're probably
- 18 about nine to 10 feet, that first sign at the
- 19 western entrance of the Hospital, the existing sign
- 20 that's there now. And the other signs around the
- 21 building, on the emergency room, and the projects
- 22 that came before all the appropriate meetings and
- 23 Boards, and the building committees of the
- 24 Greenport Village have been part of those plans
- 25 that have been approved and built in the past.

- 1 There's four or five other box signs, if you will.
- New York State Department of Health Law
- 3 requires that we, and the code requires that we
- 4 have emergency room signs, lighted signs, that are
- 5 lit 24 hours a day for people that we serve,
- 6 communities that we serve. So, if you look back in
- 7 the plans that I'm sure the Building Department
- 8 has, you'll see that those signs are included, and
- 9 if they're not, we'll certainly go through the
- 10 proper channels to bring them up to code, and take
- 11 care of what we may have been missed doing in the
- 12 past.
- As far as the two signs that we're looking to
- 14 do now, I'd like to see if we can, you know, come
- 15 back to focus on that.
- 16 Again, I respect the mariners' concerns and
- issues that they have with the signage, of the
- 18 lighting around the facility. And, as mentioned,
- 19 the light that is causing most of the problem, I
- 20 imagine -- I was at a disadvantage because I was
- 21 just given the report from Rich, but that light
- itself is on a Village pole and it's a Village
- 23 light, it is not a Hospital -- it is not a Hospital
- 24 light that illuminates our parking lot.
- Now, I might add that that was done by the

- 1 Village due to the fact that an employee walking to
- 2 work in the morning was assaulted on Manor Place,
- 3 and, as a result, after meeting with the Police and
- 4 with the Village at the time, the Village put that
- 5 light in, and it is -- it is a bright light, I do
- 6 certainly admit to that.
- 7 The light that we have on the emergency room,
- 8 I met with our sign builder today, actually, we did
- 9 evaluate that, with gaining the knowledge today
- 10 that there was going to be some issue with the
- 11 other lighting and signage. We did eliminate a
- 12 light today on the back of the emergency room,
- 13 which at first glance, on one of those pictures, it
- 14 looks like it might be one of the offending lights
- on the back of the building. We removed a bulb to
- 16 see how that is at night tonight.
- And then the white sign that he have on the
- 18 back of the building for the emergency room, and we
- 19 are required to have that sign, but it has a white
- 20 face sign with the lighting. It's back-lit, it's a
- 21 box sign. We're actually going to make it a blue
- or red sign with the emergency, and the lettering
- 23 for the sign that says "emergency" will be white.
- 24 So it will bring down, you know, what's illuminated
- 25 towards the harbor itself. So, hopefully, those

- 1 two things will help, those two --
- 2 CHAIRMAN MOORE: With that, I would ask you
- 3 to revise your application to incorporate those changes.
- 4 MR. EBLE: Okay.
- 5 CHAIRMAN MOORE: The only reason we're being
- 6 particularly attentive to this is there's been an
- 7 uptick in the numbers of requests within the
- 8 commercial properties for variations on signage,
- 9 and we're trying to be as consistent as possible
- 10 when we do issue a variance, if one is required.
- 11 And we usually attach conditions to those
- variances, and may well do so with the Hospital
- 13 regarding the overall environmental impact, you
- 14 know, on the lighting.
- So, if you could revise your application,
- 16 you've got plenty of time until next month, and
- we'd like to hear you next month.
- MR. EBLE: I certainly will. And lastly, let
- 19 me say, with the emergency dock, when that was --
- 20 when that project was approved and permits were
- 21 gained for that, there was lighting as part of
- 22 that. And we did receive from some of our
- 23 neighbors across Sterling Harbor some concerns with
- 24 that lighting. We did turn it down. And we also
- 25 put a shield, which is almost detrimental, because

- 1 it doesn't even illuminate the dock. So anybody
- 2 coming into the dock at night, it may be somewhat
- 3 compromised because it's actually shaded now.
- 4 CHAIRMAN MOORE: Yes. Okay. Thank you.
- 5 MR. EBLE: Okay.
- 6 CHAIRMAN MOORE: So what I'm going to do now
- 7 is make a motion that we adjourn the Public Hearing
- 8 and keep it open until next month, where we will
- 9 hear more testimony and more information from the
- 10 Hospital. So moved. Do I have a second?
- MR. CORWIN: Second.
- 12 CHAIRMAN MOORE: All in favor?
- MR. CORWIN: Aye.
- MS. NEFF: Aye.
- 15 CHAIRMAN MOORE: Aye.
- AND we just have a few quick business matters
- 17 to take care of before we close the meeting.
- 18 Hearing Number 3 is a continuation of a
- 19 Public Hearing for the application for a variance
- 20 of Margaret and Anthony McDonald, 629 Main Street.
- 21 The application was withdrawn by the Applicant
- 22 September 13th, 2013.
- 23 And in regard to that, Item Number 3 on the
- 24 regular agenda -- obviously, Items Number 1 and 2
- 25 are being postponed for next month.

- 1 Item Number 3 is a motion to close the Public
- 2 Hearing for a use variance for Margaret and Anthony
- 3 McDonald, 629 Main Street, located in the R-2
- 4 District. So moved.
- 5 MR. CORWIN: Second.
- 6 CHAIRMAN MOORE: All in favor?
- 7 MR. CORWIN: Aye.
- 8 MS. NEFF: Aye.
- 9 CHAIRMAN MOORE: Aye.
- 10 And a motion to withdraw the application for
- 11 use variances submitted by Margaret and Anthony
- 12 McDonald, 629 Main Street, located in the R-2
- 13 District.
- 14 MR. CORWIN: Did you say withdrawal?
- 15 CHAIRMAN MOORE: What did I say? Motion to
- 16 acknowledge the withdrawal of the application for
- 17 the use variance of Margaret and Anthony McDonald,
- 18 629 Main Street, located in an R-2 District. So
- 19 moved.
- 20 MR. CORWIN: Second.
- 21 CHAIRMAN MOORE: All in favor?
- MR. CORWIN: Aye.
- MS. NEFF: Aye.
- 24 CHAIRMAN MOORE: Aye. Motion carries.
- A slight correction. Item Number 4, motion

- 1 to approve the ZBA minutes for July 17th, 2013.
- 2 MS. NEFF: So moved.
- 3 CHAIRMAN MOORE: So moved. And may I have a
- 4 second?
- 5 MR. CORWIN: Second.
- 6 CHAIRMAN MOORE: All in favor?
- 7 MR. CORWIN: Aye.
- 8 MS. NEFF: Aye.
- 9 CHAIRMAN MOORE: Aye. And then motion is
- 10 approved.
- 11 Motion to accept the ZBA meetings for August
- 12 21st, 2013.
- MR. CORWIN: Minutes.
- MS. NEFF: Minutes.
- 15 CHAIRMAN MOORE: The minutes, ZBA minutes for
- 16 August 21, 2013. So moved. Second, please.
- MS. NEFF: Second.
- MR. CORWIN: It's August?
- 19 CHAIRMAN MOORE: That's a misprint.
- MR. CORWIN: That is August.
- 21 CHAIRMAN MOORE: Yeah, it's August 21st.
- 22 It's motion to accept the ZBA minutes for August
- 23 21st. Apparently, that didn't carry over in the
- 24 Clerk's. So moved. May I have a second?
- MR. CORWIN: Second.

- 1 CHAIRMAN MOORE: All in favor?
- 2 MR. CORWIN: Aye.
- 3 MS. BENJAMIN: Aye.
- 4 CHAIRMAN MOORE: And aye. The motion
- 5 carries.
- 6 Motion to schedule the next ZBA meeting for
- 7 October 16, 2013.
- 8 MS. NEFF: So moved.
- 9 CHAIRMAN MOORE: And that is --
- 10 MR. CORWIN: I'm wondering --
- 11 CHAIRMAN MOORE: Yes.
- 12 MR. CORWIN: Well, I'll second the first.
- 13 CHAIRMAN MOORE: Yes. Any discussion?
- 14 MR. CORWIN: Discussion. Hopefully, we can
- 15 get through all this in two-and-a-half hours next
- 16 month.
- 17 CHAIRMAN MOORE: An hour-and-a-half,
- 18 hopefully, yeah.
- 19 MR. CORWIN: But I'm just wondering if this
- 20 Hospital thing can turn into a lot of time again.
- 21 Should we consider the schoolhouse, or do you think
- 22 we can do it in here?
- 23 MS. NEFF: I think the room is suitable.
- 24 CHAIRMAN MOORE: Okay. Excuse us. We're
- 25 having trouble hearing.

- 1 MR. ABATELLI: There's still a meeting in
- 2 here.
- 3 CHAIRMAN MOORE: Yeah. Maybe you could take
- 4 it outside.
- 5 The consideration was to have the meeting in
- 6 the schoolhouse next month to avoid conflicting
- 7 with the Fire Department, and I would suggest we do
- 8 that, if possible. I think it's available to us.
- 9 MR. ABATELLI: Yeah.
- 10 CHAIRMAN MOORE: We'll check the calendar,
- 11 and if so --
- MR. ABATELLI: It's not as big as here.
- 13 CHAIRMAN MOORE: But we have adequate seats.
- MR. ABATELLI: If they have the same kind of
- 15 crowd --
- 16 CHAIRMAN MOORE: Yeah, we have adequate
- 17 seats, I think, for that.
- MR. PROKOP: There's a number of --
- MR. CORWIN: The bad thing is the parking.
- 20 CHAIRMAN MOORE: Yeah, that's true.
- MR. PROKOP: I'm troubled by the number of
- 22 people tonight.
- CHAIRMAN MOORE: Well, that's true, we do
- 24 have a lot of people.
- MR. PROKOP: I'm troubled by the number of

- 1 people that were --
- 2 CHAIRMAN MOORE: I'm sorry.
- 3 MR. PROKOP: I'm troubled by the number of
- 4 people that were complaining about not receiving
- 5 notice, and one of the people saying that she saw
- 6 that there was two different notice lists. I think
- 7 that somebody has to speak to the Building
- 8 Department and find out what's going on, because
- 9 that's --
- 10 CHAIRMAN MOORE: Perhaps Mr. Abatelli.
- MR. PROKOP: Maybe we can modify the --
- 12 typically, Boards, what happens is the information
- 13 comes into the Board's Attorney or the clerk, and
- 14 we don't have a clerk, really, so it would be the
- 15 Board's Attorney, like the day before, and then the
- 16 Board's Attorney certifies to the Chairperson that
- 17 proper notice has been given based on what's been
- 18 submitted. It's not really fair to you and the
- 19 public that you're forced to make that review and
- 20 determination at the meeting. So two things. I
- 21 think that we should -- we need to review on the --
- 22 that Fifth Avenue application --
- 23 CHAIRMAN MOORE: Yes.
- MR. PROKOP: -- whether or not notice was
- 25 properly given based on what happened tonight

- 1 because of what I said. And then I think that,
- 2 also, you and I might speak with the Village Clerk
- 3 about the notification process, and maybe there's
- 4 some way we can help you.
- 5 CHAIRMAN MOORE: Normally, at the meetings,
- 6 before the hearing, the Applicant hands in the
- 7 receipts to show that they were delivered. I
- 8 believe those are delivered receipts.
- 9 MR. ABATELLI: First after all, it used to be --
- 10 MR. PROKOP: Maybe we should do it the day
- 11 before, because it's not --
- 12 CHAIRMAN MOORE: Yeah.
- MR. PROKOP: To sit in front of 50 people,
- 14 it's not fair to you to do that.
- 15 CHAIRMAN MOORE: And I'm unable to find them
- in the file, and to be able to determine if they
- 17 actually were sent. So that's a good suggestion.
- MR. PROKOP: And just the number of people
- 19 that are coming to hearings and complaining that
- 20 they didn't get notices.
- 21 CHAIRMAN MOORE: So I'm concerned again. We
- 22 suggested the schoolhouse, but I'm expecting we may
- 23 have 30 people here.
- MR. PROKOP: Yes.
- 25 CHAIRMAN MOORE: So that maybe we better just

- stick to the firehouse for next month and just try
- 2 and be expeditious and get out of here.
- 3 MR. PROKOP: I think limiting comments is a
- 4 good idea.
- 5 MS. NEFF: Limiting comments.
- 6 CHAIRMAN MOORE: And limiting comments.
- 7 So we will -- we will schedule, then, the
- 8 next regular meeting for October 16th at the
- 9 firehouse. So moved. And a second?
- MR. CORWIN: Second.
- 11 CHAIRMAN MOORE: All in favor?
- MR. CORWIN: Aye.
- MS. NEFF: Aye.
- 14 CHAIRMAN MOORE: Aye.
- 15 Motion to adjourn.
- MS. NEFF: So moved.
- 17 CHAIRMAN MOORE: Second?
- 18 MR. CORWIN: Second.
- 19 CHAIRMAN MOORE: All in favor?
- MR. CORWIN: Aye.
- MS. NEFF: Aye.
- 22 CHAIRMAN MOORE: Aye. We're adjourned.
- 23 (Whereupon, the meeting was concluded at
- 24 7:47 p.m.)

25

Page 118 1 CERTIFICATION 2 3 STATE OF NEW YORK 4 ) SS: 5 COUNTY OF SUFFOLK 6 7 I, LUCIA BRAATEN, a Court Reporter and Notary Public for and within the State of New York, do 8 9 hereby certify: THAT, the above and foregoing contains a true 10 and correct transcription of the proceedings taken 11 12 on September 18, 2013. I further certify that I am not 13 related to any of the parties to this action by 14 blood or marriage, and that I am in no way 15 16 interested in the outcome of this matter. 17 IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of September, 2013. 18 19 20 21 22 Lucia Braaten 23 24 25

	. Д
1	abandoned 69:22
7	Abatelli 1:20 40:18
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