

1 VILLAGE OF GREENPORT
2 COUNTY OF SUFFOLK STATE OF NEW YORK
3 -----X.

4 ZONING BOARD OF APPEALS
5 REGULAR MEETING
6 -----X

7
8 October 18, 2016
9 6:00 P.M.
10 Third Street Fire Station
11 Greenport, New York

- 12 B E F O R E:
- 13 JOHN SALADINO - Chairman
- 14 DAVID CORWIN - Member
- 15 DINNI GORDON - Member
- 16 ELLEN NEFF - Member
- 17
- 18 EILEEN WINGATE - Village Building Inspector
- 19 JOSEPH PROKOP - Village Attorney

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1 (Whereupon the meeting was called
2 to order at 5:59 p.m.)

3 CHAIRMAN SALADINO: We're going to
4 start this meeting, the October meeting
5 of the Greenport ZBA. We'll call the
6 roll for the stenographer. This is
7 David Corwin, Ellen Neff, Dinni Gordon,
8 and myself, John Saladino. Present
9 also is the building inspector. Just
10 before we get started, I have one or
11 two announcements. I'm sure everyone
12 is aware, we're short one member. The
13 mayor's appointment hasn't been decided
14 yet. Next month, I guess, we'll know
15 who that is. We're not in on the
16 negotiations, so we don't --

17 MS. NEFF: The mayor told me he
18 had four applications.

19 CHAIRMAN SALADINO: Okay. And to
20 avoid some confusion down the road, if
21 by chance I have to be absent, I try to
22 make all the meetings, but if by chance
23 I don't, we don't have to take a vote
24 at the end of the meeting, I'm going to
25 ask David if he would like to be the

1 Deputy Chairman in case I can't make it
2 that night. If he says yes, he'll be
3 the Deputy Chairman. If this takes
4 longer than an hour and a half, we're
5 going to break for a couple of minutes
6 to let the stenographer relax a little
7 bit I think. And there's an
8 announcement also for item number five
9 and -- item number four and five, but
10 we'll do that when we get to those
11 items. Are we ready?

12 Item number one is a motion to
13 accept the Zoning Board of Appeals
14 minutes for the meeting held on
15 September 20, 2016. So moved.

16 MS. NEFF: Second.

17 MS. GORDON: Discussion. I just
18 want it corrected, on page 36 in the
19 September minutes there's a fairly
20 extensive quote attributed to me, which
21 was not me, but I think was Ellen Neff,
22 if we could change that.

23 MS. NEFF: I acknowledge that.

24 CHAIRMAN SALADINO: I have a
25 second offered with the correction.

1 MS. GORDON: Aye.

2 MS. NEFF: Aye.

3 MR. CORWIN: I abstain.

4 CHAIRMAN SALADINO: Item number
5 two is the approve the Zoning Board of
6 Appeals minutes from the meeting held
7 on August 16, 2016. So moved.

8 MS. GORDON: Second.

9 CHAIRMAN SALADINO: All in favor?

10 MS. GORDON: Aye.

11 MS. NEFF: Aye.

12 CHAIRMAN SALADINO: Any opposed?

13 MR. CORWIN: I abstain.

14 CHAIRMAN SALADINO: Item number
15 three, motion to schedule the next
16 Zoning Board of Appeals meeting to
17 November 15, 2016 at 6:00 p.m. at the
18 Third Street Firehouse. So moved.

19 MR. CORWIN: Second.

20 CHAIRMAN SALADINO: All in favor?

21 MR. CORWIN: Aye.

22 MS. NEFF: Aye.

23 MS. GORDON: Aye.

24 CHAIRMAN SALADINO: Motion
25 carries. Number four is the

1 continuation of the public hearing
2 regarding an area variance. The
3 variance is sought by James
4 Olinkiewicz, 221 Fifth Avenue,
5 Greenport, New York. Suffolk County
6 Tax Map 1001-4-4-29. Before the public
7 speaks, if there's any members of the
8 public that would like to speak, I
9 just -- sorry. Any members of the
10 public get a comment on this?

11 MS. WICKHAM: Good evening, my
12 name is Abigail Wickham, I represent
13 Roberta Garris and Jack Weiskott who
14 live directly north of the proposed
15 subdivision. I will not repeat my
16 letter, statement of September 19th,
17 which I understand is in your record, I
18 just want to summarize that there are
19 five very significant variances, all of
20 which must be granted in order for this
21 application to proceed. There is also,
22 I believe, an accessory building on a
23 vacant lot issue that I'm not sure was
24 noticed, and I have a couple of
25 additional information items that I'd

1 like to submit. The first being an
2 example of the current parking on the
3 vacant -- the proposed vacant lot,
4 which has five cars servicing the house
5 with the residence on it. This was
6 taken by Mr. Weiskott, and he can give
7 you the date when he speaks. There are
8 also a number of photos of cars on the
9 street that relate to the existing
10 housing, and it illustrates our concern
11 about the over-trafficing and
12 over-parking of the area, and the
13 inability of this parcel as two parcels
14 to have adequate off street parking
15 since just the current use fully
16 utilizes what would be available for
17 parking on the property. Further, I
18 have a chart, and I will give you a
19 copy and Counsel a copy showing the
20 lots in the neighborhood in the
21 immediate block and immediately across
22 the street of this proposed parcel,
23 which are larger than the lots
24 proposed, and there are at least twelve
25 to fourteen of them, so that the

1 applicant's claim that this lot to be
2 created, which is very small and under
3 the required size is -- the applicant's
4 claim is that it's not out of keeping
5 with the neighborhood. Well, there are
6 many lots that it would create an
7 adverse precedent for, and there are
8 many lots that are in that neighborhood
9 that are larger than the proposed lot,
10 so it would be adverse. It would also
11 result in a series of seven lots of
12 very small width, fifty feet width all
13 in a row. So all of these increased
14 cumulative impacts of these multiple
15 variances in order to secure this
16 subdivision really have a tremendous
17 effect individually and cumulatively.
18 If I may, and I would like to also, if
19 I may, reserve the ability to respond
20 to the applicant's Counsel should new
21 material be brought up. Thank you.

22 MR. PROKOP: Can I ask you a
23 question?

24 MS. WICKHAM: Certainly.

25 MR. PROKOP: You said you wondered

1 if the accessory structure on the
2 subdivided lot was noticed, do you mean
3 noticed in the public notice or noticed
4 by the Village?

5 MS. WICKHAM: Either.

6 MR. PROKOP: It was mentioned -- I
7 mentioned in the public hearing last
8 time that I think that there's a
9 nonconformity because there's a
10 proposed subdivided lot, which will
11 then have an accessory structure with
12 no principal structures. Is that what
13 you're talking about?

14 MS. WICKHAM: That's what I'm
15 talking about, and I was not at that
16 hearing, but yes, I don't believe it
17 was noticed initially, and I don't know
18 if it's been considered by the Board,
19 but apparently it was mentioned, so
20 that's now six items of cumulative
21 impact. Thank you.

22 This is the map of the density in
23 the neighborhood and this is the
24 photograph of the parking in the area.

25 CHAIRMAN SALADINO: You don't have

1 the date and time of this photo.

2 MS. WICKHAM: Mr. Weiskott will
3 give you that. I'm sorry, I didn't add
4 that on.

5 CHAIRMAN SALADINO: Any other
6 members of the public?

7 MR. WEISKOTT: I do have something
8 to add. My name is Jack Weiskott, I
9 live at 229 Fifth Avenue directly north
10 of 221, the property that's being
11 discussed for subdivision. I'd like to
12 say that this subdivision means an
13 awful lot to our neighborhood and to
14 obviously me and my wife, my wife and
15 I, personally but also to our street
16 and to our neighborhood whereas for Mr.
17 Olinkiewicz it means just another way
18 to make more money. There's already
19 three houses that he owns on our
20 street, the two subdivisions he's
21 talking about would give us five houses
22 on our street. He owns a house on
23 Kaplan, which is a two family, the old
24 Kaplan Market, he's got a house on
25 Madison, he's got a house on Front

1 Street all within shouting distance of
2 these three houses.

3 CHAIRMAN SALADINO: Could I just
4 interrupt you? Just so everybody is on
5 the same page, I'm sure everybody here
6 knows, but we're not going to rule on
7 the subdivision, you know, we're going
8 to rule on variances. The subdivision
9 is the Planning Board. If the
10 variances go through, it would go to
11 the Planning Board.

12 MR. WEISKOTT: I understand.

13 CHAIRMAN SALADINO: So if we could
14 talk about variances as opposed to
15 subdivisions to keep everybody on the
16 same page.

17 MR. WEISKOTT: Just for us the
18 fact that there might be another house
19 right there as a result of the
20 variances being approved means a lot to
21 us. It's our life, our quality of
22 life, our peace and quiet, which has
23 pretty much been gone since he bought
24 the houses that he's bought on our
25 street. I'm not sure which pictures

1 you have, I did take some pictures this
2 morning at 7:00 a.m., a little before
3 7:00 a.m. actually. One of --

4 CHAIRMAN SALADINO: Could I
5 interrupt again --

6 MR. WEISKOTT: That was Monday
7 afternoon.

8 MS. GARRIS: Monday morning.

9 MR. WEISKOTT: Monday morning,
10 excuse me. Monday, October 16th.

11 MR. GARRIS: And an hour after
12 that there was one more car.

13 CHAIRMAN SALADINO: What time
14 again?

15 MR. WEISKOTT: Afternoon.

16 MS. GARRIS: No, morning.

17 MR. WEISKOTT: Morning, excuse me,
18 sorry. Monday, October 16th, that was
19 a.m. You can see these spots, there
20 are five cars here. There's also
21 picture a car behind the house that
22 can't be seen and picture a car parked
23 in the street. That's seven cars, and
24 that's without another house, and he's
25 very proud to say that he has three

1 parking spots for each of the proposed
2 lots. Well, that's kind of
3 insufficient. But anyway, there's
4 another picture of our street, it's
5 kind of a blurry picture.

6 CHAIRMAN SALADINO: This one?

7 MR. WEISKOTT: The blurry one. I
8 took that about five of 7:00 this
9 morning.

10 MS. GARRIS: Sunday morning, the
11 cars in the back.

12 MR. WEISKOTT: Fine. It was
13 Sunday. But the blurry picture was
14 this morning at a little bit before
15 7:00 a.m., and the point is it's
16 another house that he owns, 228 Fifth
17 Avenue, which is diagonally across the
18 street from us, there are three cars
19 parked in the street and there are
20 three cars in the driveway. That's six
21 cars in that house. And just using
22 this to illustrate that these houses
23 have too many people and too many cars.
24 Our street has now become one lane
25 only. Even this morning I walked the

1 dog at 6:00 a.m. this morning, a car
2 was coming down the block and it had to
3 pull over to the side to let another
4 car go through. That's at 6:00 a.m.,
5 that's typical of our whole day. It
6 used to be a street where the kids
7 could go out and play, and they cannot
8 do that anymore. There's too much
9 traffic down our street. The cars in
10 his house at 221 may be marked in the
11 driveway, and there's always one on the
12 street, but they come in and out. It's
13 not just that they're there all the
14 time, they're moving, it's constant
15 activity going on next door to us and
16 up and down the street.

17 All I'm really trying to say is
18 that this means a lot more to us than
19 it means to him adding one more house
20 or two more houses to his accumulations
21 of houses. This is not -- we're not
22 making a business of this, we're living
23 there, and that's how we're being
24 effected. It's not an economic thing,
25 it's our life that has been quite

1 disturbed since he started buying
2 houses in our neighborhood. That's
3 what I have.

4 MS. GORDON: I'd like to ask a
5 question. It has to do with parking.
6 It seems to me that if the smaller lot
7 were approved, and a single family
8 house were built on it, there would not
9 be that area for the people who are
10 parking who live next door to the
11 south. That would be unavailable now.

12 MR. WEISKOTT: Well, it might be
13 unavailable, but the house diagonally
14 across from us, across the street,
15 sometimes they park there. Everybody
16 knows everybody.

17 MS. GORDON: No, but I'm saying if
18 this small lot on which there would be
19 new people in it, there would be a
20 driveway there, presumably people who
21 live one house to the south are not
22 going to park in the neighbor's
23 driveway. So but my question then is
24 so now the proposal includes a driveway
25 for -- I've forgotten which is which.

1 MR. WEISKOTT: Lot number two is
2 the existing lot, lot number one is the
3 new lot.

4 MS. GORDON: So now there's going
5 to be a new -- the proposal is to put a
6 new driveway to the south of the lot
7 number two, and the parking then for
8 that house would be in the back of that
9 house. And at the moment, there's
10 clearly not room back there for six
11 cars or whatever you are saying, but
12 I'm wondering so that would mean then
13 that the cars which were parking there
14 before are now parking on the street,
15 is that --

16 MR. WEISKOTT: That's possible. I
17 don't know where they're going to be
18 parking. I'm assuming they're going to
19 continue using the driveway that
20 exists.

21 MS. WICKHAM: And the street.

22 MR. WEISKOTT: Because the
23 driveway that exists is directly to the
24 north of the existing house, and he's
25 putting a property line five feet from

1 the house, but the driveway exists.

2 MS. GORDON: But that's now
3 someone else's driveway.

4 MR. WEISKOTT: Well, I don't know
5 where they're going to park, let me put
6 it that way. Maybe the whole backyard
7 would fill up with cars. Yes, there
8 might be more on the street, it's
9 conceivable there would be more on the
10 street.

11 MS. GORDON: Now, could those cars
12 -- if you assume there might be a few
13 more cars on the street, would they not
14 be at that end? When I drive by there,
15 I see the problem at the north end of
16 the street very clearly. I don't
17 usually see it at the south end of the
18 street near front street, so I'm
19 wondering if the parking would shift
20 given that there is new driveway, and
21 maybe if there were conditions for lot
22 number two that there be more parking,
23 might it not push the parking farther
24 south and actually decrease the
25 problem?

1 MR. WEISKOTT: I don't think it
2 would decrease the problem because at
3 this point, for instance, the other day
4 my wife was trying to get out of our
5 driveway, and a car almost hit her as
6 it was coming down the street because
7 she couldn't see it because there was a
8 very large SUV parked right on the edge
9 of our driveway, and she couldn't see
10 it. There are cars parked right next
11 to our house on both sides generally.

12 CHAIRMAN SALADINO: I have a
13 question.

14 MR. WEISKOTT: I don't know what
15 will happen with the traffic, there's a
16 lot of cars.

17 CHAIRMAN SALADINO: I don't want
18 to speculate on the traffic, but from
19 your experience, since you live next
20 door to lot one --

21 MR. WEISKOTT: Well, we live next
22 door to the whole property. It's not
23 into two lots yet.

24 CHAIRMAN SALADINO: To the
25 proposed lot one.

1 MR. WEISKOTT: And lot two, yes.

2 CHAIRMAN SALADINO: The five or
3 six cars or the four or five cars --

4 MR. WEISKOTT: Never less than
5 five, sometimes as many as eight.

6 CHAIRMAN SALADINO: The never less
7 than five that are parked on the
8 proposed lot one, have you ever seen --
9 have you ever seen -- in your
10 experience living next door, have you
11 ever seen them parked behind lot two?

12 MR. WEISKOTT: Absolutely.

13 CHAIRMAN SALADINO: So these cars
14 as an alternative, so they're parking
15 here as a matter of convenience in your
16 opinion?

17 MR. WEISKOTT: Well, that's where
18 the actual paved driveway is, but
19 sometimes they'll go on the grass
20 behind the house, sometimes on the
21 grass along our fence line when there's
22 not enough room. So I'm just letting
23 you know the tremendous effect this
24 would have on us, and the decision is
25 yours, of course. Thank you for

1 listening.

2 MS. WICKHAM: May I just summarize
3 what I think your question was and his
4 answer?

5 CHAIRMAN SALADINO: Absolutely.

6 MS. WICKHAM: I believe what he
7 was expressing is that the existence of
8 a second lot and another house, which
9 could be single family, could be two
10 family will aggravate what is already a
11 bad parking situation and street
12 congestion, and it won't move the
13 congestion, it will add to it. And I
14 believe he also indicated, and maybe
15 you weren't clear on this, that the
16 parking that exists behind the house on
17 lot two is in addition to the other
18 cars that are now parking on what is to
19 be lot one. So it's already parking to
20 a large extent on that property, on
21 both properties, and if you have to
22 move the lot two cars to lot two so
23 that the lot one cars will fit on lot
24 one, there's not going to be enough
25 room. They will be in the street, more

1 of them.

2 CHAIRMAN SALADINO: So Jack,
3 through your attorney I'll ask, the
4 contention is is that the never less
5 than five cars that are parked on
6 proposed lot one would obviously --
7 because there is no house there now,
8 would obviously move behind lot two,
9 and then whatever is built on lot one
10 would just add to the --

11 MR. WEISKOTT: Right, yes.

12 CHAIRMAN SALADINO: -- the
13 totality of the parking?

14 MS. WICKHAM: That's correct, yes,
15 plus the cars that now park behind lot
16 two are already there, so the five on
17 lot one may not fit there.

18 CHAIRMAN SALADINO: Well, we
19 didn't have any photographs of cars on
20 lot two. I'm sorry, all we have is --

21 MS. WICKHAM: No, you have his
22 testimony.

23 CHAIRMAN SALADINO: We do.

24 MR. REED: Mike Reed, 430 Front
25 Street. I've got just a couple of

1 questions. Now you've seen four or
2 five cars, sometimes we have seven cars
3 parked back there, not including the
4 foot traffic that they drive their
5 bikes on the other side. Now, correct
6 me if I'm wrong, Village Code is what,
7 four or five people max per in that
8 place for upstairs, correct, because it
9 was a one family living there, she was
10 handicapped, she had to park on the
11 road. What's that mean? So every --
12 their child has a car? I mean, how
13 many people you have up there? You
14 know, building inspector?

15 MS. WINGATE: I did an inspection
16 last week. I know exactly how many
17 people are living up there. The Gomez
18 family consists of three brothers, two
19 wives. There's three bedrooms.
20 There's two full beds, two twin beds,
21 and somebody sleeps on the sofa. So
22 there are seven adults, and they're all
23 Gomez's, and that's completely
24 legitimate by New York State code.

25 MR. REED: What about the foot

1 traffic coming out with the guys riding
2 bikes and stuff? I see it every
3 morning when I get to walk about 6:00,
4 6:30? I know, you don't see it, it's
5 usual. Right, thank you.

6 MS. PETERSON: Diane Peterson, 228
7 Sixth Avenue. I live adjacent to the
8 proposed lot one. I have a letter from
9 my neighbor that's adjacent to the
10 proposed lot two. I did e-mail it to
11 you, I apologize for not having enough
12 time to do for everybody, but I do have
13 copies here. She wanted me to read it
14 at the meeting. This is from Donna
15 Zaengle, 222 Sixth Avenue, last name is
16 Z-A-E-N-G-L-E. This letter is to
17 confirm my objections to the variance
18 being requested by the property owner
19 at 221 Fifth Avenue in Greenport, New
20 York. It is directly behind my house.
21 We share a fence along with several
22 towering pine trees. I spoke at the
23 August board meeting, but realize that
24 you may need my concerns in writing. I
25 have asked my neighbor to submit this

1 to you all. It is my hope that the
2 Board will base its decision on the
3 zoning laws along with the best
4 interests of residents and the town
5 conditions. Subsidized houses which
6 would be affordable housing places
7 additional stress on the water, sewer,
8 and electric systems that are designed
9 for a much smaller community. Houses
10 packed closer together increases the
11 risk of fires spreading to multiple
12 dwellings. This is a great concern to
13 me, as our connected yards have old,
14 very dry pine trees, which the current
15 drought is not helping. Earlier this
16 summer, a home in Cutchogue was
17 severely damage when the neighboring
18 home caught fire. Anyone who has lived
19 in an older home, as have I, is aware
20 that the wiring and building materials
21 placed then had greater risk for fire
22 and intensity of heat from a structural
23 fire can put neighboring trees and
24 homes in jeopardy.

25 The historic nature of our town is

1 quaint, charming, and yet progressively
2 thriving with retail and restaurant
3 businesses. There is a great deal of
4 civility among its residents, even
5 finding itself listed as a summer
6 vacation destination. Neighbors and
7 residents know one another and look out
8 for each other's homes and families,
9 much in the way that I imagine the
10 town's founders envisioned. Long
11 Island has countless towns where this
12 is no longer the case. Planned
13 communities and subdivisions have led
14 to densely packed areas with a somewhat
15 transient population of renters, each
16 year moving to find the cheaper rent.

17 A variance for one leads to many
18 more requests, which become
19 increasingly difficult to deny. The
20 Zoning Board must make its decision
21 carefully. The impact will be far
22 greater than the project with the
23 initial request. If the issue is
24 bringing more affordable housing
25 options into the Town of Greenport, as

1 the lawyer who spoke in August implied,
2 a committee could be developed to
3 explore viable options, which don't
4 require variances or packing people
5 into substandard spaces and placing
6 increased risk to current residents and
7 the town's infrastructure, our water,
8 sewer piping, and on street parking.
9 Thank you for your careful
10 consideration of this letter and for
11 the wellbeing of the Town of Greenport.
12 Should be the Village of Greenport,
13 sorry, she's just a year resident here,
14 Donna Zaengle.

15 I also wanted to comment on the
16 parking issue. I had submitted photos
17 maybe three years ago to the Zoning
18 Board for the parking that was on the
19 proposed lot two. I'm not sure if you
20 still have them. I could look at home,
21 but there are always cars parked behind
22 that existing house. And also to
23 address the issue of safety, houses
24 packed close together, fire is a major
25 concern and it spreading as it was

1 earlier this month. Don't exactly have
2 the date, there was a loud explosion in
3 the yard of 221 Fifth Avenue.

4 CHAIRMAN SALADINO: I'm sorry?

5 MS. PETERSON: There was a loud
6 explosion on the property. I was
7 sitting in my backyard, and there was a
8 loud explosion, a lot of smoke, sparks,
9 fire. I thought there was a car fire
10 because they do have a tendency to work
11 on cars on the property of the proposed
12 lot one. I went in the house, called
13 911, told them I thought it was a big
14 car fire. My line of sight could not
15 tell exactly what it was because
16 there's a red shed that there, I was on
17 one side, and the fire was across on
18 the other side. It wind up not being a
19 car fire, it wound up being fireworks
20 trying to be set off, which exploded on
21 them, they didn't go off. My neighbor
22 to the north of me, 232 Sixth Avenue,
23 had seen some older gentleman or older
24 teenagers, twenties, around there run
25 from the property when the fireworks

1 didn't go up. This is something that
2 always happens. This is, like, the
3 fourth or fifth time they've shot
4 fireworks off in the backyard, and we
5 have talked to them. Don't bother
6 reporting it because by the time you
7 do, nothing is done, and the police
8 just move to something else. I have to
9 say the police and the fire department
10 responded immediately, looked for who
11 might have been -- because they run
12 off, they were still in the
13 neighborhood, I don't believe they
14 found them though. So that, again, is
15 another concern with houses packed on
16 top of each other and some of the
17 activity that's going on.

18 CHAIRMAN SALADINO: You're not
19 really sure that the people that live
20 there were the guys that set --

21 AUDIENCE MEMBER: I live two
22 houses over, they did.

23 MS. ALLEN: Chatty Allen, Fifth
24 Avenue. I just want to back up what
25 they have been saying. In the morning,

1 when I head to work at 6:30 in the
2 morning, I don't have my camera with
3 me, so I haven't taken any photos, but
4 I count a minimum of seven cars every
5 morning. You're going to put another
6 residence on there, you're going to be
7 adding three, four more cars, and I'm
8 being generous. You know, one of the
9 board members asked well, where do you
10 think they'll park? You know, could
11 they go here, could they go there.
12 That shouldn't be the question. The
13 question should be there is way too
14 many right now, we're not going to
15 allow another residence so that we're
16 adding fuel to the flames actually
17 because you put in another one -- I
18 mean, I don't know if I heard the
19 building inspector, but one of the
20 apartments has seven people in it, I
21 don't know if I heard that correctly or
22 not, but that's just one of two. They
23 each have a car, okay, that might be
24 seven cars for one apartment. You
25 know, now you're going to add a third

1 residence or possibly a third and
2 fourth, and you're adding so much more.
3 It not only is a burden to this street
4 because I use it most of the time
5 during the day, the only time I really
6 use it is in the morning, but usually I
7 loop around the side roads. I'll go
8 over to Sixth Avenue to head west, or I
9 loop the back ways if I have to go into
10 town because it is a hazard. Now, I
11 grew up on Fifth Street, but Fifth
12 Avenue was the same as Fifth Street.
13 We all played in the yards. Yes, times
14 have changed, it's not as safe anymore.
15 Fifth Avenue is a death trap at times
16 because of the amount of vehicles, the
17 amount of people. It's not safe at
18 all, and now you're going to try and
19 add not one, but two to an already
20 overtaxed sewer system, which can't
21 handle half the time what's there.
22 You're destroying the quality of life,
23 especially for, you know, for the next
24 door as well as people right behind it.
25 You know, and I really hope this is

1 taken into consideration are people's
2 quality of life that's already I don't
3 want to say destroyed but it's being
4 put upon that I truly hope this Board
5 realizes you can't keep adding onto
6 people and ruining their quality of
7 life, the safety of that road and that
8 neighborhood. I'm glad my bus route
9 isn't on that one because there's times
10 trying to get the school bus through
11 there is difficult. That I really hope
12 you deny this in a way that this does
13 not keep coming back again. You know,
14 you want to subdivide a property,
15 subdivide one that is conforming. I
16 mean, this one you're going to have
17 three nonconforming lots. If he really
18 wants more property to help lower
19 income families, just within this
20 little few blocks the amount of vacant
21 lots that are for sale, the amount of
22 homes that are for sale. I don't feel
23 he should be allowed, I'm sorry, to
24 destroy our quality of life just so
25 that he can put another building

1 somewhere. And I really think that
2 needs to be taken into consideration.
3 You have pictures of how these cars are
4 already parked. Now, imagine another
5 building there, children there, and
6 these cars in and out. I mean, where I
7 am I have no yard, my backyard in my
8 apartment complex is a parking lot,
9 that's it. I creep in and out of there
10 because there's children that live
11 there, you know. And cars are starting
12 to filter down to the end of Fifth
13 Avenue because there's no place to
14 park. So I really hope you think long
15 and hard on this and deny this in a way
16 that this does not have to come back up
17 again. Thank you.

18 CHAIRMAN SALADINO: Anyone else
19 from the public wishes to speak?

20 MR. TASKER: Good evening. Arthur
21 Tasker, Beach Street in Greenport. I
22 just like to add my support to the
23 speakers who have spoken just before me
24 in opposition to this project. There's
25 a great deal of discussion about

1 density of people, density of cars.
2 These things are a little bit amorphous
3 because they're hard to measure and are
4 transient, but there's another -- what
5 I think could be a very important
6 measure of the effect on the
7 residential area there and in anywhere
8 in Greenport, and that is the density
9 of living units, houses, apartments,
10 living units in a particular block or a
11 particular neighborhood. I think it
12 would be very easy to obtain that data
13 and say we have X number of living
14 units per thousand square feet on Fifth
15 Avenue, on Fifth Street, or any other
16 neighborhood as a measure of what Ms.
17 Allen referred to as the quality of
18 life because I think that's a very
19 significant factor in the quality of
20 life in a particular neighborhood. The
21 Zoning code was adopted in 1949,
22 imposed a duty on the Zoning Board of
23 Appeals. That duty was continued when
24 the Zoning code was extensively revised
25 in 1971 and again in 1992. And those

1 are the purposes of the Zoning code,
2 one of the principal ones of which is
3 the maximum protection of residential
4 areas in the Village. I would think
5 that the density of residential units
6 in a given neighborhood or Zoning
7 district is a very important measure of
8 that. I think if that's looked at
9 you'll see that it is ample reason to
10 deny the variances that are being
11 sought, which will prevent the
12 proliferation of additional buildings
13 and living units in that neighborhood
14 and others in the Village. Thank you.

15 CHAIRMAN SALADINO: Thank you. Is
16 there anyone else that would like to
17 address the board? On this particular
18 application the Zoning Board had
19 planned on closing this application.
20 We thought we were going to close it
21 last month, and we didn't. The Zoning
22 Board -- I had thought anyway that we
23 would close this hearing, have a
24 discussion about it tonight. The
25 applicant has requested that we keep

1 the public hearing open, without
2 getting into particulars, for a pending
3 FOIL request. I don't -- the request
4 is extensive, it's involved. I don't
5 know -- we're advised by our attorney
6 that it would be in the Village's best
7 interest to keep the hearing open. We
8 understand it's an inconvenience for
9 the residents, it's an inconvenience
10 for this Board, and also for the
11 Village. So we're going to adjourn
12 this meeting -- we're going to adjourn
13 the public hearings. The Zoning Board
14 has a lot on its plate the next few
15 months, and two additional subdivisions
16 I believe going to come in front of us.
17 So I would like a sense of the Board.
18 I would like to adjourn this public
19 hearing until our February meeting.

20 MS. ALLEN: You said February?

21 MS. REA: February?

22 CHAIRMAN SALADINO: Did you --

23 MS. REA: My name is Kimberlea
24 Rea, Westervelt & Rea, and I represent
25 the applicant. The FOIL requests that

1 you referenced a moment ago were made
2 by my office as a result of public
3 comment that's been generated here. As
4 I understand it, although those FOIL
5 requests were belatedly responded to,
6 the records access clerk is making them
7 available October 21st and October
8 28th. So we'll have some time once we
9 get those to digest those, and as I
10 said in my letter to this -- to
11 Mr. Saladino and Mr. Pallas dated
12 October 14th when I requested an
13 adjournment of this meeting tonight, we
14 will have, we hope, adequate time to
15 review them.

16 CHAIRMAN SALADINO: We hope.

17 MS. REA: We hope.

18 CHAIRMAN SALADINO: So to avoid --

19 MS. REA: It's my understanding
20 that, Mr. Saladino, from your
21 correspondence to me, that you did not
22 want to adjourn this public hearing,
23 but that apparently you have agreed to
24 do that.

25 CHAIRMAN SALADINO: Actually what

1 I said was I would defer to the Village
2 attorney.

3 MR. PROKOP: So what happened was,
4 just so everybody knows, because I
5 don't want to talk in circles without
6 the public knowing exactly what we're
7 talking about, we got a letter from you
8 just within seventy-two hours ago,
9 ninety-six hours ago that said that you
10 were not going to be here tonight, and
11 that you requested an adjournment
12 because of you were waiting for a FOIL
13 request, and I have to tell you that
14 the FOIL request that you -- the date
15 that cited, October 21st and October
16 27th is not the date that the records
17 will be available to you, it's the date
18 that the Village will respond by. The
19 records that you have requested are so
20 voluminous, and the search for those
21 records will be so time consuming that
22 I have to say that really I don't know
23 what the date will be that those
24 records will be available. And I don't
25 think that it's fair to the public to

1 say that you requested those records in
2 response to the comments that were
3 made. I think that what would be fair
4 to the public is to say that you should
5 have requested those records before you
6 made your application, and that one of
7 the things that you might consider at
8 this point is withdrawing your
9 application because the records that --
10 again, not to be redundant, but the
11 records that you have requested are
12 going to involve hundreds of hours of
13 time of people in the Village pouring
14 through hundreds of files to get
15 hundreds of records that you have
16 requested, and I don't think that it's
17 fair midstream in an application to put
18 everything on hold for a request like
19 that, I've just never heard that
20 before. But in summary, and then of
21 course, you'll speak, but tonight we
22 were in the unfortunate legal position
23 of having a meeting that we intended on
24 closing. You sent us a letter saying
25 that you were not going to be here and

1 that you wanted it adjourned, and with
2 that in mind, I didn't -- I advised Mr.
3 Saladino that I did not think that we
4 could close the meeting if you were
5 claiming that you were not going to be
6 here, and now you're here, so I don't
7 even know what to say. But that's --
8 for the public, that's what transpired.

9 MS. REA: Well, the reason I'm
10 here is because there was a refusal to
11 adjourned the meeting, and so I felt
12 compelled to come here.

13 CHAIRMAN SALADINO: I dispute
14 that.

15 MR. PROKOP: That's not true.
16 That's one hundred percent not true.

17 MS. REA: Mr. Saladino, I have
18 your letter to me of last night, 7:24,
19 saying that you were disinclined to
20 adjourn the hearing.

21 MR. PROKOP: No, he said he would
22 refer it to Counsel. I called you, and
23 we spoke at 2:00, and I told you that
24 the meeting was going to be adjourned.
25 I told you that the meeting was going

1 to be adjourned, but that there were
2 people here who said that they would be
3 prejudiced because they were -- they
4 made arrangements to be here tonight,
5 they were leaving for the winter, or
6 whatever the personal situation was,
7 that they would be allowed to speak.

8 MS. REA: That is why I'm here.
9 That's the reason, just to clear that
10 up.

11 CHAIRMAN SALADINO: In all
12 fairness to this Board, you didn't give
13 us a date that you would like the
14 meeting adjourned to. You left it open
15 ended. And in all fairness, again, to
16 this Board, for you to come at the
17 eleventh hour and ask for an
18 adjournment. We have no guarantee that
19 that's going to be. We're going to set
20 a firm date, a firm time, and you can
21 respond at that time when you get your
22 FOIL request. I don't know why that's
23 unreasonable.

24 MS. REA: As a matter of fact, I
25 asked in my request that it be

1 adjourned to the November meeting.

2 CHAIRMAN SALADINO: I don't have
3 that.

4 MR. PROKOP: It's not fair to
5 these people that they keep coming back
6 every month while you figure out what
7 records you want.

8 MS. REA: Well, February of 2017
9 is too long.

10 CHAIRMAN SALADINO: By whose
11 standards?

12 MS. REA: If you want to make it
13 December.

14 CHAIRMAN SALADINO: By whose
15 standards?

16 MS. REA: By the applicant's
17 standards. It's prejudicial to make
18 him wait three months.

19 CHAIRMAN SALADINO: We advocate
20 for the Village, we're here to make it
21 right and proper for the Village. The
22 applicant, by his own choosing, by your
23 own choosing asked for a FOIL request
24 by the attorney's estimation is going
25 to take months to supply you. Do you

1 expect us to sit here and wait months
2 and adjourn this public hearing every
3 month until you get the information
4 that you want? How is that fair to the
5 public?

6 MS. REA: I have not been advised
7 by anyone that this is going to take
8 hundreds of hours and, in fact --

9 MR. PROKOP: You were just advised
10 from me. I'm very familiar with the
11 request, and you were just advised by
12 me. You had requested the Village to
13 go through many files and pull out many
14 documents. It will be months. My
15 recommendation to Chairman Saladino was
16 that it be removed from our calendar
17 and that you contact us when you want
18 to have it restored. Chairman Saladino
19 wanted to have a fixed I date. I think
20 it's really your option. It's not
21 going to November, it's not going to be
22 December. It's going to be in the
23 future. You gave us that contingency,
24 you made moving contingent on the FOIL
25 request, excuse me for interrupting

1 you, and the FOIL request is not going
2 to be fulfilled for a long time. We'll
3 do absolutely the best we can, but it's
4 a major undertaking.

5 MS. REA: The request, for the
6 record, and I'm actually going to
7 supply the FOIL request so the court
8 reporter has this as well as copies of
9 my October 14th letter and my October
10 18th letter, asked for simply
11 inspections done on these properties
12 and subdivisions --

13 MS. NEFF: I didn't hear what you
14 said. You said asked for inspections?

15 MS. REA: Of these properties.

16 MS. NEFF: These properties?

17 MS. REA: 221 and 238 Fifth,
18 inspections. A partial production has
19 already been made of those.

20 CHAIRMAN SALADINO: What period of
21 time?

22 MS. REA: It was a few pages long.

23 CHAIRMAN SALADINO: For what
24 period of time? Was it from 1996 to
25 the present?

1 MS. REA: Yes. And I've already
2 received a partial production from the
3 Village Clerk. The other was the
4 number of subdivisions or the documents
5 from subdivision applications that have
6 been denied. I'm not aware of very
7 many, which is the point here. I'm not
8 aware of very many subdivision
9 applications that have been made. And
10 we're talking about those being made in
11 the R-2 district only. It's hard for
12 me to believe that that's going to take
13 hundreds of man hours to review.

14 CHAIRMAN SALADINO: I could only
15 go by what the clerk and the attorney
16 told us.

17 MS. REA: Well, the applicant's
18 position is this then, that this was a
19 legitimate request for an adjournment
20 because the FOIL request was made --

21 CHAIRMAN SALADINO: We're granting
22 it.

23 MS. REA: -- as a result of public
24 comment, so any assertion that these
25 FOIL requests were untimely is

1 incorrect.

2 CHAIRMAN SALADINO: You made the
3 request on October 14th.

4 MS. REA: No, actually I made the
5 request on September 22nd for the FOIL
6 requests.

7 CHAIRMAN SALADINO: No, for the
8 adjournment.

9 MS. REA: Right. Because the
10 Village Clerk didn't respond at all,
11 and when she finally did --

12 CHAIRMAN SALADINO: We can't
13 address that.

14 MS. REA: May I please just
15 finish? When she did respond as a
16 result of my letter asking her to
17 respond, she told me that the request
18 would be responded to, and she, in
19 fact, made a partial response, and I've
20 been advised that on October 21st and
21 27th that we would have further
22 response. So on behalf of the
23 applicant, we request that this
24 hearing, if you want to adjourn it past
25 November 18th, that's fine, but I ask

1 that it be put on the December
2 calendar. We are not prepared to
3 withdraw this application at this time.

4 CHAIRMAN SALADINO: We're prepared
5 to --

6 MS. REA: May I say this?

7 CHAIRMAN SALADINO: I thought it
8 was my turn.

9 MS. REA: If the production has
10 not been fully made by December, which
11 is hard for me to believe, but if it
12 hasn't been, then I would suggest that
13 we revisit this, but to put this over
14 three or four months is prejudicial.

15 CHAIRMAN SALADINO: Ms. Rea, what
16 options are you giving us? Give us
17 this time, adjourn it until November,
18 and we'll see what happens, and then in
19 December if it doesn't happen then
20 we'll discuss revisiting it.

21 MS. REA: That's right.

22 CHAIRMAN SALADINO: Why can't we
23 just set it for --

24 MS. REA: Because the applicant
25 needs to know what's going to happen

1 with this.

2 CHAIRMAN SALADINO: And the
3 applicant will know in February.

4 MS. REA: We need to keep it on
5 the calendar, and that's my request.
6 On behalf of the applicant, I request
7 that the adjournment be made until the
8 December meeting, not deferred to
9 February of 2017. It's our position
10 that that is excessive, and should
11 difficulty with document production
12 prove to be -- make this schedule
13 impossible, then you can so advise me,
14 but at this point to put this over for
15 three or four months is unreasonable.

16 CHAIRMAN SALADINO: So our
17 calendar -- you're suggesting that our
18 calendar should be at your convenience?

19 MS. REA: I'm suggesting that this
20 applicant has rights and that putting
21 this over for three or four months.

22 CHAIRMAN SALADINO: We're not
23 disrupting his rights, we're giving him
24 his day in court.

25 MS. REA: I've made the objection.

1 CHAIRMAN SALADINO: Noted.

2 MS. REA: The February 2017
3 meeting is an excessive delay and it
4 bridges his rights. I've suggested
5 December, that's a meeting in the
6 middle, and that's what I would urge
7 the Board to calendar.

8 CHAIRMAN SALADINO: Well, in
9 response to that, this Board has to
10 take its calendar into consideration.
11 And that's what I thought we were
12 doing. I'll put it to the Board for
13 discussion.

14 MR. CORWIN: My position is it
15 should be closed tonight, but if it's
16 not closed tonight I'd like to go with
17 your suggestion of February of 2017.
18 And I have to point out this has been
19 dragged out for a long time as we've
20 asked the applicant for very simple
21 things that should have been submitted
22 in the first place, surveys and lot
23 plans were submitted that were
24 incorrect, back and forth and back and
25 forth. These people from Fifth Avenue

1 coming in. They're tired of it too.
2 We're all tired of it. Let's give it
3 some time so it can all come together.

4 MS. GORDON: I'd like to make a
5 motion. May I make a motion to close
6 the hearing?

7 MS. REA: Before the Board does
8 that in further discussion, I really
9 think it's very important that you see
10 the letters that I provided Mr.
11 Saladino and Mr. Pallas and Mr. Prokop.

12 CHAIRMAN SALADINO: You certainly
13 have the right to give them to us.
14 There's a motion on the table. It
15 hasn't been seconded, but just in
16 response to that, before we ask for a
17 second, it's been suggested that if we
18 do close the hearing against the
19 attorney's wishes it raises the
20 likelihood of a judicial review, and
21 perhaps that's not what we -- nobody
22 wants for it to go to an administrative
23 law judge. Again, perhaps we could
24 defer to the attorney.

25 MR. PROKOP: I think that -- well,

1 we could close the hearing. I was
2 asked that question, and we can close
3 the hearing if the Board wants to.
4 When I was originally asked that
5 question, I was under the understanding
6 that the applicant would not be here
7 tonight, but the applicant is here
8 tonight. The applicant has made a
9 point that the FOIL request is due in
10 her mind, in the representative's mind,
11 to indicate that there are very few
12 denials of -- to paraphrase her, not my
13 opinion or what the evidence might be,
14 but to establish that there are very
15 few denials of subdivisions. I don't
16 know. The record is what it is, I'm
17 not sure what's going to be added, but
18 in view of a request for an extension
19 of time, my advice would be to grant an
20 adjournment by the applicant or to
21 close the record and allow written
22 evidence to come in within a certain
23 amount of time, that's another
24 possibility. Close the hearing and
25 allow --

1 CHAIRMAN SALADINO: If we did that
2 and we allowed written comments until
3 October 28th --

4 MS. REA: That's not enough time,
5 sir. I won't be even getting response
6 until October 28th. November 28th
7 would be adequate, provided the records
8 are produced to us.

9 CHAIRMAN SALADINO: Well, to hold
10 the record open -- if we close the
11 hearing tonight, as you well know, we
12 have time restraints on us, unless
13 you're willing to give us more time,
14 but we have time constraints on us. To
15 hold the record open for thirty days, I
16 think is -- to close the hearing
17 tonight and hold the record open for
18 thirty days for written comments --

19 MS. REA: To close the record
20 tonight is to deny my client his
21 substantive due process rights. We
22 have not had the opportunity to
23 complete responsive comment, and so
24 closing the public record at this time
25 would deprive him of that. We've

1 identified what we need to supplement
2 this record with and to refute this
3 record with, with facts.

4 CHAIRMAN SALADINO: We're not
5 denying you that right, I'm willing to
6 accommodate you and give you that
7 right.

8 MS. REA: If you close the record,
9 you will be.

10 CHAIRMAN SALADINO: You're just
11 dissatisfied with when you would have
12 to come back here. To us, our calendar
13 is full. Our calendar is full, and for
14 you to come at the eleventh hour and
15 ask for an adjournment because you
16 haven't gotten the information that you
17 feel is required to progress your
18 appeal.

19 MS. REA: That's the applicant's
20 absolute right, sir.

21 CHAIRMAN SALADINO: But we're not
22 denying his rights.

23 MS. REA: Very well. I'm glad to
24 hear that then. So you're not going to
25 close the record tonight?

1 CHAIRMAN SALADINO: Well, we're
2 going to discuss it. The original
3 proposal was we're adjourning the
4 meeting until February. The
5 alternative is to close the meeting
6 tonight and accept written comment for
7 thirty days.

8 MS. REA: There are other
9 alternatives, and that is to keep the
10 public --

11 CHAIRMAN SALADINO: Those are the
12 alternatives that are in front of us
13 now.

14 MS. REA: Well, to close the
15 record tonight and allow thirty days
16 for comment absent my having received
17 these records is a complete abridgement
18 of my client's constitutional rights.

19 MR. CORWIN: Mr. Chairman, can we
20 stop this and discuss this amongst
21 ourselves? This is going to go on all
22 night.

23 CHAIRMAN SALADINO: Well, we're
24 not allowed -- this is an open meeting,
25 David, we can't discuss it alone. We

1 can have a discussion, but it's got to
2 be here.

3 MR. CORWIN: Of course. There's a
4 motion on the table that didn't get a
5 second. Let me make another motion.
6 Can I do that?

7 MS. GORDON: Yes.

8 MR. CORWIN: I move the hearing be
9 continued in February 2017 to
10 accommodate the applicant in his search
11 for records in the Village of
12 Greenport.

13 MS. NEFF: Second.

14 CHAIRMAN SALADINO: All in favor?

15 MS. NEFF: Aye.

16 MS. GORDON: Aye.

17 MR. CORWIN: Aye.

18 CHAIRMAN SALADINO: Aye.

19 MS. REA: Please note the
20 applicant's objection to the excessive
21 amount of time.

22 CHAIRMAN SALADINO: Noted.

23 MS. REA: Thank you.

24 CHAIRMAN SALADINO: We're going to
25 move to item number five, continuation

1 of a public hearing regarding an area
2 variance or variances sought by James
3 Olinkiewicz, officer of 238 Fifth
4 Avenue, Greenport. 238 Fifth Avenue,
5 Greenport, New York 11944, SCTM
6 1001-4-8-3. Is there anyone from the
7 public that would dare to speak?

8 MS. ALLEN: Chatty Allen, Fifth
9 Avenue. My first question is is this
10 going to be what just happened with the
11 other one?

12 CHAIRMAN SALADINO: Probably,
13 yeah.

14 MS. ALLEN: So instead of going
15 round and round, why don't we just go
16 right to the end because there's no
17 sense in us all getting up here and
18 speaking if you're going to say the
19 applicant wants FOIL information, you
20 have to wait, you're going to adjourn
21 it until February. I mean, my
22 objections are the same as the first
23 application, only with this one the
24 people living next door with the way
25 the variances would be granted, you are

1 now making the neighbor to the north I
2 believe possibly have to get variances
3 of their own, which was brought up at
4 the last hearing because of his
5 variances to push things the other way.

6 CHAIRMAN SALADINO: We brought
7 that up?

8 MS. ALLEN: It was brought up at
9 the last hearing, that it's possible
10 that --

11 MS. GORDON: It would be become a
12 corner lot.

13 MS. ALLEN: I couldn't remember
14 the reasoning. Thank you. But now
15 you're making someone have to go
16 through this whole process. That
17 shouldn't even be allowed, that should
18 be outright denied.

19 CHAIRMAN SALADINO: Chatty, just
20 to interrupt, and I apologize, just
21 again, so everybody is on the same
22 page, it was never decided that anyone
23 else would have to -- it was suggested,
24 it was discussed, it was never decided.
25 It was never decided that that would in

1 fact make it a corner lot. Until we
2 get a ruling from the Building
3 Department or someone else in
4 authority, that hasn't been --

5 MS. ALLEN: Okay. But that should
6 be a big concern to --

7 CHAIRMAN SALADINO: Absolutely.

8 MS. ALLEN: -- to find that out
9 before you do this. You know, aside
10 from, like I said, with the other one,
11 my biggest objection with this second
12 house is the way that it is going -- it
13 is being proposed to be done with
14 having a parking lot basically in
15 between two buildings, which are known
16 for having children in them. Like I
17 stated in my apartment complex, there
18 is no yard. That's the scariest thing
19 ever to pull in and have kids running
20 around. That's an accident waiting to
21 happen, and that should not be allowed
22 at all. Like I said, if she's going to
23 do FOIL requests for this one too, I
24 think we should just skip to the end
25 and do your adjournment or whatever.

1 Thank you.

2 CHAIRMAN SALADINO: As good of a
3 suggestion as that is, we're still
4 going to have to let the people talk a
5 little bit, Chatty, so if there's
6 anyone else that would like to address
7 the board?

8 MS. MCENTEE: Joanne McEntee, 242
9 Fifth Avenue. I have -- in this lot,
10 the house we are right next to, we are
11 at the lot north of the 238 Fifth
12 Avenue property. There are currently,
13 and I don't care what Eileen Wingate
14 has to say, this week alone there are
15 fourteen people living in there. She
16 can go in and inspect, do whatever she
17 wants --

18 CHAIRMAN SALADINO: She didn't say
19 she went --

20 MS. MCENTEE: I know she hasn't
21 said anything yet, but just jumping
22 ahead of the game already I'm going to
23 tell you that currently there are five
24 people of the house that is close on
25 the north side, the house, there's a

1 north side and a south side, five
2 people live there that we know. Three
3 are children, two are adults. On the
4 other side there are nine people. So
5 nine plus five is fourteen. On the
6 south side there are two children --
7 excuse me, one child that I'm aware of,
8 one woman is pregnant and is due to
9 have a baby soon, that would be the
10 sixth one, so currently, excuse me,
11 there are thirteen people. I apologize
12 for that. There are enormous amount of
13 people living there, so when it's
14 inspected I really would like that to
15 be reflected. Unfortunately what
16 happens in these situations is that
17 when they're duly noted and asked to
18 inspect the property, these people pack
19 up and go. Some of these people do not
20 have cars, some of them car pool, most
21 of them do. The area in lot number
22 one, which is the front house, the
23 existing house currently, the parking
24 area is inadequate. I spoke about this
25 before. It's extremely inadequate.

1 Sure, there are three places to park a
2 car there, and our code requires one
3 and a half per apartment or whatever,
4 but there are three there. These
5 people hit the house, they hit the
6 fence. The fence has been repaired,
7 and they still can't maneuver without
8 driving on the grass, which is behind
9 the lot, behind the house, and over on
10 -- past the driveway. If the second
11 lot is put in, there is parking that is
12 to the north, which is the back of our
13 fence. Parking is inadequate there,
14 and if a car, either car, if you put
15 two cars there, they back out of those
16 two designated parking spots, they're
17 going to hit our fence. There is not
18 enough room for those vehicles to turn
19 around. You can't back up, you can't
20 turn around. And again, I agree with
21 what Chatty Allen said with the parking
22 behind the first house and parking
23 that's going to be to the north on the
24 second -- on the back lot, there are
25 going to be children there. As I said,

1 there's three plus one and one on the
2 way. That's huge. Those children need
3 to be kept safe.

4 Let's talk about the easement now.
5 The easement or right of way what the
6 plans do state, I did a little
7 research, and on 510 Madison Avenue and
8 407, also known as 411 Kaplan Avenue.
9 I disagreed with it back then, and I
10 disagree with what and how it occurred
11 and how after the fact that an easement
12 went through pertaining to -- so we
13 could have -- so there could be parking
14 for 411 or 407 Kaplan Avenue. When I
15 actually read the document, which is in
16 our file in Village Hall, it's a ten
17 foot easement. Ten foot is not enough.
18 You cannot get -- if you make this an
19 easement here or a right of way at 238
20 Fifth Avenue, there is no way. And
21 Wayne Miller came to the last hearing,
22 Carol Miller also, and stated that
23 there were not -- it is not enough room
24 to get a fire truck through. I don't
25 know how that ten foot easement got

1 through, why it wasn't fifteen feet,
2 but that's a shock to me.

3 MR. PROKOP: You mean, the
4 proposed easement for the subdivision?
5 Which easement?

6 MS. MCENTEE: There's a right of
7 way that's put through.

8 MR. PROKOP: You mean, to get to
9 the house in the rear?

10 MS. MCENTEE: To get to the house
11 in the rear?

12 CHAIRMAN SALADINO: Are you
13 talking about 238? What house are you
14 talking about?

15 MS. MCENTEE: I'm talking about
16 238.

17 CHAIRMAN SALADINO: I heard
18 Kaplan.

19 MS. MCENTEE: I was just giving
20 you an example of what happened over
21 there.

22 MR. PROKOP: So you were talking
23 about Kaplan -- you were talking about
24 -- the ten feet that you don't how they
25 got away with it, are you talking about

1 Kaplan?

2 MS. MCENTEE: It's only ten foot,
3 it's only a ten foot easement, so you
4 can't even get -- so let's talk about
5 238, you cannot get --

6 CHAIRMAN SALADINO: Nothing has
7 been granted as long as we understand
8 that.

9 MS. MCENTEE: Yes, we understand
10 that. But this cannot come after the
11 fact. Ten foot is not enough.

12 MS. NEFF: It's proposed to be
13 twelve.

14 MS. GORDON: It's proposed to be
15 twelve.

16 MS. MCENTEE: I'm just saying that
17 ten foot -- it's proposed. Now, twelve
18 foot was told it wasn't enough by Wayne
19 and Carol Miller. Now, the problem
20 what I was addressing was there was
21 only ten feet on this other lot, which
22 somehow got through.

23 MR. PROKOP: That house has --
24 just to clarify, I want to make sure
25 we're talking about the same thing, but

1 that house has street access, right?
2 The ten foot is so cars could park to
3 the rear of the house and then exit on
4 Madison, if I'm not mistake.

5 MS. MCENTEE: That's correct.

6 MR. PROKOP: It's not necessarily
7 a fire hazard because the house is --

8 MS. MCENTEE: It's pretty tight.

9 MR. PROKOP: The house that you're
10 accessing has access for fire trucks
11 from the street, from Kaplan.

12 MS. MCENTEE: Well, I remember
13 this going on back then, it was an
14 issue, and it was spoken of the fire
15 trucks back then. Neither here nor
16 there, my concern is 238 Fifth Avenue.

17 CHAIRMAN SALADINO: The easement
18 proposed for 238, the right of way says
19 twelve feet. The building inspector,
20 twelve feet, did we decide?

21 MS. WINGATE: We didn't decide.

22 CHAIRMAN SALADINO: I remember
23 there was a question raised, and I want
24 to --

25 MS. WINGATE: The question was how

1 big does a right of way need to be in
2 the fire code? And the fire code
3 stated that residential structures
4 don't have a minimum. That was the
5 answer. The commercial code I believe
6 was fourteen or fifteen, I really don't
7 know, but that's the commercial code.

8 MS. MCENTEE: And I believe that
9 twelve foot is not wide enough for a
10 fire truck to get through, and I
11 believe that it was stated last
12 hearing.

13 Should this go through as the last
14 hearing and all these FOILS are going
15 through and then we have to come back
16 again at another given time, I feel --
17 and obviously this is going to be
18 dragged out longer because we have the
19 right to rebuttal for those FOILS,
20 that's going to take a lengthy period
21 of time as well. Thank you.

22 MR. REED: I just need a little
23 clarification, I'm not a lawyer, what
24 is -- Mike Reed, 430 Front Street,
25 sorry. What is a FOIL, what does it

1 pertain to?

2 CHAIRMAN SALADINO: What's the
3 FOIL request that --

4 MR. REED: Yes, please.

5 CHAIRMAN SALADINO: If the
6 applicant is willing to divulge, I
7 mean, that's public information, but
8 it's usually at -- the request usually
9 has to be FOILED, but if the applicant
10 is willing to tell you what she foiled
11 for?

12 MS. REA: Certainly. I'll be glad
13 to, and I'm going to as soon as
14 everybody finishes speaking because the
15 record needs to be fully supplemented
16 with all of this documentation.

17 MS. WICKHAM: Hello again, Abigail
18 Wickham for Jack Weiskott and Roberta
19 Garris. I would just like to clarify,
20 and I'm sorry if I missed it, is there
21 a FOIL request pending on this
22 application?

23 MR. PROKOP: It references both
24 applications. Actually, the FOIL
25 request is a FOIL request, it's not

1 really associated with an application,
2 it's just a FOIL request.

3 MS. WICKHAM: But it has by the
4 applicant's Counsel been tied to the
5 prior hearing.

6 MR. PROKOP: Yes. Subsequent
7 correspondence then tied into this, but
8 initially it was just a FOIL request,
9 two FOIL requests.

10 MS. JAGGER: Hi, Marianne Jagger,
11 430 Front Street, Greenport. My take
12 on this whole thing is four years we've
13 had for one problem, right, we've been
14 battling back and forth. We stop, we
15 go, we stop, we go. Tonight, again,
16 stop and go. Now we're working on 238
17 Fifth Avenue. That parking is getting
18 ridiculous on not just that property,
19 all over the place. The whole street.
20 How much more traffic can that street
21 handle? And then if you put two more
22 homes in there, what are you doing with
23 the sewer system, which is really
24 antiquated now. As I said before, I've
25 had it where I've had odors in my house

1 that I've actually threatened to call
2 the Board of Health if something wasn't
3 done because I am at the end of the
4 line. And, you know, you get tired of
5 all this stuff. I'm tired of seeing
6 cars zooming there and then hitting
7 cars. As I said last time, my
8 grandson's truck got hit. And I know
9 for a fact, the woman, the handicapped
10 woman that lived downstairs at 221
11 Fifth Avenue, her car was damaged one
12 time, and that poor soul couldn't
13 afford to keep going fixing cars and
14 stuff. So I mean, like I'm saying,
15 everything you said about comments,
16 comments. Well, I think we have a
17 right to comment. I think we have the
18 right to complain. We live there. If
19 Mr. Olinkiewicz things it's such a fine
20 idea, take your buildings, go to
21 Shelter Island where you live and pay
22 taxes and annoy those people. But he
23 won't do that because Shelter Island
24 won't allow it. Now, how much more is
25 Greenport going to allow? We've been

1 accused of being racist, which I
2 believe the woman owes all of us an
3 apology, that's number one. She
4 doesn't know us, she has no right to
5 make a claim. We are only fighting for
6 what we believe is right for our
7 lifestyle. I don't care who lives near
8 me. I have Spanish people living next
9 door, thought the world of them. When
10 they had a problem fixing lawn mowers,
11 my son went over and fixed it for them
12 They helped them when they could. They
13 were decent people. We do not object
14 to what's coming in nationality wise or
15 whatever, but what we're saying is our
16 street can't handle anymore. I've
17 lived there long enough to see a kid
18 get hit by a car, and right on that
19 street we didn't have all the traffic
20 we have now. So you know that street
21 is getting dangerous. We have kids
22 there, no one even watches them half
23 the time, they're running all over the
24 place. That's been in that lot too.
25 They go swing on that swing, they're

1 playing all over there. Half the kids
2 I know from school that don't live
3 there, but they seem to congregate
4 there. You know, that's what I'm
5 saying, when is enough going to be
6 enough? And nothing seems to be solved
7 every time we come here. We give up
8 our time, leave our homes to come here
9 and listen to this one moan and groan
10 about her man's rights, her client's
11 rights. What about our rights? When
12 do we get anything done?

13 (Applause.)

14 CHAIRMAN SALADINO: Of course
15 everyone has the right to comment, but
16 just to explain this process, and I
17 don't mean to be condescending, just to
18 explain the process. They were told
19 no, they have a right to appeal.
20 That's the deal. They have a right to
21 appeal. The applicant is appealing.
22 This Board is charged with doing what's
23 best as a compromise between the
24 applicant and the Village. That's what
25 we do, we give moderately tailored

1 relief and modest relief. We listen to
2 everyone's comments, we take them into
3 consideration, we support the code.
4 What's happening now is the legal
5 process. The applicant has more
6 information, they feel that it would be
7 prejudicial to their appeal if we close
8 the public hearing without them getting
9 that information. We want to take the
10 neighbors into consideration. We know
11 it's a chore to come here. We
12 certainly know it's a chore to come
13 here and sit through these comments and
14 stuff, that's why it was my contention
15 -- it was my idea that we set a date,
16 this way next month if you're here to
17 comment on this particular application
18 you don't have to because it won't be
19 here next month. It will be here in
20 February.

21 MS. JAGGER: Oh, good, we get a
22 break.

23 CHAIRMAN SALADINO: That was the
24 past application, we haven't decided on
25 this one. The applicant gets a day in

1 court, the neighbors are accommodated
2 not having to show up on October,
3 November, December and because of a
4 last minute request for an adjournment
5 you sit and nothing happens again.
6 Trust me when I tell you, the Zoning
7 Board of Appeals wants to adjudicate --
8 wants to take care of this. We would
9 like to end this process, whichever way
10 it goes. Close the public hearing,
11 have a discussion, vote on the
12 variances. Whatever the outcome is,
13 the outcome is. If it's in the
14 applicant's favor, they go to the
15 Planning Board, and the neighbors get
16 to do it all over again with the
17 Planning Board.

18 MS. JAGGER: Can this Board
19 actually assure us that in February
20 this is going to be over? So over four
21 years already on one piece of property.
22 I mean, come on, it doesn't take that
23 long to buy a house.

24 CHAIRMAN SALADINO: The
25 alternative for us was to take the easy

1 road, adjourn it to next month, the
2 applicant perhaps will have their
3 information, perhaps not. They've
4 already said that they're not willing
5 to go forward without that information,
6 so now what happens is we have another
7 adjournment, we have another
8 adjournment.

9 MS. JAGGER: How many adjournments
10 are they going to have?

11 MR. PROKOP: We can bring it to an
12 end, we don't have to keep granting
13 adjournments.

14 CHAIRMAN SALADINO: We all
15 understand that, but we all understand
16 that as long as things are done by the
17 book, there's less likelihood of it
18 going further. Everyone in this room
19 would like it to stop here. Whether
20 it's pro or con, yes or no because if
21 it goes for an Article 78, then it
22 takes forever, and again there's a
23 question up in the air how the
24 administrative law judge decides. So
25 that's kind of like where we are,

1 that's kind of what's happening with
2 us. We're all neighbors, we want to
3 accommodate everybody by making it as
4 easy and convenient as possible, but
5 unfortunately this is the process. I
6 just don't know what else to say.

7 MS. GORDON: Another thing to be
8 aware of is that the applicant always
9 has a right to an appeal. If this
10 doesn't go, there is a possibility of
11 another proposal for that piece of
12 property, and the possibility that a
13 building permit or subdivision would be
14 denied, and we would be here again
15 because the applicant has a right to an
16 appeal on these decisions. So I mean,
17 you referred to the fact that you've
18 been here before three years ago or
19 whatever it was, it wasn't the same
20 case. It may feel like the same case.

21 MS. JAGGER: No, every time we
22 turn around there's more added to it.
23 You know, a murder trial doesn't take
24 four years. Come on. This is
25 ridiculous. Oh, and by the way, I do

1 believe you do us an apology.

2 MS. REA: Perhaps you, ma'am, but
3 not others.

4 MR. WEISKOTT: Jack Weiskott, 229
5 Fifth Avenue. What Mrs. Jagger was
6 referring to was the original
7 application for the subdivision, the
8 same exact lot. It's been shifted over
9 five feet, that's the different in the
10 plan. It started in 2012. We've been
11 coming to hearings since 2012, it was
12 about two year hiatus where there were
13 no applications submitted, and now this
14 has been submitted again. Now we're
15 going into 2017, that's five years with
16 the same parcel with the same request
17 for a subdivision, that's why we're
18 tired of it. It's been hanging over my
19 wife and I, our heads, and everyone
20 else on the street for five years.
21 Well, almost five years. It will be
22 five years by the time we have the next
23 meeting of this, and my understanding
24 is that, yes, he can appeal, he can
25 submit an application with six inches

1 lopped off one side of the property,
2 and we'll go through this whole thing
3 over again. He's hoping that somebody
4 will fall asleep and not oppose it and
5 it will just go right through. We are
6 tired of it. It's scary to live next
7 door to something that could happen at
8 any moment. Suddenly we're awakened to
9 the fact that now there's new proposal
10 for another property where there was no
11 property. So I'm just letting you know
12 that we're a bit frustrated about this
13 whole thing. And his rights have
14 certainly been protected, and our
15 rights, we've been able to speak and
16 say our piece, which we appreciate, and
17 all we can do is we're hoping that it
18 turns out okay for us, and that's it.

19 CHAIRMAN SALADINO: Thank you.

20 MR. REED: Just one question, if
21 it goes back to the Planning Board,
22 which vehemently denied their
23 application last time, we're going to
24 have to go back through the same
25 process again? Because it was five

1 clear no. So we're going to have to go
2 through the whole -- okay. Thank you.
3 I'm sorry.

4 MS. NEFF: Can I just ask for
5 clarification? It has to get the
6 variance, the proposal on each of these
7 before it goes to the Planning Board,
8 to make it to that point?

9 CHAIRMAN SALADINO: That's how it
10 got here. The Planning Board denied
11 it, that's how it got here.

12 MR. HOLLID: Good evening, Board.
13 My name is Joe Hollid. I live on South
14 Street. I'm on the northeast side of
15 the -- I guess they're on the -- it
16 abuts the house that's being proposed,
17 so it's on the north side of --

18 CHAIRMAN SALADINO: You share a
19 fence, right?

20 MR. HOLLID: The south side, I'm
21 sorry. I'm behind it kind of on a
22 diagonal, but the back part of the
23 stockade fence encloses half of my
24 backyard because I have a duplex, so my
25 half of the backyard covers the area

1 behind me that the proposed house would
2 go to. I saw the stakes there and the
3 lines, and I'm wondering is that just
4 going to be a single family with no
5 garage, and are the stakes enclosed
6 just for the house itself?

7 CHAIRMAN SALADINO: It's going to
8 be an eight hundred square foot house.
9 He's requesting seventy-five square
10 feet --

11 MR. HOLLID: Yeah, I understand
12 that, but when they take the -- the
13 demolish the garage and the apartment
14 that's been contaminated -- not
15 contaminated -- it's going to be
16 demolished either way, so there will be
17 an area going toward the back where the
18 proposed house will be, but they have
19 three cars now that are there that park
20 right behind the original house that's
21 there now. And my thinking is with the
22 house there and the area around it,
23 there doesn't seem to be any real room
24 for any more parking. It's going to
25 be, like, a parking lot back there,

1 there will be probably at least three
2 more cars there, so we're talking about
3 six cars in the smaller area that it
4 just seems like it's going to be
5 overcrowded back there. And there are
6 kids, and I know they have a big
7 trampoline back there now that
8 encompasses probably twenty-five square
9 feet around the area, not that that
10 matters, that's kid stuff, but there's
11 a safety issue that I'm thinking about
12 because it's going to be a small area
13 for six cars. At least -- now, I don't
14 know what they proposed, is it going to
15 be for two cars?

16 CHAIRMAN SALADINO: We were there
17 for a site visit, and we saw the
18 proposed parking for the front house,
19 and obviously we see the proposed
20 parking for the rear house, and I'm not
21 sure your question. According to the
22 plans, there is enough room.

23 MR. HOLLID: For how many cars?

24 CHAIRMAN SALADINO: Well, the plan
25 says five.

1 MR. HOLLID: I thought it was two
2 for --

3 CHAIRMAN SALADINO: Three for the
4 front property, for lot --

5 MR. HOLLID: I thought it was only
6 two per single family -- for double
7 family, I mean.

8 CHAIRMAN SALADINO: There's three
9 proposed for the front property and two
10 proposed for the rear property. I'm
11 not sure which, I don't have it.

12 MR. HOLLID: Per two family house,
13 how many houses are allowed, four? I
14 mean, how many cars are allowed?

15 MS. WINGATE: You're allowed one
16 and a half parking spots per apartment.
17 The two family has three, the one
18 family has two.

19 MR. HOLLID: Why is three for a
20 two family, yet it's only one for a one
21 family?

22 CHAIRMAN SALADINO: It's two
23 parking spaces for a single family
24 home, one and one half parking spaces
25 for each apartment in a two family

1 home.

2 MR. HOLLID: But why is it one and
3 a half?

4 CHAIRMAN SALADINO: I don't know
5 why.

6 MR. HOLLID: I'm asking because
7 it's one for one family and they have
8 another family above, then it should be
9 only two. I don't know. I was just
10 thinking because there's stockade fence
11 there, and I don't know how they're
12 parking, I haven't seen the proposed.

13 CHAIRMAN SALADINO: These are
14 public documents.

15 MR. HOLLID: Where are the two
16 cars going to go that are in the back,
17 are they --

18 CHAIRMAN SALADINO: They look like
19 they're next to your property. If you
20 would agree to, I would like to give
21 the stenographer a ten minute break
22 because she -- and I would be glad to
23 let you have these plans, so during
24 that ten minutes perhaps they could
25 answer some of your questions.

1 MR. HOLLID: Thank you.

2 CHAIRMAN SALADINO: Is that okay
3 with the Board, we recess ten minutes?

4 MR. CORWIN: Yes.

5 CHAIRMAN SALADINO: It's 7:30,
6 we'll be back here twenty to 8:00.

7 (A recess was taken.)

8 CHAIRMAN SALADINO: It's 7:40,
9 we're going to resume the meeting. Is
10 there anyone else that would like to
11 address the Board on 238 Fifth Avenue?

12 MR. TASKER: Arthur Tasker, Beach
13 Street in Greenport. I just want to
14 reiterate the comments that I made with
15 respect to the preceding applicant by
16 the same applicant, make the same
17 statement that this Board has a duty to
18 enforce the Zoning code, one of the
19 principal purposes of which is the
20 maximum protection of residential
21 property in the Village, and also the
22 elimination of nonconforming uses,
23 restating something that I said a month
24 ago to this Board, every time you give
25 a variance, you create a new

1 nonconforming use, which is exactly
2 contrary to the purpose of the Zoning
3 code. Thank you.

4 CHAIRMAN SALADINO: Anyone else?
5 We have the same request by the
6 applicant because of a pending FOIL
7 request.

8 MS. REA: May I speak, sir?

9 CHAIRMAN SALADINO: Sure.

10 MS. REA: I need to supplement the
11 record to correct some inaccuracies
12 that have been stated tonight. So I'm
13 going to do that with the paper record.
14 The public hearing in September was
15 held on September 20, 2016, and at that
16 time there were allegations made that I
17 stated were unsubstantiated, untrue,
18 incorrect, wrong. As a result of that,
19 two days later I submitted a FOIL
20 request to the Village, that is Freedom
21 of Information Law request, there were
22 two of them. The first one was for,
23 and I quote, all records and files
24 relating to inspections conducted by
25 the Village and/or section 8 housing

1 staff of 221 Fifth Avenue, Suffolk
2 County Tax Map section 04, block 04,
3 lot 29, and 238 Fifth Avenue, Suffolk
4 County Tax Map, section 04, block 08,
5 lot 04 during the period 1996 to 2016
6 to date.

7 CHAIRMAN SALADINO: That's -- for
8 238, that's the wrong tax map number.

9 MS. REA: Well, we'll -- whatever
10 the tax map number is, it's replete
11 within this record of what it is. Do
12 you have a correction, sir, you can put
13 that in the record.

14 CHAIRMAN SALADINO: It's Suffolk
15 County Tax Map 1001-4-8-3.

16 MS. REA: Thank you. The second
17 FOIL request was for, and I quote, all
18 records and files relating to
19 subdivision applications in the R-2
20 district that were denied during the
21 period of 1996 to 2016 to date.

22 I received no response, and so on
23 October 7th I wrote a letter to the
24 records access clerk, Ms. Pirillo, and
25 I have this letter, which I'm going to

1 put int the record and ask the court
2 reporter to make part of the record, as
3 well as the documents that I've already
4 referenced. Dear Ms. Pirillo, as you
5 know, we represent James Olinkiewicz.
6 On September 22nd we e-mailed two
7 Freedom of Information Law, FOIL,
8 requests for documents in accordance
9 with the Village's records access
10 procedure. However, your e-mail box
11 was full, your office requested that we
12 fax them. We did so. Attached are
13 copies of those requests, including
14 facsimile transmission confirmation.
15 New York State FOIL, section 89, sub 3,
16 sub A, and the Village's own procedure
17 require that the Village respond to
18 FOIL requests in five days. If the
19 response is merely an acknowledgment
20 without immediate production of
21 documents, FOIL and your procedure
22 require the Village to state the
23 expected date of the availability of
24 the files, which date shall not be more
25 than twenty days. To date, we have

1 received nothing from you in response
2 to these FOIL requests. Please
3 promptly advise when the records will
4 be available. Also, please note that
5 public comment on the above referenced
6 pending ZBA applications has
7 necessitated the information contained
8 in these files. For that reason, I
9 have provided copies of this
10 correspondence confirming these
11 requests to the chairman of the ZBA and
12 Planning Board. I ask that you
13 expedite response, so that we will have
14 it timely. Very truly yours, Kimberlea
15 Shaw Rea. Copies to James P.
16 Olinkiewicz, Paul J. Pallas, Village
17 Administrator, Joseph Prokop, ESQ.,
18 Devon McMahon, Planning Board Chair,
19 John Saladino, Zoning Board Chair. In
20 response, I received from Ms. Pirillo a
21 telephone call and an e-mail on
22 Thursday, October 13, 2016. Dear Ms.
23 Rea, the Village of Greenport
24 acknowledges receipt of your records
25 access request for all records and

1 files relating to subdivision
2 applications in the R-2 district that
3 were denied during the period of 1996
4 to 2016 to date. A response to your
5 request is expected by October 27,
6 2016. On October 17th, I received
7 another response from Ms. Pirillo by
8 e-mail, and I read, Ms. Rea, the
9 Village of Greenport acknowledges
10 receipt of your records access request
11 for all records and files relating to
12 inspections conducted by the Village
13 and/or section 8 housing staff of 221
14 Fifth Avenue and 238 Fifth Avenue
15 during the period 1996-2016 to date.
16 It is expected that you will receive a
17 response to this request by October
18 21st. However, the following day on
19 October 18th, I received an e-mail with
20 a production of the documents for the
21 inspection request from the clerk's
22 office. It was thirty-eight pages, and
23 I believe it's complete. It appears
24 that records access request has been
25 completed, so what is remaining are the

1 files that evidence subdivision
2 requests that have been denied in the
3 R-2 district. I don't think there are
4 very many of them. That's part of the
5 reason that we object to a three month
6 adjournment.

7 I'd further like to say that on
8 October 14th I sent a letter to Mr.
9 Saladino and to Paul Pallas.
10 Gentlemen, as you know, we represent
11 James Olinkiewicz, owner of 221 Fifth
12 Avenue in the Village of Greenport and
13 238 Fifth Avenue, Greenport, Inc. in
14 their request for the above referenced
15 area variances. Public comment during
16 the last public hearings of these
17 applications required us to seek
18 information from the Village through
19 the New York State Freedom of
20 Information Law. You were both copied
21 on my October 7, 2016 letter inquiring
22 about responses to our September 22,
23 2016 FOIL requests. The Village
24 records access officer responded
25 somewhat belatedly, but is finally

1 processing the second of the two
2 requests for documents that are
3 necessary evidence for my client's
4 responses to public comment. We have
5 been advised that these documents will
6 be available on October 27, 2016. Our
7 client's interests will be prejudiced
8 if deprived of the opportunity to
9 present this information. I therefore
10 respectfully request that the
11 continuation of public hearing on these
12 applications be adjourned until the
13 ZBA's November meeting. We further
14 request that the public hearing on this
15 application will be adjourned and that
16 they will not appear on the ZBA's
17 October 18, 2016 agenda. Under these
18 circumstances, I will not be making an
19 appearance that evening. Thank you for
20 your anticipated cooperation. Very
21 truly yours, Kimberlea Shaw Rea, with
22 carbon copies to James P. Olinkiewicz
23 and Joseph Prokop, ESQ. I received
24 last evening at 7:24 an e-mail from Mr.
25 Saladino expressing his disinclination

1 to grant the request for adjournment,
2 but deferring that matter to the
3 Village Attorney. As Mr. Prokop has
4 stated, he and I spoke this afternoon,
5 he explained to me that he would be
6 receiving public comments from the
7 public, but that you would be willing
8 to adjourn the public hearing so that
9 we could provide information. For that
10 reason, I came here tonight to hear the
11 public comment. However, my request
12 remains, and today October 18th I sent
13 a letter to John Saladino and Paul
14 Pallas, which I'm going to hand deliver
15 to you here. Gentlemen, as you know,
16 we represent James Olinkiewicz, owner
17 of 221 Fifth Avenue and 238 Fifth
18 Avenue, Greenport, Inc. By letter
19 dated October 14th, I requested an
20 adjournment of tonight's ZBA public
21 hearing on the above referenced
22 applications. Public comment made
23 during the public hearing of these
24 applications required us to seek
25 information from the Village through

1 New York State Freedom of Information
2 Law, FOIL. You were copied on my
3 October 7, 2017 (sic) letter inquiring
4 about responses to our September 22,
5 2016 FOIL requests. The Village
6 records access officer responded
7 somewhat belatedly, but is now
8 processing the request, and advised
9 that two sets of requested documents
10 will be produced on October 21 and
11 October 27th. Our client's rights will
12 be prejudiced if you deprive him the
13 opportunity to present this
14 information. This confirms my
15 telephone conversation of today's date
16 with Mr. Prokop. I understand that he
17 has recommended that the ZBA adjourn
18 the public hearing to provide us the
19 ability to provide further responsive
20 comment on the above referenced area
21 variations. Without reviewing the
22 Village's documents that we requested
23 by FOIL, my client will be deprived of
24 our ability to do so. Very truly
25 yours, Kimberlea Shaw Rea, CC to James

1 P. Olinkiewicz and Joseph Prokop, ESQ.
2 To sum up here, the Village has already
3 responded to one of our Freedom of
4 Information Law requests apparently
5 rather fully. I think it doesn't
6 include Ms. Wingate's most recent
7 inspection last week, which we'd
8 request a copy of, but as far as I
9 know, that FOIL request has been
10 fulfilled. It was thirty-eight pages
11 and encompassed I believe five
12 inspections during the period and no
13 complaints, other than with the
14 exception of the 2013 application where
15 there was general reference made to
16 complaints by the neighbors of
17 overcrowding. No overcrowding was
18 found in that inspection report. All
19 of this will be provided to you when we
20 do make our public comment, but I would
21 simply like to reiterate my request
22 that the public hearing be adjourned to
23 December of 2016 if you're not willing
24 to adjourn it to next month's meeting.

25 CHAIRMAN SALADINO: By your own

1 statement, by your own comments when
2 one of the options was to close the
3 meeting and hold the record open for
4 thirty days, which would bring us to
5 the November meeting, you said that
6 wouldn't be nearly enough time for us
7 to prepare our comments.

8 MS. REA: Well, that's in response
9 to Mr. Prokop saying that this is
10 hundreds of hours -- of man hours.

11 MR. PROKOP: I didn't say man
12 hours, I said hundreds of hours.

13 MS. REA: Hundreds of hours -- to
14 review the documents. So I'm simply
15 trying to add more time there. I had
16 originally asked that it be adjourned
17 to November. You have said no, that it
18 had to be adjourned to February of
19 2017. We think that's too long. I've
20 made that objection.

21 CHAIRMAN SALADINO: And it's
22 noted, but the Board itself feels
23 that's what would be most convenient
24 for this Board. We have a full
25 calendar. We've accommodated you and

1 your client many times in the past. I
2 don't think it's unreasonable to
3 accommodate the Board, the Village, and
4 the neighbors. If I could ask you,
5 what's the detriment, what is the harm
6 to you and your client? You say we're
7 usurping your rights or I can't
8 remember the exact phrase.

9 MS. REA: Three months delay
10 abridges my client's rights. We can't
11 move forward with a three month delay
12 until the next public hearing.

13 CHAIRMAN SALADINO: I really don't
14 want to get into a back and forth with
15 you, but you can't even guarantee this
16 Board that you'll be ready in December.
17 We've had this past -- this hearing was
18 scheduled to be closed last month, as a
19 courtesy we kept it open.

20 MS. REA: As a courtesy to
21 everyone, sir, not just my client,
22 everyone.

23 CHAIRMAN SALADINO: What is it
24 that you take exception to what I said?
25 Why would you think that --

1 MS. REA: I just want it to be
2 clear that this is for everyone's
3 benefit.

4 CHAIRMAN SALADINO: Well, that's
5 who we look out for, we look out for
6 everyone.

7 MS. REA: Would you mind telling
8 me the date of the February 2017 Zoning
9 Board of Appeals meeting?

10 CHAIRMAN SALADINO: I believe it
11 is the 17th.

12 MS. WINGATE: Let me check.

13 CHAIRMAN SALADINO: Also, for the
14 record, I would like to read my e-mail
15 because whether by error or perhaps
16 your e-mail server is wrong, you left
17 out a sentence or two.

18 MS. WINGATE: The 16th -- February
19 21st, the third Tuesday of February is
20 the 21st.

21 CHAIRMAN SALADINO: So February
22 21, 2017.

23 MR. PROKOP: I just want to say,
24 if I could, please, at the August
25 meeting, the public -- the Board was

1 here, if I'm not mistaken until 12:30
2 in the morning or something like that
3 concluding the public and basically
4 nothing happened, other than the public
5 was heard, which is important. Last
6 month, we managed to get out of here at
7 10:30, but everybody from the public
8 was stuck here until 10:30 to protect
9 their rights. Tonight to do two
10 adjournment requests is 8:00 so far,
11 might be much after this by the time we
12 get done, and meanwhile the public is
13 held hostage just to be heard. And
14 it's not -- as we heard before, I mean,
15 this has been going on for years. The
16 adjournment is only for a midstream
17 decision by the applicant to -- that
18 additional documents are required, and
19 it's not fair to everybody to keep
20 putting this on the calendar to, as I
21 say, just hold everybody hostage, to
22 know that they're going to be here a
23 whole night with nothing happening. So
24 for that, in summation, I think that we
25 should either, as I said before, just

1 take it off the calendar until the
2 applicant is ready to proceed or put it
3 out to a long adjournment as the
4 chairman has suggested.

5 CHAIRMAN SALADINO: I'm not
6 inclined to be at the convenience of
7 the applicant, I'm sorry, I'm not
8 inclined to do that. I'm offering a
9 date. If you feel your rights are
10 being violated, then you have recourse.

11 MS. REA: Sir, my objections have
12 been noted.

13 CHAIRMAN SALADINO: Absolutely.

14 MS. REA: As I understand it,
15 that's for both applications, correct,
16 221 Fifth and 238 Fifth.

17 CHAIRMAN SALADINO: We didn't
18 address 238 Fifth, that's a separate
19 public hearing. So we'll address that
20 as soon as the public is finished.

21 MS. REA: I thought they were
22 finished.

23 CHAIRMAN SALADINO: Well, I see a
24 hand.

25 MR. CORWIN: Are you going to sit

1 down so she can speak, or are we going
2 to be here until 12:00?

3 MS. REA: I'd like to say this,
4 listen, I fully recognize that this
5 Board has a very full calendar. I
6 wasn't here, our matter wasn't being
7 heard until 12:30, but I certainly do
8 recognize that. You have a lot before
9 you, and I do understand that, so I
10 appreciate it.

11 CHAIRMAN SALADINO: Thank you for
12 your consideration. I would just like
13 to -- before Joanne speaks, I would
14 just like to read my e-mail, the entire
15 e-mail into the record. Dear Ms. Rea,
16 as to your request for an adjournment,
17 I'm not inclined to grant it. I
18 believe there was more than ample time
19 to address the concerns expressed by
20 the public and by your office, but I
21 will defer to the opinion of the
22 Village Attorney. Respectfully, John
23 Saladino. And that's what I did.

24 MS. REA: Yes, sir, thank you.
25 And actually I'd like to supplement the

1 record with a print of that. I don't
2 have it right now, but I think it
3 should go into the record along with
4 the documents that I just read, and I'd
5 ask the court reporter to make these
6 part of the record as exhibits.

7 CHAIRMAN SALADINO: Joanne?

8 MS. MCENTEE: Joanne McEntee, 242
9 Fifth Avenue. I understand these
10 records are being FOILED and some were
11 already FOILED, I'd like to bring back
12 into play on 238 Fifth Avenue that many
13 years ago when Dave Abottelli was here
14 as administrator, Eileen Wingate, there
15 were some issues, people were asked to
16 vacate because of overcrowding.
17 Thirty-eight people -- thirty-nine
18 people, excuse me, living in that -- in
19 the home itself, and my thing here is
20 that I hope that Mr. Olinkiewicz's
21 attorney has these records. My
22 understanding, these records when I
23 asked about them in the -- quite some
24 time ago, that these records went
25 missing. So I would like -- I'm sure

1 if Ms. Wingate had them evicted and
2 Mr. Abottelli had also been part of an
3 eviction process, which I believe there
4 were two processes, that she does have
5 -- Mr. Olinkiewicz attorney has these
6 records. There was also a chimney fire
7 there as well. Just so we can make
8 sure that when we come back again, she
9 has everything that she needs and we're
10 not going to go for another
11 adjournment.

12 CHAIRMAN SALADINO: Just again,
13 just so everybody is on the same page.
14 We're not in charge of the records. We
15 don't -- so to ask us for them or to
16 ask us to make sure is --

17 AUDIENCE MEMBER: Beyond your
18 scope.

19 CHAIRMAN SALADINO: Is kind of,
20 like, a round about method.

21 MS. MCENTEE: My intent really was
22 just to put it into record that is
23 necessary that that is part of an
24 inspection and they were asked to leave
25 two separate times by two separate

1 people. Thank you.

2 MS. REA: Those records were not
3 produced, for the record.

4 CHAIRMAN SALADINO: Anyone else
5 like to make a comment? If not, I'll
6 entertain a motion to adjourn this to
7 our February 21, 2017 ZBA meeting.

8 MS. GORDON: So moved.

9 MS. NEFF: Second.

10 CHAIRMAN SALADINO: Is there any
11 discussion before we --

12 MS. GORDON: Well, I'm going to
13 vote for it, but I'm really sorry we
14 aren't closing both of these hearings
15 because I think there has been adequate
16 time to discuss what the most important
17 issues are, and I doubt we'll get much
18 new information that's relevant, but
19 I'm going to go ahead and vote for it.

20 CHAIRMAN SALADINO: I agree with
21 you, but, you know, the advice that we
22 got and to be fair to the applicant and
23 to be fair to the public and hopefully
24 to have the decision stop here instead
25 of letting it go further, we thought

1 that we would just -- the discussion
2 that I had with the attorney, we
3 thought it would be best to continue
4 the public hearing to that day. And
5 once again, to make it that far in the
6 future is to accommodate the neighbors
7 somewhat and because of our full
8 calendar. So the motion was made, it
9 was seconded. All in favor?

10 MR. CORWIN: Aye.

11 MS. GORDON: Aye.

12 MS. NEFF: Aye.

13 CHAIRMAN SALADINO: Aye. That
14 motion carries.

15 Item number six is a public
16 hearing regarding an area variance
17 sought by Ralph and Maureen Caouette,
18 447 Sixth Street, Greenport, New York
19 11944. The property is located in the
20 R-2 district. The applicant seeks a
21 building permit to construct an
22 addition to the dwelling that includes
23 an open carport with a second floor
24 deck. Suffolk County Tax Map
25 1001-6-3-3. I've been told by the

1 clerk that this was properly noticed in
2 the newspaper, it's on the Village's
3 website, and I believe on the bulletin
4 board, and for those that are
5 interested, there's a copy attached to
6 the agenda. We have these
7 notifications: Theresa Schiavone, 434
8 Sixth Street, Greenport. Mary Wade,
9 I'm not sure what that is.

10 MR. CAOUETTE: Across the street.

11 CHAIRMAN SALADINO: Across the
12 street. Enrique Alvarez, no address.
13 Across the street?

14 MR. CAOUETTE: Diagonal.

15 CHAIRMAN SALADINO: Ural Calgon
16 (phonetic).

17 MR. CAOUETTE: In back.

18 CHAIRMAN SALADINO: 134 Second
19 Street, Greenport. Marack Mallat
20 (phonetic), 449 Sixth Street.

21 MR. CAOUETTE: Adjacent neighbor
22 north.

23 CHAIRMAN SALADINO: James Kennedy,
24 no address.

25 MR. CAOUETTE: He lives in St.

1 James, seasonal house in back of me.

2 CHAIRMAN SALADINO: Deborah Ariva
3 (phonetic), 433 Sixth Street,
4 Greenport.

5 MR. CAOUETTE: Thanks. Ralph
6 Caouette, 447 Sixth Street. I almost
7 forgot what I was going to say, I've
8 been coming for four months. I'm glad
9 I'm living where I'm living. I bought
10 the house four years ago, it's been
11 seasonal. I live in Massachusetts,
12 where I just finished a career as a
13 fine arts administrator. I've got a
14 few part-time things I do now, I can
15 pretty much live anywhere. My wife who
16 grew up here, spent her first
17 twenty-three years apparently on Fourth
18 Avenue, Maureen Gullas, has requested
19 that we move, so we bought a house.
20 Her prime reason is really to look
21 after her mother who is living in East
22 Marion, and who we expect to be living
23 in the house probably within two or
24 three years. She's got a touch of
25 macular, and she's eighty-five. So

1 when we put this house project
2 together, pretty much the house right
3 now is only seven hundred square feet.
4 Sizable lot, just understood twelve
5 thousand square feet. We're putting a
6 carport portico share on, and half of
7 it exceeds the setback on the south
8 towards Deborah Ariva's house. Prime
9 reason for it is expecting my
10 mother-in-law, we want to cover so that
11 she can park her car. She probably
12 won't be living there -- the house
13 should be done in May or June, by next
14 winter, not this winter but next
15 winter. And hardship, having clear
16 stairs from snow and ice so that she
17 can step down. I'm not always around.
18 When she eventually can't drive, I'll
19 probably be doing a lot of the driving,
20 but the prime reason is so that there's
21 some safety there. Secondarily, my
22 wife is a sculptor. She -- we need to
23 be able to drive through to load and
24 unload her sculptures. She works in
25 the back now in the old garage.

1 Occasionally, for instance, like we do
2 now, she does some of her work in the
3 garage. So it's been our biggest
4 reasons and rationale for this carport
5 that's approximately twelve and a half
6 by twenty-one that does exceed the
7 setback about half way. My neighbor is
8 fine with it. She's in Texas right
9 now. She didn't see a problem with it,
10 that's probably why she didn't write a
11 letter. Two years ago she was here
12 getting a variance, and I helped her
13 with her project, which was a six foot
14 square mud room. So feedback from any
15 of the other neighbors, no wishes.
16 So --

17 MR. PROKOP: When you get a
18 chance, you have to go to the building
19 department and complete the -- there's
20 information missing on your
21 application. It's just, you know,
22 minor things, but you need to sit with
23 your application and just legibly write
24 thins down like your address and things
25 like that.

1 MR. CAOUETTE: I can do that
2 tomorrow morning.

3 MS. GORDON: I have a question.

4 MR. CAOUETTE: Sure.

5 MS. GORDON: You know, the
6 variance goes with the property, not
7 with the person and with the owner, and
8 I -- absolutely, I think you've made a
9 very good case for why it's important
10 for your family, but I'd like you to
11 talk about why a carport is a good idea
12 for that property in perpetuity.

13 MR. CAOUETTE: Well, I hope
14 perpetuity isn't when I die -- but my
15 wife has lived up north for thirty-five
16 years, I'm honoring her wish to move
17 down and we expect. I have longevity,
18 I expect to live quite a while, and in
19 the four years I've fallen in love with
20 the Village. But with the designer,
21 the decisions that were made in the
22 shaping of this addition to the house
23 as well as the carport, we feel it fits
24 right in with the architecture of the
25 neighborhood, which is cottage style,

1 1920. If you were to look at the
2 elevations, you'd see that it fits in
3 with the neighborhood. It's not
4 oversized, it's a pretty modest house.
5 Most of the houses nearby are larger
6 even then this house will be with the
7 addition. So that's probably the
8 biggest, I plan on taking care of it
9 for the next thirty, thirty-five years.
10 I'm an artist, illustrator myself. I
11 work in the house. Part of the reason
12 we need more space, we've been limited,
13 besides jobs, is the size of the house,
14 and I usually needed one room and a
15 half myself just for the illustrations
16 and design work I do, my wife even
17 more. She's got the garage in the
18 warmer months, but it's not heated.
19 Again, the biggest reason for the
20 carport, single reason is safety for my
21 mother-in-law. I guess we've been used
22 to having a garage. I talked about the
23 possibility of a garage with my
24 neighbor, and she was more in favor of
25 a carport, I said I had no problem with

1 that, drive through, it's more airy, a
2 little bit more lighter in style.

3 CHAIRMAN SALADINO: Thank you.
4 Anyone else have questions for the
5 applicant?

6 MR. PROKOP: I just have one. So
7 the carport, I'm sorry, I don't mean to
8 be disrespectful, the carport is for
9 your mother-in-law, but the application
10 includes, am I correct, the application
11 also includes a second floor deck?
12 There's a deck --

13 MR. CAOUETTE: In the back of the
14 carport, yes. Our bedroom will be
15 moved to the upstairs, so we want a
16 little deck for privacy, you know, with
17 the mother-in-law.

18 MR. PROKOP: I mean, a second
19 floor deck is generally considered to
20 have an impact on neighbors.

21 MR. CAOUETTE: My immediate
22 neighbor who it faces is fine with it.

23 MR. PROKOP: So when the deck, the
24 second floor deck will be eight feet,
25 8.2 feet from the neighbor's property

1 basically.

2 MR. CAOUETTE: Yeah, there's a row
3 of screens or bushes that will mask it
4 somewhat.

5 MR. PROKOP: How far is this house
6 from that property line or their house,
7 I'm sorry?

8 MR. CAOUETTE: Their house? The
9 mud room went a couple of feet over,
10 the kitchen side of the house, that's
11 probably about seventeen, eighteen
12 feet.

13 MR. PROKOP: What would a smaller
14 carport do?

15 MR. CAOUETTE: Make it hard for me
16 to get my car in.

17 MR. PROKOP: The carport is for
18 two cars or one car?

19 MR. CAOUETTE: One car.

20 MR. PROKOP: I just want the Board
21 to be aware that it's an application
22 also for a deck, a second floor deck,
23 not just a carport.

24 MR. CAOUETTE: That would be in
25 the rear of the --

1 MS. GORDON: The deck itself
2 doesn't require a variance, right?

3 MR. PROKOP: What's the setback
4 for the deck?

5 MS. WINGATE: No, the structure
6 requires the variance.

7 MR. PROKOP: What's the access to
8 the deck?

9 MR. CAOUETTE: The only room
10 that's being added on -- the house
11 doesn't have a second floor, so it will
12 be a master suite for us with a
13 bathroom, and it will have a door to
14 this rather small deck. My
15 mother-in-law will be on the first
16 floor.

17 CHAIRMAN SALADINO: Is there
18 anybody else from the public that would
19 like to comment? I'm going to make a
20 motion to close this public hearing.

21 MS. GORDON: Second.

22 CHAIRMAN SALADINO: All in favor?

23 MS. NEFF: Aye.

24 MR. CORWIN: Aye.

25 MS. GORDON: Aye.

1 CHAIRMAN SALADINO: Motion
2 carries. Item number seven, discussion
3 and possible action on the application
4 of Dr. George Liakeas, 610 Main Street,
5 Greenport, New York 11944. This
6 property is located in the historic
7 district. Suffolk County Tax Map
8 1001-3-3-3.

9 Is the applicant here? Is his
10 attorney here? Is there any discussion
11 from the Board on this? Just so we're
12 on the same page, just so everybody
13 kind of knows what's going on, the
14 public and the Board. Dr. Liakeas is
15 asking for an interpretation of the
16 previous building inspector's
17 determination that this is a two family
18 house. He wants us to --

19 MS. GORDON: As I understand it,
20 the argument is that if the building,
21 which now has three or possibly four
22 apartments in it was there before the
23 1971 adoption of this Village code,
24 then we don't need a ruling on the
25 variances.

1 CHAIRMAN SALADINO: Well, it would
2 be preexisting, and no, we wouldn't
3 have to, but there's been evidence that
4 the code, in fact, existed, I have it
5 here, since 1949. There is a copy of
6 public record that I have that the
7 code, in fact, has been in effect
8 from -- so -- but even without that,
9 which I believe we should go by that,
10 but even without that there's a lot of
11 questions about --

12 MS. NEFF: Excuse me,
13 Mr. Chairman. You bring up this thing
14 about 1949, do we have any idea how
15 substantial the revision is? Do we
16 have separate -- I mean, what happened
17 between that time?

18 CHAIRMAN SALADINO: It doesn't
19 matter. The question is was there a
20 Zoning code prior?

21 MS. NEFF: Was there a discussion
22 of one family, two family, you know,
23 was all that part of the code in 1949?

24 CHAIRMAN SALADINO: Well, that's
25 not what's being debated.

1 MS. NEFF: Well, why are we
2 talking about 1949?

3 CHAIRMAN SALADINO: Because that's
4 when Greenport instituted a Zoning
5 code.

6 MS. NEFF: But if we don't know
7 what the Zoning code said then. We
8 know what it said in 1971.

9 MR. CORWIN: We know what it said
10 in 1949 too.

11 MS. NEFF: Do we?

12 MR. TASKER: I have a copy of it.

13 MS. GORDON: Perhaps it should be
14 noted that the person who addressed the
15 meeting at that time was named Henry
16 Tasker, presumably related.

17 MR. TASKER: My father.

18 CHAIRMAN SALADINO: Aside from
19 this, if the Board would rather, we
20 could address the application as it
21 stands. What's being suggested is that
22 there was four families in that house
23 prior to 1971. We have two -- three
24 affidavits of people that didn't live
25 there, but have lived there since 1999.

1 We have an affidavit from a woman, I
2 can't pronounce the name.

3 MS. WINGATE: Dee Armigboro.

4 CHAIRMAN SALADINO: So we have a
5 notarized affidavit from her that Dr.
6 Liakeas's attorney provided, but in
7 that notarized document that she
8 signed, presumably read and signed says
9 that she lived at her address since
10 1979 and knew of that property since
11 1979. In the testimony that she gave
12 here, she changed it. The attorney
13 said well, that was her typo, but
14 again, we have the first name is
15 Dolores and the last name is
16 A-R-M-I-G-B-O-R-O. She goes on to say
17 that she owns 622 Carpenter Street
18 since 1979 and also that to her
19 knowledge the house was not changed
20 since 1979 from the appearances of the
21 interior, exterior, and have been no
22 changes to the house since Zoning was
23 adopted in 1971, but her statement
24 contradicts that. So we have that. We
25 have three other affidavits from people

1 that have lived there at one time or
2 another. I also have a letter from
3 another resident that we'll read for
4 the record. What we have also is an
5 issuance of a pre-certificate of
6 occupancy that was sent to Dr. Liakeas,
7 signed by the building inspector, and
8 I'm going to read it for the record.
9 Tax Map Number 1001-section 3-block
10 4-lot 3. The Village of Greenport
11 established the authority with the
12 issuance of a certificate of occupancy
13 in October 1971. Therefore any
14 building or use established or built
15 after October '71 is regarded to make
16 applications. Prior to the above date,
17 a pre-certificate of occupancy is
18 required. We determined the following:
19 A two family wood frame dwelling in an
20 M-2 zone with a wrap around porch, and
21 it's signed by Victor Lazar, building
22 inspector. And that's dated July 14,
23 1998. So on July 14, 1998, the
24 building inspector decided that this
25 was a two family wood frame dwelling.

1 The attorney for the applicant contends
2 that there was a fatal flaw in this
3 building inspector's report because on
4 the property card is noted an M-2
5 classification. My personal review of
6 four or five property cards for
7 Greenport held by the Town of Southold
8 also have that M-2 notation on it. I
9 believe, David, you --

10 MR. CORWIN: I called up the tax
11 assessor today to find out what M-2
12 meant because it's on many property
13 cards in the Village of Greenport.
14 It's an old set of maps the Town of
15 Southold used to show what map it was
16 on. It's in the top right corner of
17 all the property cards that the
18 assessor used.

19 MS. GORDON: It's not equivalent
20 to R-2 then?

21 CHAIRMAN SALADINO: No, it
22 referenced older maps they had for the
23 Village.

24 MR. CORWIN: That they no longer
25 use. They're a whole set of maps for

1 the Town that they no longer use.

2 MS. NEFF: May I ask a question at
3 that point? So on the property cards
4 that you surveyed, five or six of them,
5 is there any other designation of
6 Zoning that are now on the Village
7 Zoning map, like, R-1, R-2?

8 MR. CORWIN: No. The building
9 inspector does not -- I'm sorry, the
10 tax assessor does not go into that
11 information.

12 MS. NEFF: Okay.

13 CHAIRMAN SALADINO: Getting back
14 to it, we talked to the applicant and
15 we asked them about this. He's not
16 here tonight to respond, and I'm
17 uncomfortable saying this, his
18 explanation was that he asked for a
19 pre-CO to get -- for one reason or
20 another, and that when this came, he
21 really didn't bother to read it, he
22 really didn't understand it. Actually
23 I pulled it out of the minutes. At
24 first he told us he was a twenty year
25 old college student, then he told us he

1 was a few years older and a medical
2 student, then he told us he was
3 twenty-five years old and a physician.
4 So in my opinion, if we could just --
5 whether he was forthcoming, he wasn't,
6 if he was here I would ask him what his
7 actual birthday is so we could know
8 exactly how old he is, but for a
9 licensed physician this is a one page
10 document that's fairly, you know, well
11 explained. So I think what we're being
12 asked to do here and now is to either
13 make a decision and affirm Victor
14 Lazar's decision that this was, in
15 fact, a two family wood frame dwelling.
16 The problem is also that if we -- the
17 attorney worded the application asking
18 for two bites at the apple. If we
19 affirm the building inspector's
20 determination with our interpretation,
21 she then asks for various variances.
22 So I think the thirist thing we're going
23 to have to do is rule on the
24 interpretation, if, in fact, we're
25 going to reaffirm the building

1 inspector's determination. If we do,
2 we can move onto the variances. If we
3 decide there was a fatal flaw, then the
4 application stops here.

5 I'm going to make a motion that we
6 deny the applicant's contention and
7 reaffirm the building inspector's
8 determination of -- what's the date?
9 July 14, 1998. So moved.

10 MR. CORWIN: Do we have to do the
11 SEQRA thing before we make the
12 determination on that?

13 MR. PROKOP: I think an
14 interpretation is a type two action,
15 but I suggest that you adopt lead
16 agency status to determine that it's a
17 type two action.

18 CHAIRMAN SALADINO: Thank you. So
19 I make a motion to adopt lead agency
20 status declaring that this is a type
21 two action.

22 MR. CORWIN: Has a --

23 MR. PROKOP: That's it, just
24 determine that's it's a type two
25 action, no SEQRA review is required.

1 MR. CORWIN: So moved.

2 CHAIRMAN SALADINO: We can do a
3 voice vote?

4 MR. PROKOP: Yes.

5 CHAIRMAN SALADINO: All in favor?

6 MR. CORWIN: Do we need a second?

7 MS. GORDON: Second.

8 CHAIRMAN SALADINO: All in favor?

9 MR. CORWIN: Aye.

10 MS. NEFF: Aye.

11 MS. GORDON: Aye.

12 CHAIRMAN SALADINO: All right.

13 And the second motion is to deny the
14 applicant's contention that there was a
15 fatal flaw made, and reaffirm the
16 building inspector Victor Lazar's
17 determination of July 14, 1998. So
18 moved.

19 MR. CORWIN: Second.

20 CHAIRMAN SALADINO: All in favor?

21 Mr. Corwin?

22 MR. CORWIN: Yes.

23 CHAIRMAN SALADINO: Dinni?

24 MS. GORDON: Yes.

25 CHAIRMAN SALADINO: Ellen?

1 MS. NEFF: No.

2 CHAIRMAN SALADINO: I'm going to
3 vote yes. All right. The second part
4 of the application is it's for a
5 building permit to construct additional
6 dwelling units in existing two family
7 house in the R-2 zone. Section 150-8,
8 in an R-2 one and two family
9 residential district, no building or
10 premises shall be used and no building
11 or part of a building shall be erected
12 or altered, which is arranged,
13 intended, or designed to be used in
14 whole or in part any purpose except for
15 use as a one or two family dwelling.
16 This house has four separate and
17 independent apartments as represented
18 on existing floor plans submitted both
19 on 12/07/15. The variance requested,
20 article four, section 150-8, conversion
21 of an existing dwelling to a
22 multifamily dwelling subject to the
23 following standards and subject to
24 Planning Board approval. Paragraph B,
25 item two said structure shall not have

1 less than one thousand square feet of
2 livable floor area in each dwelling
3 unit created, requiring a variance for
4 each of the four units. B, the lot on
5 which such structure is located shall
6 contain a minimum of fifteen thousand
7 square feet of a lot area and shall
8 contain at least five thousand square
9 feet of lot area for each dwelling
10 unit. The lot size is ten thousand,
11 eight hundred and ninety square feet
12 with four units proposed requiring an
13 area variance of nine thousand, one
14 hundred and ten feet. One and one and
15 a half parking spaces shall be provided
16 for each dwelling unit. The property
17 provides two parking spaces, requiring
18 a variance for four parking spaces.
19 That's all we have.

20 MR. PROKOP: Was that in the
21 public notice?

22 MS. WINGATE: Yes.

23 MR. CORWIN: Now, let me ask the
24 attorney, do we need a second SEQRA
25 procedure for the second part of this?

1 MR. PROKOP: Yes, you do. It's
2 now an unlisted action for purposes of
3 SEQRA review to determine that and also
4 to undertake a SEQRA review to
5 determine whether or not there will be
6 a significant negative impact on the
7 environment. So yes, you do need a new
8 SEQRA resolution.

9 CHAIRMAN SALADINO: All right.
10 I'll make a motion that we adopt lead
11 agency status, this being an unlisted
12 action, Zoning Board of Appeals adopts
13 lead agency status and --

14 MR. PROKOP: I just want to point
15 out for the record that normally
16 residential area variances are type two
17 actions, but I think the nature of this
18 where it's actually -- it's a
19 conversion of a use within our code.
20 It's a conversion of a use within our
21 code, so you are granting some relief
22 that's related to the use change, it's
23 not just an area variance, and for that
24 reason I'm recommending that it's an
25 unlisted action. And yes, you do have

1 to have -- you should have a
2 discussions as to whether or not it
3 will have an impact on the environment.

4 MR. CORWIN: My contention is that
5 it will have an impact on the
6 environment, and I can list what I said
7 one month ago. There is not adequate
8 parking for the claimed four family
9 house now. What's happening is the
10 occupants are taking -- because Main
11 Street is so narrow, the applicant --
12 the tenants are driving their vehicles
13 up onto the grass mowing strip. I also
14 point out two neighbors have objected,
15 one of them from closer, and second
16 objection today via e-mail. Their
17 question -- they object to the quality
18 of life, that this will be detrimental
19 to.

20 MS. GORDON: We also had a
21 written, last month as I remember,
22 someone complaining about dogs, dog
23 noise, and I wasn't sure whether that
24 was relevant for this decision or not.

25 MR. CORWIN: Main Street is

1 already very crowded with housing that
2 is more than two family. In that
3 neighborhood there's probably easily a
4 half a dozen houses up and down the
5 street, and it's a real parking
6 problem, so in my opinion there is an
7 impact on the environment that is
8 negative.

9 CHAIRMAN SALADINO: Anyone else?
10 I'll call a vote.

11 MR. CORWIN: So now let's get the
12 motion correct. We're saying that it's
13 an unlisted action and we're saying
14 that it's going to have a negative
15 impact on the environment. Am I saying
16 that right? Because I always get
17 negative and positive confused on the
18 SEQRA stuff.

19 MR. PROKOP: It has the potential
20 for a negative impact on the
21 environment, I think you expressed due
22 to parking and traffic -- impacts on
23 traffic and/or congestion, quality --
24 potential quality of life issues.

25 MR. CORWIN: That is correct.

1 CHAIRMAN SALADINO: Before we
2 vote, would it be appropriate if I --
3 it's a two paragraph letter from a
4 neighbor. Can I read this?

5 MR. PROKOP: Yes.

6 CHAIRMAN SALADINO: This is from
7 Asa Elmsfors, the subject 610 Main
8 Street. She's opposing --

9 MR. CORWIN: Wait a minute. I
10 think that's the 500 block of Main
11 Street.

12 CHAIRMAN SALADINO: 541, correct.
13 No, it's relating to 610.

14 MR. CORWIN: Relating the 610, I'm
15 sorry.

16 CHAIRMAN SALADINO: I'm opposing
17 allowing 610 Main Street, Greenport to
18 convert to a three or four family unit.
19 There is already a disproportionate
20 number of multifamily houses in the
21 area. Multifamily housing impacts the
22 neighborhood negatively. I own 541
23 Main Street, I am surrounded by
24 multifamily units, diminishing quality
25 of life. I feel unsafe especially in

1 the winter time, having been
2 burglarized while sleeping in the
3 middle of the night. There is also
4 frequent police activity, drug
5 activity, noise, et cetera. The owners
6 of these multifamily units do not live
7 in Greenport and are unaware of the
8 problems caused by their tenants. In
9 addition to the legal tenants, there
10 are usually extra visitors sleeping on
11 couches and just staying there. Please
12 do not allow 610 Main Street to
13 legalize illegal units. I already feel
14 unsafe, please do not make it worse.
15 Asa Elmsfors, 541 Main Street.

16 MR. PROKOP: Can I make a
17 suggestion? There's -- if we agree
18 that this is an unlisted action, I'm
19 noticing that the property is in the
20 historic district. Since it's in the
21 historic district, we have to -- it's
22 then a type one action, and we need to
23 -- I think that the only agency we need
24 to notify is -- well, we need to notify
25 the other boards in the Village for

1 comment and probably the DEC. Those
2 would be the only agencies we have to
3 notify, but we do have to provide that
4 notice, I'm sorry, because it's in the
5 historic district.

6 MR. CORWIN: Can I ask you a
7 question then? This is past sixty-two
8 days since the public hearing was
9 closed. I mentioned that last month
10 and nobody explained to me exactly what
11 that meant. I'm not sure if anybody
12 knew or not, but in the Village Law it
13 says if the Zoning Board -- I'm trying
14 to paraphrase the Village Law, not the
15 Village code, but New York State
16 Village Law, if an application goes
17 past sixty-two days, it's dismissed, it
18 fails on its own because it wasn't
19 acted on fast enough. So my reading of
20 the Village Law is the application died
21 when it became sixty-two days.

22 CHAIRMAN SALADINO: Just to -- the
23 attorney gave us an extension of time
24 until tonight's meeting, so as far as
25 the sixty-two days, obviously she gave

1 us an extension. That becomes moot, so
2 now the attorney is not here, the
3 applicant is not here, I don't know how
4 this translates with coordinated
5 review.

6 MR. PROKOP: We don't have a
7 choice because we can't act, but I
8 think that we don't have a choice
9 because we can't act. I'm checking on
10 that law to make sure that I agree with
11 you.

12 MS. NEFF: While you're checking
13 that, Mr. Prokop, I have a question.
14 The letter that you read, and I'm
15 sorry, I cannot remember the resident's
16 name, Elmsfors, the date of this is
17 October 18th, very recent. It does not
18 make allegations about the tenants in
19 this building, it's a general comment
20 about two family houses in the vicinity
21 of this 610 Main Street. Could you,
22 Eileen, weigh in on the subject? Are
23 there complaints related to this letter
24 that you received? Do you have a copy
25 of this?

1 MS. WINGATE: I do now.

2 MS. NEFF: Because --

3 MS. WINGATE: I have not seen any
4 complaints about that neighborhood.

5 MR. CORWIN: I can tell you some
6 stories about what goes on in that
7 neighborhood.

8 MS. NEFF: But we're not talking
9 specifically about this house?

10 MR. CORWIN: That particular
11 house, other than I see every day cars
12 parking up on the grass mowing strip, I
13 know of no complaints.

14 MS. NEFF: Thank you.

15 CHAIRMAN SALADINO: So Mr. Prokop?

16 MR. PROKOP: State law requires us
17 to make a decision within sixty-two
18 days, but it doesn't have -- as far as
19 I can tell, it doesn't have an outcome
20 -- the current version of the law, it
21 doesn't have a mandatory outcome if we
22 don't act. I think there's a
23 requirement, but it doesn't -- there's
24 no default either way if we don't make
25 the sixty-two days.

1 CHAIRMAN SALADINO: So the
2 sixty-two days is moot because the
3 attorney gave us until tonight as an
4 extension. My question is how does
5 that extension -- now we need a
6 coordinated review, Village law says we
7 have forty-five days to make comment,
8 how does that -- it's thirty days for
9 coordinated review, the Village
10 extended it to forty-five. So
11 obviously under SEQRA we need a
12 coordinated review, we can't not do it.

13 MR. PROKOP: Unless you determine
14 that it's a type two action, but I
15 don't know that I agree with that
16 because it involves a change of use.

17 MR. CORWIN: But the thing is we
18 closed the public hearing. If we left
19 the public hearing open, the
20 coordinated review would override the
21 public hearing, correct?

22 MR. PROKOP: Yes.

23 MR. CORWIN: And I don't know if
24 it's in that handout or not, but I did
25 research the New York State Village Law

1 a little bit, and I certainly came away
2 with the impression that after
3 sixty-two days, any ZBA application
4 dies. They didn't use that wording,
5 but it disappears. It is not approved.

6 CHAIRMAN SALADINO: That was my
7 impression, but again --

8 MR. PROKOP: I think what happens
9 is it's not -- in order to get any
10 further relief from the ZBA, the
11 applicant would have to take -- unless
12 the ZBA acts on its own, the applicant
13 would have to take the ZBA to court to
14 force a decision.

15 CHAIRMAN SALADINO: Let me ask you
16 this, again, without -- it seems like a
17 what if question, does SEQRA supercede
18 Chapter 700 of the Village Law that
19 says we have to make this decision.

20 MR. PROKOP: I think it does, yes.

21 CHAIRMAN SALADINO: So we can ask
22 for the coordinated review and not be
23 concerned with being in violation of
24 Village Law.

25 MR. PROKOP: I believe that's

1 right, yes.

2 MS. GORDON: So that counts as an
3 outcome, and today we are still within
4 that extended period. So it should be
5 okay.

6 MR. PROKOP: Right. I think we're
7 okay, yes.

8 CHAIRMAN SALADINO: Okay. So how
9 am I going to make this motion for the
10 coordinated review?

11 MS. GORDON: The coordinated
12 review is only with which the
13 historic --

14 CHAIRMAN SALADINO: It's an
15 unlisted action. The attorney decided
16 it was an unlisted action. The fact
17 that it's in the historic district
18 bumps it to a type one action. Now
19 because it's bumped to a type one
20 action, we have to institute the
21 coordinated review.

22 MS. GORDON: With whom?

23 MR. PROKOP: With the boards in
24 the Village. We just send a notice out
25 to the boards of the Village.

1 MS. WINGATE: And the DEC.

2 MR. PROKOP: It's also on a state
3 road, so DOT.

4 CHAIRMAN SALADINO: I'm just not
5 sure how to word the motion.

6 MR. PROKOP: Motion to initiate a
7 coordinated review for purposes of
8 SEQRA.

9 CHAIRMAN SALADINO: I'm going to
10 make that motion. Is there a second?

11 MS. NEFF: Second.

12 CHAIRMAN SALADINO: All in favor?

13 MR. CORWIN: Aye.

14 MS. NEFF: Aye.

15 MS. GORDON: Aye.

16 CHAIRMAN SALADINO: There will be
17 no discussion of 221 Fifth Avenue.
18 There will be no discussion of 238
19 Fifth Avenue. Item number ten,
20 discussion and possible action on the
21 application of SAKD Holdings, LLC. The
22 property is located at the southeast
23 corner of the intersection of Front and
24 Third Streets, Greenport, New York,
25 SCTM 1001-5-4-5.

1 MR. PENNESSI: Good evening. Dan
2 Pennessi for SAKD Holdings, the
3 applicant.

4 CHAIRMAN SALADINO: I personally
5 would like to get some of this out of
6 the way here tonight, if we can.
7 There's -- we did the interpretations,
8 and we decided that we, in fact, need
9 these variances. I'm getting to it,
10 I've got them here. And there was one
11 that was resolved, right? I apologize,
12 again, to the applicant and public,
13 it's been a long time since we're
14 addressing this. There was one
15 resolved about lot coverage?

16 MR. PENNESSI: I think we still do
17 need a very small variance on lot
18 coverage.

19 CHAIRMAN SALADINO: It was the
20 interpretation, you decided not to ask
21 for an interpretation?

22 MR. PENNESSI: Oh, correct.

23 CHAIRMAN SALADINO: Okay. Let's
24 get the variances, we can talk about
25 them with the Board. And there was a

1 revised application.

2 MR. PENNESSI: We had submitted a
3 revised application on June 29, 2016.

4 MS. GORDON: And we have a notice
5 of disapproval from July 15th.

6 CHAIRMAN SALADINO: I'm looking
7 for that. So the notice of disapproval
8 is returned on the following grounds:
9 The proposed building construction has
10 a lot coverage of 3,681 square feet,
11 representing 41.7 percent of the site.
12 Requires an area variance of 147.3
13 square feet or 1.6 percent of the total
14 area of the lot. Section 150-12B of
15 the Village code requires a maximum lot
16 coverage of 40 percent, 3,533.7 square
17 feet in the waterfront commercial
18 district. Is there any discussion on
19 this? My opinion is this is not --
20 this is modest relief.

21 MS. GORDON: I think it would be
22 hard to find anything that went in that
23 space that didn't require at least a
24 little bit of a lot size change.

25 MR. CORWIN: I don't understand.

1 We got a second application, now we
2 closed the public hearing. We
3 discussed it briefly at the last
4 meeting or two meetings ago?

5 CHAIRMAN SALADINO: We didn't
6 discuss anything for two meetings
7 because we had to wait for the time
8 limit with the coordinated review. Did
9 we get any comments?

10 MR. PROKOP: I think we need one
11 more meeting. We didn't get any
12 comments. I thought coming tonight
13 that we needed one more meeting on it.

14 CHAIRMAN SALADINO: I don't
15 believe so, Joe, but I'll defer to --

16 MR. PENNESSI: I believe that the
17 additional forty-five day SEQRA review
18 period expired well in advance of this
19 meeting.

20 CHAIRMAN SALADINO: So we made no
21 comments because we had to wait for the
22 comments from the coordinated review on
23 the revised application. Does that
24 answer your question?

25 MR. CORWIN: Well, yes and no

1 because we closed the public hearing,
2 and we're once again sixty-two days
3 after the public hearing.

4 CHAIRMAN SALADINO: But the
5 applicant has already granted us
6 relief, he's already agreed to the
7 extension.

8 MR. CORWIN: I don't know that
9 that even applies, but okay, let's move
10 ahead.

11 MR. PROKOP: Can I make a
12 suggestion? In this application, I'm
13 not looking to delay it, but if you
14 want to start working administratively
15 through the variances, that's fine, but
16 I think that we should have a final
17 document that we approve, and that's
18 the final result of the decision on the
19 application. We don't do the decision
20 afterwards, we'll do the decision -- I
21 mean, unless you want to approve it or
22 deny it one way or the other tonight.

23 CHAIRMAN SALADINO: Well, I
24 thought the best way would be to vote
25 through the variances, get the sense of

1 the Board, and then vote on each one,
2 and the final determination will --
3 that will be it.

4 MR. PENNESSI: May I make a
5 request? This was kind of what we had
6 anticipated would happen, that there
7 were votes on the interpretations, that
8 at this meeting we had granted the
9 extension beyond the sixty-two day
10 period in order to have votes on the
11 variances, and then we anticipated that
12 in between this meeting and the
13 November meeting a resolution would be
14 prepared addressing SEQRA, addressing
15 the interpretations and the variances,
16 and then there would be a vote to adopt
17 that resolution at the November
18 meeting.

19 MR. PROKOP: That's what I thought
20 also.

21 MR. PENNESSI: So we had hoped to
22 leave tonight with at least votes being
23 made on the variances with the
24 resolution to be finalized before
25 November.

1 CHAIRMAN SALADINO: I don't have a
2 problem with that. Can we do that?

3 MR. CORWIN: Fine. That's what
4 the applicant wants to do.

5 MR. PROKOP: The finality of the
6 decision will be not with the vote in
7 particular tonight, but with the
8 adoption of the decision. I feel
9 that's a necessity in this application.

10 MR. PENNESSI: I would agree.

11 CHAIRMAN SALADINO: Just so I'm in
12 agreement with you guys, we're going to
13 vote on the variances, we decided we're
14 going to vote on these variances, we're
15 going to discuss them and vote on these
16 variances tonight, and the final
17 resolution is going to be voted on at
18 the next meeting?

19 MR. PROKOP: Right. And then the
20 adoption of that resolution will be the
21 decision of the Board.

22 MR. PENNESSI: Which will then be
23 filed with the Village Clerk.

24 MR. PROKOP: Right.

25 MR. CORWIN: Once again, we have

1 to do SEQRA, right?

2 MR. PROKOP: Yes.

3 MR. CORWIN: And this is a type --

4 MR. PROKOP: I think it's an
5 unlisted action.

6 MR. CORWIN: That's fair enough to
7 call it that.

8 CHAIRMAN SALADINO: I thought when
9 we adopted that that it was an unlisted
10 action, but again, it's been a while,
11 so -- all right. So we're going to
12 discuss these variances and vote on
13 them?

14 MR. PENNESSI: I thought that the
15 Planning Board had transferred lead
16 agency status to the Zoning Board, and
17 the Zoning Board assumed lead agency
18 status for SEQRA purposes.

19 CHAIRMAN SALADINO: I don't
20 believe that. I don't believe that's
21 what happened.

22 MR. PROKOP: I think it goes back
23 to the Planning Board.

24 CHAIRMAN SALADINO: I believe we
25 accepted lead agency status, and then

1 if it went back to the Planning Board,
2 we can transfer it to them.

3 MR. PROKOP: We don't transfer it,
4 but we'll make the -- they'll adopt
5 whatever findings we make.

6 CHAIRMAN SALADINO: Is that what
7 you remember, Eileen? You were there,
8 is that what you remember? That's what
9 I remember.

10 MR. PENNESSI: Does this enable
11 the Board, the Zoning Board to make the
12 SEQRA resolutions as lead agency?

13 MR. PROKOP: Yes, we adopted lead
14 agency status. The question is I
15 thought that we approached this as an
16 unlisted action, but I think that we
17 also attempted to do a coordinated
18 review, so it must have been because we
19 thought that it had potential for an
20 impact on the environment. If we don't
21 think it has an impact on the
22 environment, then a coordinated review
23 wouldn't be required I don't think if
24 it's an unlisted action.

25 It looks like because of the

1 change with the loading dock and a
2 couple of other things that were
3 happening, it looks like we didn't
4 close out the -- there was a
5 coordinated review done, but there was
6 no -- we haven't completed the
7 coordinated review for the revised
8 application, and so that's basically
9 what I've said. I think you can
10 discuss the variances tonight and get
11 -- discuss the Board's opinion of these
12 variances, but we can't close the
13 application out with an action until
14 next month, and then that would be with
15 a written document. We would do SEQRA
16 and we'd also do the decision on a
17 written document at the same time.

18 MR. PENNESSI: What may I ask
19 remains outstanding on the coordinated
20 review?

21 CHAIRMAN SALADINO: I thought the
22 time was up for the coordinated review.

23 MR. PROKOP: For the original one,
24 but not for the revised one. The
25 problem is the application was revised.

1 CHAIRMAN SALADINO: No, I
2 understand, Joe, but it was revised
3 back in July --

4 MR. PENNESSI: June.

5 MR. PROKOP: Not the loading dock.

6 MR. PENNESSI: Yes, the loading
7 dock was addressed in the June 29, 2016
8 application.

9 CHAIRMAN SALADINO: This notice of
10 disapproval is July 15, 2016, but June,
11 July is certainly more than forty-five
12 days away.

13 MR. PENNESSI: I believe that at
14 the July 15th meeting, the application
15 was accepted and coordinated review was
16 supposed to commence that day or the
17 following day, and therefore the
18 forty-five day period would have
19 expired on or about the end of --

20 MR. PROKOP: I can't tell if the
21 Board has the jurisdiction to move
22 ahead on the application.

23 CHAIRMAN SALADINO: So it's the
24 recommendation of the attorney that we
25 can discuss this tonight but not move

1 ahead.

2 MR. PROKOP: Not take formal
3 action on it.

4 MS. GORDON: But we can vote on
5 the individual variances?

6 MR. PROKOP: You could vote on the
7 variances, but your votes don't become
8 final until we adopt the final -- it's
9 more or less a census of the Board, and
10 then we'll work on the final document
11 based on that at the next meeting.

12 MR. PENNESSI: So would the
13 anticipation still be that a resolution
14 would be prepared in final form at the
15 November meeting for approval?

16 MR. PROKOP: Yes.

17 MR. PENNESSI: Thank you.

18 CHAIRMAN SALADINO: Can we read
19 the variances?

20 MR. PROKOP: Yes.

21 CHAIRMAN SALADINO: The first one,
22 and I'm still -- so this is not a
23 formal vote, this is a consensus of the
24 Board?

25 MR. PROKOP: Right. And then

1 we'll work on the final --

2 CHAIRMAN SALADINO: So do we have
3 to do the five questions?

4 MR. PROKOP: You should.

5 CHAIRMAN SALADINO: For a
6 consensus?

7 MR. PROKOP: Yes.

8 CHAIRMAN SALADINO: Okay. We did
9 the area variance, we did lot coverage.

10 MR. PENNESSI: May I ask that we
11 follow a particular order when the
12 Board discusses the variances?

13 CHAIRMAN SALADINO: You've earned
14 that, sure.

15 MR. PENNESSI: So if the Board has
16 discussed the lot coverage, if we could
17 then move on to the third story height
18 variance request, then to the --

19 CHAIRMAN SALADINO: No, we haven't
20 voted on these. No, he's asking for
21 sequence in what we take in what order,
22 and that's reasonable.

23 MR. PENNESSI: If you would,
24 please, address first lot coverage,
25 then the third story height request,

1 then the height variance requests for
2 both the mechanicals and then the
3 bulkhead and elevator and then
4 thereafter address loading or parking
5 in whichever order the Board --

6 CHAIRMAN SALADINO: How about we
7 do this one first, we do the lot
8 coverage, and then you can tell us --
9 you could remind us which one should
10 come next. So we're not going to do
11 SEQRA, we're going to do these five
12 questions and vote on this lot coverage
13 of 1.6 percent. Number one, will an
14 undesirable change in the character of
15 the neighborhood? Mr. Corwin?

16 MR. CORWIN: (No verbal response
17 given.)

18 CHAIRMAN SALADINO: Do you want me
19 to read the whole thing, or can I
20 abbreviate it?

21 MR. CORWIN: I'm reading it
22 myself, so you can abbreviate it, but I
23 got to think.

24 CHAIRMAN SALADINO: Okay.

25 MR. CORWIN: For the lot coverage,

1 I will say no.

2 CHAIRMAN SALADINO: Ms. Gordon?

3 MS. GORDON: No.

4 CHAIRMAN SALADINO: Ms. Neff?

5 MS. NEFF: No.

6 CHAIRMAN SALADINO: I will vote

7 no.

8 MR. PENNESSI: If you could just

9 clarify, the no vote is?

10 MS. GORDON: Would not impact.

11 MR. CORWIN: Whether an

12 undesirable change will be produced in

13 the character of the neighborhood or a

14 detriment to nearby properties will be

15 created by the granting of the area

16 variance. My vote was no.

17 MS. GORDON: We all voted no.

18 CHAIRMAN SALADINO: Is it

19 achievable by another method without a

20 variance? Do you want me to read it?

21 Whether benefit sought by the applicant

22 can be achieved by some method feasible

23 for the applicant to pursue, other than

24 an area variance? David?

25 MR. CORWIN: No.

1 CHAIRMAN SALADINO: Dinni?

2 MS. GORDON: No.

3 CHAIRMAN SALADINO: Ellen?

4 MS. NEFF: No.

5 CHAIRMAN SALADINO: And I'm going
6 to vote no. Whether the requested area
7 variance is substantial? David?

8 MR. CORWIN: No.

9 CHAIRMAN SALADINO: Dinni?

10 MS. GORDON: No.

11 CHAIRMAN SALADINO: Ellen?

12 MS. NEFF: No.

13 CHAIRMAN SALADINO: And I'll vote
14 no. Whether proposed variance will
15 have an adverse effect or impact on the
16 physical or environmental conditions in
17 the neighborhood or district? David?

18 MR. CORWIN: No.

19 CHAIRMAN SALADINO: Dinni?

20 MS. GORDON: No.

21 CHAIRMAN SALADINO: Ellen?

22 MS. NEFF: No.

23 CHAIRMAN SALADINO: And I'm going
24 to vote no. Whether the alleged
25 difficulty was self-created, which

1 consideration shall be relevant to the
2 decision of the Board of Appeals, but
3 shall not be necessary to preclude the
4 granting of an area variance. David?

5 MR. CORWIN: Yes.

6 CHAIRMAN SALADINO: Dinni?

7 MS. GORDON: No.

8 CHAIRMAN SALADINO: Ellen?

9 MS. NEFF: Yes.

10 CHAIRMAN SALADINO: And I'm going
11 to vote yes. And that leaves us with a
12 motion to approve the requested
13 variance. David?

14 MR. CORWIN: This is an advisory
15 rather than a motion, right?

16 MR. PROKOP: That's right. We're
17 going to have a final resolution next
18 month.

19 MR. CORWIN: As an advisory, I
20 think my vote is yes.

21 CHAIRMAN SALADINO: Dinni?

22 MS. GORDON: Yes.

23 CHAIRMAN SALADINO: Ellen?

24 MS. NEFF: Yes.

25 CHAIRMAN SALADINO: And I'm going

1 to vote yes. So that passes.

2 MR. PROKOP: Which one was that,
3 I'm sorry?

4 CHAIRMAN SALADINO: Lot coverage,
5 proposed building construction lot
6 coverage. Again, I apologize to the
7 public. What are we doing next?

8 MR. PENNESSI: The height variance
9 for the third story.

10 MR. CORWIN: And let's just try to
11 sum that up, what that variance
12 entails.

13 CHAIRMAN SALADINO: Well, I'm
14 going to read it first, and then we can
15 kind of discuss. The proposed building
16 height is 47 feet based on the height
17 of the elevator bulkhead, is that --
18 no?

19 MR. PENNESSI: No, the next one, a
20 height variance for a three story
21 building.

22 CHAIRMAN SALADINO: Oh, proposed
23 building is three stories. Section
24 150-12B limits the height of the
25 building to two stories or thirty-five

1 feet. Is there any discussion on this?

2 MR. PROKOP: Now, this one I think
3 that I would have a brief discussion as
4 to whether or not you think this will
5 have any impact on the environment,
6 this particular variance.

7 MR. CORWIN: Just to kind of
8 refresh my mind, I really have to
9 apologize to you because I didn't do my
10 homework, I didn't think it was going
11 to go this way, but we're making a
12 little progress anyway. In that area,
13 you have the movie theater, so I think
14 the architect took the movie theater as
15 his height, and then next to that you
16 have the --

17 MS. NEFF: Hotel.

18 MR. CORWIN: What do you call it?
19 The Harbor Front Hotel, which somebody
20 is going to have to remind me how many
21 stories that is?

22 CHAIRMAN SALADINO: Three stories.

23 MR. CORWIN: So they've got a
24 variance for three stories?

25 CHAIRMAN SALADINO: Yes.

1 MR. CORWIN: But there was some
2 reason -- I guess the argument was they
3 wanted to put a coupler (phonetic) or
4 something up on the third floor of
5 that, and then they took that away, and
6 then they got their variance for the
7 three stories. It just refreshed
8 memory. Am I correct on that?

9 MS. NEFF: I don't know.

10 MS. WINGATE: That sounds about
11 right.

12 MR. CORWIN: About right.

13 MS. WINGATE: I wasn't here,
14 David, so.

15 MR. CORWIN: I didn't do my
16 homework, so I apologize.

17 MS. WINGATE: I think I have the
18 resolution, would you like it?

19 MR. CORWIN: Not at this point.

20 CHAIRMAN SALADINO: I think we
21 have it.

22 MR. CORWIN: So this file is,
23 what, like, three inches thick?

24 MS. WINGATE: Mine is twice that.

25 MR. CORWIN: Yours is six inches

1 thick, it's not easy to find what you
2 want. So the question is the impact on
3 the environment, and I'm going to
4 say --

5 MR. PROKOP: Can I stop you, I'm
6 sorry, I apologize. There is a letter
7 that was received by the Board of
8 Trustees, this was the only letter I
9 think that we received regarding the
10 coordinated review, and it reads as
11 follows -- I'm sorry, with the
12 permission of the chairperson?

13 CHAIRMAN SALADINO: Absolutely.

14 MR. PROKOP: This was actually to
15 the Planning Board because I think the
16 Planning Board initially sent out the
17 notice. The Board of Trustees in the
18 Village of Greenport have reviewed the
19 notice of coordinated review that was
20 sent to the Board of Trustees regarding
21 the coordinated SEQRA review for the
22 above application referring to SAKD
23 Holdings LLC. The Board of Trustees
24 agree to have a discussion of the
25 application and its associated

1 paperwork, that the application as
2 currently presented will have a
3 significant impact on parking, traffic,
4 and noise in the Village of Greenport.
5 The concerns regarding parking involve
6 the amount of parking that's required
7 for the project and that will not be
8 addressed by the design of the project,
9 resulting in significant additional
10 demand for parking in the area of the
11 project where there is already little
12 parking available. The concerns
13 regarding traffic involve the current
14 design of the project, which introduces
15 the traffic flow from the building into
16 the already exceedingly congested areas
17 of Third Street and Front Street. The
18 concerns regarding noise were that the
19 rooftop deck will generate significant
20 noise impacts in the Village of
21 Greenport in the area of the project.
22 The board also expressed a concern
23 regarding the height of the building
24 and the potential for impacts from the
25 proposed height of the building. So

1 this --

2 CHAIRMAN SALADINO: Actually what
3 I would like to say about that is I
4 read that, and the question raised by
5 Doug Moore, the previous chairman, was
6 that he was under the impression that
7 there was going to be a revised
8 statement by the Village Board, and I
9 don't believe we ever got it. I think
10 it was just out there.

11 MR. PROKOP: Okay.

12 CHAIRMAN SALADINO: Is that your
13 recollection?

14 MS. WINGATE: Yes, that maybe this
15 was a copy earlier because you have the
16 Department of Transportation and then
17 you have the county.

18 MR. PROKOP: The county said it's
19 in our local determination. We
20 notified the county also, and they said
21 it's in our local determination.

22 CHAIRMAN SALADINO: But as far as
23 the Village Board, I'm positive I
24 remember -- it's unfortunate that
25 Chairman Moore isn't here.

1 MR. CORWIN: Let's not mention
2 him, he's done.

3 CHAIRMAN SALADINO: Because I
4 believe he and I both discussed that
5 there was another -- it was said that
6 this might not be their final -- this
7 was almost, like, a draft, that this
8 wasn't their final decision, that they
9 were going to come out with a revised
10 decision. I got that -- I believe I
11 got that in an e-mail, but this is in
12 my mind -- it's -- we haven't got to
13 parking yet, now we're talking about a
14 third floor, so could we put a pin in
15 this and do the third floor or is
16 this --

17 MR. PROKOP: Well, we're talking
18 about the potential for impacts on the
19 environment, so that's --

20 MR. TASKER: Up to the third
21 floor.

22 MR. PROKOP: We're at the third
23 floor. So the first discussion should
24 be whether there will be -- there's a
25 potential for impact to the environment

1 from the third floor.

2 MS. GORDON: If a third floor
3 means more people, and if you think
4 inevitably more people are going to
5 have a negative impact on the
6 environment, then you have to say yes,
7 but not necessarily. I mean, there's
8 obviously -- there could be a
9 difference of opinion about whether
10 more people create more of a stress on
11 the environment.

12 MR. CORWIN: More people in my
13 mind definitely call for more cars, and
14 that I think is our biggest problem in
15 anything we do.

16 CHAIRMAN SALADINO: Well, I think
17 that's why we suggested we do the cars
18 and the parking last.

19 MR. CORWIN: Maybe, but they all
20 go hand in hand. All right. Well, we
21 discussed it, let's go to the
22 questions.

23 MR. PENNESSI: If I could, we had
24 received that letter from the Board,
25 and it was entered into the record

1 during the public hearing process, and
2 we had offered responses to it during
3 that period, and I don't want to take
4 the time to go through that again, but
5 certainly we would have the same
6 responses. There are multiple
7 buildings in town that have a third
8 story, many of which have outdoor
9 seating, open second stories for
10 restaurants and bars. Again, this is
11 an enclosed third story to this
12 building, the roof deck being proposed
13 is very limited to hotel guests only.

14 MR. CORWIN: So if we can break
15 out the third story from parking, to me
16 that makes a difference.

17 CHAIRMAN SALADINO: Why wouldn't
18 we be able to do that?

19 MR. CORWIN: Well, I'm asking, I'm
20 posing that as a question, do we break
21 out the third story from parking? If
22 there was no parking problems, then I
23 don't see a problem with the third
24 story because there's other buildings
25 like that.

1 MS. NEFF: I think that we can
2 deal with these sequentially, and to
3 say that the third story gets an up
4 vote rather than a down vote does not
5 really bear on the parking. We're
6 going to get to that item. I think
7 we're doing it one at a time, that's
8 what we decided to do.

9 CHAIRMAN SALADINO: I agree. I
10 just don't know what I'm missing by
11 being unsure about it. We do the third
12 story, and if parking is a problem when
13 we get to that, we address it.

14 MS. NEFF: When we get there.

15 MR. CORWIN: This is an advisory
16 vote.

17 MR. PROKOP: That's why I
18 suggested you do it this way because
19 all these pieces have to fit in, and we
20 have the agreement by the Board with
21 the consent of the applicant that we're
22 basically going to be doing consensus
23 votes on each of these pieces, and then
24 we'll try to fit it into a resolution
25 that will be the final action of the

1 Board. That's really the only way to
2 approve this.

3 MR. CORWIN: Which doesn't mean
4 that nobody can't change their mind in
5 the mean time.

6 MR. PROKOP: Right. Because the
7 conclusion of this will be a final
8 resolution, you know, based on what we
9 hear tonight.

10 MR. CORWIN: And we can call it a
11 draft final resolution and say well, I
12 wasn't thinking --

13 MR. PROKOP: Yes.

14 MR. CORWIN: Let's proceed. Let's
15 ask the questions.

16 CHAIRMAN SALADINO: This is --
17 just so we're all on the same page,
18 this is for the third story.

19 MR. CORWIN: Yes.

20 MR. PENNESSI: Yes.

21 CHAIRMAN SALADINO: Whether an
22 undesirable change will be produced in
23 the character of the neighborhood, or a
24 detriment to nearby properties will be
25 created by the granting of the area

1 variance? David?

2 MR. CORWIN: No.

3 CHAIRMAN SALADINO: Dinni?

4 MS. GORDON: No.

5 CHAIRMAN SALADINO: Ellen?

6 MS. NEFF: No.

7 CHAIRMAN SALADINO: And I'm going
8 to vote no. Whether the benefit sought
9 by the applicant can be achieved by
10 some method feasible for the applicant
11 to pursue, other than an area variance?
12 David?

13 MR. CORWIN: No.

14 CHAIRMAN SALADINO: Dinni?

15 MS. GORDON: No.

16 CHAIRMAN SALADINO: Ellen?

17 MS. NEFF: No.

18 CHAIRMAN SALADINO: I'm going to
19 vote no. Whether the requested area
20 variance is substantial? David?

21 MR. CORWIN: Yes.

22 CHAIRMAN SALADINO: Dinni?

23 MS. GORDON: Yes.

24 CHAIRMAN SALADINO: Ellen?

25 MS. NEFF: No.

1 CHAIRMAN SALADINO: I'm going to
2 say yes. Whether the proposed variance
3 will have an adverse effect or impact
4 on the physical or environmental
5 conditions in the neighborhood or
6 district? David?

7 MR. CORWIN: No.

8 CHAIRMAN SALADINO: Dinni?

9 MS. GORDON: No.

10 CHAIRMAN SALADINO: Ellen?

11 MS. NEFF: No.

12 CHAIRMAN SALADINO: I'm going to
13 vote no. Whether the alleged
14 difficulty was self-created, which
15 consideration shall be relevant to the
16 decision of the Board of Appeals but
17 not necessarily preclude the granting
18 of an area variance? David?

19 MR. CORWIN: Yes.

20 CHAIRMAN SALADINO: Dinni?

21 MS. GORDON: Yes.

22 CHAIRMAN SALADINO: Ellen?

23 MS. NEFF: Yes.

24 CHAIRMAN SALADINO: I'm going to
25 vote yes.

1 MS. GORDON: It's hard to know
2 what that really means.

3 CHAIRMAN SALADINO: Motion to
4 approve -- I'm going to make a motion
5 to approve the area variance. David?

6 MR. CORWIN: This is an advisory
7 vote, I don't call it a motion to
8 approve anything. Yes.

9 CHAIRMAN SALADINO: Okay.

10 MS. GORDON: Yes.

11 CHAIRMAN SALADINO: Ellen?

12 MS. NEFF: Yes.

13 CHAIRMAN SALADINO: I'm going to
14 vote yes. Mr. Pennessi, your pleasure?

15 MR. PENNESSI: Roof equipment, and
16 I believe that the height variance,
17 that it would be worthwhile to be
18 specific based on the comments from the
19 public and the process we've gone
20 through to deal with the equipment up
21 to a very specific height and then
22 separately the elevator shaft and
23 bulkhead to a very specific height.

24 MR. CORWIN: Could you just look
25 at this and see if I'm looking at the

1 right set of plans?

2 CHAIRMAN SALADINO: I'm going to
3 make a motion that we adjourn for five
4 minutes.

5 (A recess was taken.)

6 CHAIRMAN SALADINO: Let's get back
7 to it. We're going to do --

8 MR. CORWIN: Roof equipment. Is
9 everybody ready?

10 CHAIRMAN SALADINO: The proposed
11 building provides for -- no, the
12 proposed building height is 47 feet
13 based on the height of the elevator
14 bulkhead on the roof requiring a height
15 variance of 12 feet. Section 150-12B
16 limits the height of a building to two
17 stories or thirty-five feet.

18 MR. CORWIN: Just so everybody
19 knows what we're talking about, that is
20 the top of the elevator shaft, which
21 has some design elements around it.
22 There's also what I'm going to call a
23 pergola that extends on top of the
24 third story, and there's some
25 mechanical equipment that I would call

1 incidental to the top of the bulkhead.

2 CHAIRMAN SALADINO: But since the
3 -- not to get into the minutia of this,
4 but since the roof of the elevator
5 bulkhead is higher than all the other
6 aspects on the roof, that the 12 foot
7 height variance is basically --

8 MR. CORWIN: Well, that's the big
9 kahuna, but I think we have to consider
10 the others too. Let's just bunch them
11 all together.

12 MR. PENNESSI: If I may, I believe
13 the interpretation that was made by the
14 Board was that each such item
15 identified in the application that
16 exceed the thirty-five foot height
17 limit, the mechanicals, the trellis,
18 and then the top of the bulkhead and
19 shaft would all constitute a roof for
20 purposes of the code and therefore
21 would require a Zoning variance. Now,
22 we've requested that we tailor this
23 resolution so as not to just request
24 the Board to provide a variance for a
25 12 foot clear variance for the entire

1 building, that we would request that it
2 would be a variance to permit 36 foot
3 and 11 inch mechanical equipment, 42
4 foot 9 inch trellis, and a 46 foot 8
5 inch or 47 foot bulkhead and elevator
6 shaft.

7 CHAIRMAN SALADINO: So you would
8 to like this Board to rule on each of
9 the objects that are on the roof, each
10 of the aspects of the roof?

11 MR. PENNESSI: Yes.

12 CHAIRMAN SALADINO: I'm going to
13 run out of these little pieces of
14 paper. Is that agreeable to the Board?

15 MS. GORDON: Put them all on one
16 piece of paper.

17 CHAIRMAN SALADINO: Do you have a
18 preference which one we discuss first?

19 MR. PENNESSI: Mechanicals.

20 CHAIRMAN SALADINO: The
21 mechanicals. Okay. So the
22 mechanicals, I apologize, Mr. Pennessi,
23 I don't have those numbers in front of
24 me.

25 MR. PENNESSI: No problem, it's 36

1 feet 11 inches.

2 MR. PROKOP: So it's a variance of
3 4 feet 11 inches.

4 MR. PENNESSI: I believe its 35
5 foot is permitted so it would be 1 foot
6 11 inches.

7 MR. PROKOP: You're right.

8 MR. PENNESSI: We're looking for a
9 variance of 1 foot 11 inches for
10 mechanical equipment.

11 CHAIRMAN SALADINO: Okay. Can I
12 read the abbreviation? I'll read it
13 from the book. Whether an undesirable
14 change will be produced in the
15 character of the neighborhood or a
16 detriment to nearby properties will be
17 created by the granting of this area
18 variance? David?

19 MR. CORWIN: No.

20 CHAIRMAN SALADINO: Dinni?

21 MS. GORDON: No.

22 CHAIRMAN SALADINO: Ellen?

23 MS. NEFF: No.

24 CHAIRMAN SALADINO: And I'll vote
25 no.

1 MR. CORWIN: You can put down no
2 for me on every one of these. I have
3 no problem with it.

4 CHAIRMAN SALADINO: You don't mind
5 if I call your name, do you?

6 MR. CORWIN: I don't mind.

7 CHAIRMAN SALADINO: Whether the
8 benefit sought by the applicant can be
9 achieved by some method feasible for
10 the applicant to pursue, other than an
11 area variance. David voted no. Dinni?

12 MS. GORDON: No.

13 CHAIRMAN SALADINO: Ellen?

14 MS. NEFF: No. I would like to
15 join David in the no vote.

16 CHAIRMAN SALADINO: To satisfy the
17 legal thing, I'm going to read this.

18 MR. CORWIN: Let's do a voice vote
19 on this.

20 CHAIRMAN SALADINO: Whether an
21 area variance is substantial?

22 MR. CORWIN: Voice vote.

23 CHAIRMAN SALADINO: No would be
24 the --

25 MS. GORDON: Yeah.

1 CHAIRMAN SALADINO: It's
2 unanimous?

3 MS. NEFF: Yes.

4 CHAIRMAN SALADINO: Whether the
5 proposed variance will have an adverse
6 effect or impact on the physical or
7 environmental conditions in the
8 neighborhood or district. David votes
9 no. Dinni?

10 MS. GORDON: No.

11 CHAIRMAN SALADINO: Ellen, no.
12 And John Saladino votes no also. Was
13 the alleged difficulty self-created?
14 Mr. Corwin votes no.

15 MS. GORDON: No.

16 CHAIRMAN SALADINO: Ellen votes
17 no. I don't know how it can't be
18 self-created, I'm going vote yes. This
19 is a motion to approve the requested
20 variance, advisory motion to approve
21 the requested variance. David?

22 MR. CORWIN: Yes.

23 CHAIRMAN SALADINO: Dinni?

24 MS. GORDON: Yes.

25 CHAIRMAN SALADINO: Ellen?

1 MS. NEFF: Yes.

2 CHAIRMAN SALADINO: I'll vote yes.
3 That passes.

4 MR. PENNESSI: If we could move to
5 the trellis, which we're requesting a 7
6 foot 9 inch variance based on a height
7 of 42 feet 9 inches against a 35 foot
8 height limitation in the code.

9 CHAIRMAN SALADINO: This is the
10 trellis.

11 MS. GORDON: I'm sorry, I've
12 forgotten why you need the trellis if
13 you're not going to have people up
14 there, guests, which I gather you're
15 not, we've discussed that.

16 MR. PENNESSI: We are still
17 pursuing a roof deck on the structure.
18 It would be limited to house guests.
19 It would be an architectural feature
20 for the roof deck.

21 CHAIRMAN SALADINO: Whether an
22 undesirable change would be produced in
23 the character of the neighborhood or a
24 detriment to nearby properties will be
25 created by the granting of the area

1 variance? David?

2 MR. CORWIN: Yes.

3 CHAIRMAN SALADINO: Dinni?

4 MS. GORDON: Yes.

5 CHAIRMAN SALADINO: Ellen?

6 MS. NEFF: No.

7 CHAIRMAN SALADINO: I'm going to
8 vote no. Whether the benefit sought by
9 the applicant can be achieved by some
10 method feasible for the applicant to
11 pursue, other than an area variance.
12 David?

13 MR. CORWIN: I'm going to vote
14 yes.

15 CHAIRMAN SALADINO: Dinni?

16 MS. GORDON: No.

17 CHAIRMAN SALADINO: Ellen?

18 MS. NEFF: No.

19 CHAIRMAN SALADINO: I'm going to
20 vote yes.

21 MR. PROKOP: The plan doesn't show
22 a trellis, the plan -- it shows a
23 handrail.

24 CHAIRMAN SALADINO: No, it shows a
25 trellis.

1 Whether the requested area
2 variance is substantial. David?

3 MR. CORWIN: I'm going to say no.

4 CHAIRMAN SALADINO: Dinni?

5 MS. GORDON: Yes.

6 CHAIRMAN SALADINO: Ellen?

7 MS. NEFF: No.

8 CHAIRMAN SALADINO: I'm going to
9 vote no. Whether the proposed variance
10 will have an adverse effect or impact
11 on the physical or environmental
12 conditions in the neighborhood or
13 district. David?

14 MR. CORWIN: No.

15 CHAIRMAN SALADINO: Dinni?

16 MS. GORDON: No.

17 CHAIRMAN SALADINO: Ellen?

18 MS. NEFF: No.

19 CHAIRMAN SALADINO: I'll vote no.

20 Was the alleged difficulty
21 self-created? David?

22 MR. CORWIN: Yes.

23 CHAIRMAN SALADINO: Dinni?

24 MS. GORDON: Yes.

25 CHAIRMAN SALADINO: Ellen?

1 MS. NEFF: Yes.

2 CHAIRMAN SALADINO: I'll vote yes.
3 I'll make this motion -- proposed
4 motion to approve the area variance for
5 the trellis. David?

6 MR. CORWIN: No.

7 CHAIRMAN SALADINO: Dinni?

8 MS. GORDON: No.

9 CHAIRMAN SALADINO: Ellen?

10 MS. NEFF: Yes.

11 CHAIRMAN SALADINO: I kind of like
12 the trellis. I'm going to vote yes.

13 MR. PROKOP: It wouldn't pass
14 anyway, you need three votes. It's not
15 going to pass anyway.

16 CHAIRMAN SALADINO: Okay.

17 MR. PROKOP: I mean, so -- so you
18 don't have the votes to pass that part
19 of the application, if you want to
20 think about that.

21 CHAIRMAN SALADINO: That's not the
22 variance in totality, that's just the
23 trellis.

24 MS. WINGATE: Three more, and we
25 still have Ralph.

1 MR. PROKOP: The 12 foot variance
2 is for the elevator shift. No, 13 foot
3 variance for the elevator shaft.

4 MR. PENNESSI: I think it's a 12
5 foot variance for the bulkheads and
6 shaft for the stairwell and elevator.
7 We had 46 feet 8 inches, I believe that
8 Eileen calculated 47 feet.

9 CHAIRMAN SALADINO: Whether an
10 undesirable change will be produced in
11 the character of the neighborhood or a
12 detriment to nearby properties will be
13 created by the granting of this area
14 variance. David?

15 MR. CORWIN: Yes.

16 CHAIRMAN SALADINO: Dinni?

17 MS. GORDON: No.

18 MS. NEFF: No.

19 CHAIRMAN SALADINO: Ellen jumped
20 the gun, she votes no. I'm going to
21 vote no. Whether the benefit sought by
22 the applicant could be achieved by some
23 method feasible for the applicant to
24 pursue, other than an area variance?
25 David?

1 MR. CORWIN: No.

2 CHAIRMAN SALADINO: Dinni?

3 MS. GORDON: No.

4 CHAIRMAN SALADINO: Ellen?

5 MS. NEFF: No.

6 CHAIRMAN SALADINO: I'm going to

7 vote no. Whether the requested

8 variance is substantial? David?

9 MR. CORWIN: Yes.

10 CHAIRMAN SALADINO: Dinni?

11 MS. GORDON: Yes.

12 CHAIRMAN SALADINO: Ellen?

13 MS. NEFF: No.

14 CHAIRMAN SALADINO: Yes. Whether

15 the proposed variance will have an

16 adverse effect or impact on the

17 physical or environmental conditions in

18 the neighborhood or district? David?

19 MR. CORWIN: Yes.

20 CHAIRMAN SALADINO: Diane?

21 MS. GORDON: No.

22 CHAIRMAN SALADINO: Ellen?

23 MS. NEFF: No.

24 CHAIRMAN SALADINO: And I'm going

25 to vote no. Was it self-created? Was

1 the alleged difficulty self-created?

2 David?

3 MR. CORWIN: Yes.

4 CHAIRMAN SALADINO: Dinni?

5 MS. GORDON: No.

6 CHAIRMAN SALADINO: Ellen?

7 MS. NEFF: No.

8 CHAIRMAN SALADINO: I'm going to
9 vote yes. This is a motion to -- a
10 conditional motion to approve the
11 requested variance, 12 foot bulkhead --
12 height variance for the bulkhead.

13 David?

14 MR. CORWIN: No.

15 CHAIRMAN SALADINO: Dinni?

16 MS. GORDON: Yes.

17 CHAIRMAN SALADINO: Ellen?

18 MS. NEFF: Yes.

19 CHAIRMAN SALADINO: I'm going to
20 vote yes.

21 MR. PROKOP: Sorry, I just need to
22 ask you a question. So there's a thing
23 that's shown in your renderings on the
24 top, which does not have a roof, it has
25 slanted, you know, boards in it with an

1 open -- is that a pergola, is that what
2 it is?

3 MR. PENNESSI: This is the item at
4 42 feet 9 inches.

5 MR. PROKOP: It looks like a
6 sitting area, looks almost like a
7 gazebo. What is that?

8 MR. PENNESSI: That's the so
9 called trellis.

10 MS. WINGATE: The trellis is a
11 visual -- a trellis is usually vertical
12 structure, it could be an arbor, it
13 could be --

14 CHAIRMAN SALADINO: Does that make
15 a difference to us?

16 MR. PROKOP: No, that's fine.

17 MS. WINGATE: As long as we're
18 consistent.

19 MS. NEFF: As long as we call it
20 one thing.

21 CHAIRMAN SALADINO: Eileen, are
22 you keeping score?

23 MS. WINGATE: I am keeping score,
24 John.

25 MR. PENNESSI: Can I buy a box for

1 the loading zone?

2 CHAIRMAN SALADINO: The loading
3 zone. Okay. Proposed building
4 provides for an off street loading
5 berth required by section 150-16B,
6 paragraph eight, which requires one
7 berth for each 25,000 square feet of
8 floor area. Loading berths are
9 required to be 12 feet wide and 33 feet
10 in length. The proposed berth is 9
11 feet wide and 20 feet in length,
12 requiring a variance of 3 feet for the
13 width and 13 feet for the length.

14 MS. GORDON: Can I ask him a
15 question about this?

16 CHAIRMAN SALADINO: Anything you
17 want.

18 MS. GORDON: Are you convinced
19 that this undersized as it is clearly
20 defined is going to fit, I mean, the
21 kinds of delivery vehicles that will
22 come into the parking lot? What makes
23 you think that 9 feet will be enough?

24 MR. PENNESSI: We worked on this
25 with the architect, who unfortunately

1 isn't here tonight, but he had
2 calculated the turning radiuses and
3 reviewed the size of the parking stalls
4 required by the Village code when we
5 laid out the parking area, and based on
6 the operation of both the hotel at the
7 property and the restaurant, we
8 determined that we would not likely be
9 receiving trucks, you know, large 18
10 wheelers. They're taking the form of
11 smaller delivery vehicles, and we would
12 be able to accommodate them in that
13 loading zone. They would be more,
14 like, you know, Sprinters or something
15 of that nature.

16 MS. NEFF: What did you call them?

17 MR. PENNESSI: There's a vehicle
18 out there called a Sprinter.

19 MS. GORDON: But we can't put a
20 condition on a variance that you use
21 those smaller vehicles, which makes it
22 hard.

23 CHAIRMAN SALADINO: As hard as it
24 is for you to believe, sometimes the
25 applicants don't tell us entirely the

1 truth. I know that's hard for you to
2 believe but --

3 MR. PENNESSI: I wouldn't be able
4 to tell a vendor that they had to use
5 that vehicle either.

6 CHAIRMAN SALADINO: Well, we know
7 it's impractical for you to say because
8 you don't -- you know, the vendor has a
9 case of whatever to deliver, you can't
10 tell them what kind of --

11 MR. PROKOP: We can put that
12 condition, I think that's reasonable.

13 CHAIRMAN SALADINO: It's
14 unenforceable. You know, I think you
15 might be better off, in my opinion,
16 because I have an alternative from the
17 Board about the next one because if
18 your parking problems go away, the
19 loading zone becomes -- you could have
20 some room for the loading zone. So
21 maybe I just put this out there before
22 we do anything else, that as far as
23 parking, the Zoning Board got this
24 application from the Planning Board
25 because of these variances and the big

1 one being parking. I wasn't -- I
2 didn't think that was right that they
3 should -- I thought it was -- this
4 should have been in the Planning
5 Board's territory.

6 MR. PROKOP: It goes back to them.

7 CHAIRMAN SALADINO: I understand.
8 That's going to be my proposed
9 compromise. If we were to give this
10 applicant a variance of you have
11 eleven, you require thirty-two, you're
12 asking for twenty-one parking spaces.
13 I hate for it to sound like we're
14 passing the buck back to the Planning
15 Board, but if we gave this applicant a
16 variance for six parking spaces instead
17 of twenty-one, he could go back to the
18 Planning Board and buy fifteen spaces,
19 if they're willing to do that. That
20 would give you the opportunity to
21 eliminate one additional parking space
22 and increase the size of your loading
23 zone.

24 MS. NEFF: Could I just ask that
25 the attorney or maybe the building

1 inspector, when was the last time the
2 Village did accept payment in lieu of
3 parking spaces?

4 CHAIRMAN SALADINO: I don't know.

5 MS. WINGATE: I have no clue.

6 MS. NEFF: Does anybody know?

7 MR. CORWIN: I think it was about
8 thirty-five years ago.

9 MS. NEFF: I don't think it was
10 that long, but I think it was, like,
11 ten or twenty.

12 CHAIRMAN SALADINO: I have no
13 idea.

14 MS. NEFF: We don't want to offer
15 something that doesn't exist.

16 CHAIRMAN SALADINO: It does exist.

17 MR. PROKOP: We haven't had an
18 application like this.

19 CHAIRMAN SALADINO: Well, wait a
20 second. The fact that we haven't had
21 an application doesn't negate the fact
22 that it's still in the code.

23 MR. PROKOP: No, no, it is in the
24 code. I'm saying that with all due
25 respect, the fact that we haven't asked

1 for it in a long time is probably more
2 related to the fact that we haven't had
3 an application like this in a long
4 time.

5 MS. WINGATE: I have a thought.

6 MR. PROKOP: I think we should ask
7 for it.

8 MS. WINGATE: What about -- what
9 was the name of the building built by
10 Rich Israel, the Theo Building, you
11 were probably on the Board for that
12 one.

13 MR. CORWIN: Come on, guys. We
14 got to move ahead on this stuff.

15 MS. WINGATE: I could look into
16 that. I could try.

17 MR. PENNESSI: I guess --

18 MS. GORDON: It's an interesting
19 idea.

20 MR. PENNESSI: It is. I am a bit
21 disappointed. We had talked about it
22 at the last meeting or two meetings ago
23 that we didn't want to get to the point
24 where we're on almost the eve of a
25 resolution and then be sent back to the

1 Planning Board. Now, in our reading of
2 the code, it is -- the Planning Board
3 can make a decision to offer to the
4 applicant the ability to buy the
5 spaces, and we had raised this back in
6 October of last year when we first
7 appeared before the Planning Board and
8 said that we didn't want to get into a
9 position where we're sent to the Zoning
10 Board requesting variances and then
11 back to the Planning Board for site
12 plan approval without having been
13 granted the necessary variances for the
14 parking, not getting a decision from
15 the Planning Board to allow us to buy
16 the spaces, and then having to go back
17 to the Zoning Board for variances.

18 CHAIRMAN SALADINO: Dan, the only
19 reason I suggested it was -- I haven't
20 spoke to my colleagues, I have no idea,
21 all I know is from the sense of the
22 public and what we've talked about here
23 and stuff, twenty-one spaces might be
24 too ambitious. This, in my opinion,
25 was giving you a back door. If you

1 would rather we just vote on the
2 twenty-one, so be it.

3 MR. PENNESSI: I think we would.
4 I mean, with the process -- I guess the
5 question is is what's being proposed
6 that it would be something in the form
7 of a joint meeting in November with the
8 ZBA and the Planning Board so we can
9 have a decision?

10 MR. PROKOP: The Planning Board
11 has two meetings between tonight and
12 our next meeting. They have two
13 meetings, the have a meeting the last
14 week of the month and the first week of
15 the month.

16 CHAIRMAN SALADINO: We have no --
17 I don't have a problem bringing this up
18 for a vote. I thought it was I don't
19 want to say reasonable, I just, you
20 know, an option.

21 MR. PENNESSI: Would we have
22 sufficient time to submit the
23 application to the Planning Board for
24 it to be heard at one of the two next
25 meetings, or would this require a

1 public hearing that would potentially
2 extend the time period to fully vet
3 whether the Planning Board would be
4 willing to accept payment and move
5 parking and enable us to then come to a
6 final resolution of the Zoning Board?

7 MR. PROKOP: Well, their work
8 session is the 27th.

9 CHAIRMAN SALADINO: You certainly
10 -- you don't have to -- you could ask
11 for a presubmission conference and get
12 a sense of -- I don't have problem
13 calling for a vote on this.

14 MR. PENNESSI: Well, it's
15 informal, right, so I mean, we could
16 pursue it in the interim
17 notwithstanding whatever is --

18 MR. PROKOP: The only question I
19 have for the Board is if we grant a
20 parking variance, then we're basically
21 waiving the parking fee, right? If
22 parking is required but it's given up
23 by the Planning Board, then the
24 applicant has to pay a fee. But if we
25 grant a variance for the parking, then

1 they're not on the -- they're not
2 liable for the fee because it's not
3 required.

4 CHAIRMAN SALADINO: I'm not sure.

5 MR. PROKOP: If they leave here
6 tonight requiring -- what is it?

7 CHAIRMAN SALADINO: Twenty-one.

8 MR. PROKOP: What is the total
9 you're required?

10 CHAIRMAN SALADINO: Thirty-two.

11 MR. PROKOP: If they leave here
12 tonight with no variance requiring
13 thirty-two spaces, but they only can
14 get to twenty-one, then the Planning
15 Board has to grant the eleven and get
16 the parking fee for the eleven. If
17 they leave here tonight with a
18 variance, then we don't get the parking
19 fee.

20 MR. CORWIN: This is an advisory
21 vote. It's a month down the road.

22 CHAIRMAN SALADINO: Let's vote on
23 it the way it's written and let the
24 chips fall where they may. We're doing
25 loading zone.

1 MS. WINGATE: We wanted his fees.

2 CHAIRMAN SALADINO: I said what I
3 had to say. We'll do a vote on the way
4 it's written. We're doing te loading
5 berth, right?

6 MR. CORWIN: Yes.

7 MR. PENNESSI: May I just ask one
8 question? When is the next Planning
9 Board work session?

10 MS. WINGATE: Thursday. A week
11 from this Thursday, next Thursday. And
12 my phone is dead because we've been
13 here forever.

14 MS. ALLEN: It should be the 27th.

15 MR. PENNESSI: And the meeting --
16 they have two meetings in between,
17 there's a meeting next --

18 MR. PROKOP: The 27th and also the
19 3rd.

20 MR. PENNESSI: And the 27th is a
21 work session and the 3rd is an actual
22 meeting?

23 MR. PROKOP: So probably what I
24 would try to do is see if you can make
25 a presentation to the work session.

1 MS. WINGATE: I could put you on
2 the agenda for next Thursday because I
3 haven't written it yet.

4 MR. PENNESSI: Thank you.

5 MS. WINGATE: It's supposed to be
6 twenty-five days in advance. So Joe,
7 is that okay with you?

8 MR. PROKOP: Yes, because they
9 already have the application.

10 MR. PENNESSI: I would still like
11 to see the informal vote, if we could?

12 CHAIRMAN SALADINO: Dan, your wish
13 is our command. The proposed
14 building -- oh, we read that.

15 MR. CORWIN: Let's -- should we
16 have a little discussion because it's
17 really an undersized loading zone and
18 it's questionable whether a truck can
19 get in and out of that.

20 CHAIRMAN SALADINO: This is a
21 parking space, this is not a loading
22 zone.

23 MR. CORWIN: But according to them
24 it's a loading zone.

25 CHAIRMAN SALADINO: But nine feet

1 by twenty is a parking space, is a
2 glorified -- is a handicap parking
3 space.

4 MR. CORWIN: So it's an undersized
5 loading berth. So the question comes
6 in my mind, do we give a little and
7 call something a loading zone that's
8 undersized, or do we -- I'm just trying
9 to set it up in my mind. Let's move
10 ahead.

11 CHAIRMAN SALADINO: Okay. Whether
12 an undesirable change will be produced
13 in the character of the neighborhood or
14 a detriment to nearby properties will
15 be created by the granting of this area
16 variance?

17 MS. NEFF: We're talking
18 specifically about the loading zone
19 only?

20 CHAIRMAN SALADINO: Right now,
21 just the loading zone. David?

22 MR. CORWIN: Yes.

23 CHAIRMAN SALADINO: Dinni?

24 MS. GORDON: Yes.

25 CHAIRMAN SALADINO: Ellen?

1 MS. NEFF: No.

2 CHAIRMAN SALADINO: And I'm going
3 to vote yes. Whether the benefit
4 sought by the applicant can be achieved
5 by some method feasible for the
6 applicant to pursue, other than an area
7 variance? David?

8 MR. CORWIN: Yes.

9 CHAIRMAN SALADINO: Dinni?

10 MS. GORDON: Yes.

11 CHAIRMAN SALADINO: Ellen?

12 MS. NEFF: Yes.

13 CHAIRMAN SALADINO: I'll vote yes.
14 Whether the requested area variance is
15 substantial? David?

16 MR. CORWIN: Yes.

17 CHAIRMAN SALADINO: Diane?

18 MS. GORDON: Yes.

19 CHAIRMAN SALADINO: Ellen?

20 MS. NEFF: No.

21 CHAIRMAN SALADINO: I'm going to
22 vote yes. Whether the proposed
23 variance will have an adverse effect or
24 impact on the physical or environmental
25 conditions in the neighborhood or

1 district? David?

2 MR. CORWIN: Yes.

3 CHAIRMAN SALADINO: Dinni?

4 MS. GORDON: Yes.

5 CHAIRMAN SALADINO: Ellen?

6 MS. NEFF: Yes.

7 CHAIRMAN SALADINO: I'm going to

8 vote yes. I'll make this tentative

9 motion to approve --

10 MR. CORWIN: No, wait a minute, I

11 think you read the first one rather

12 than the last one.

13 MS. WINGATE: I only have four

14 questions.

15 CHAIRMAN SALADINO: Oh, alleged

16 difficulty, I'm sorry, I apologize to

17 the public. Whether the alleged

18 difficulty was self-created? David?

19 MR. CORWIN: Yes.

20 CHAIRMAN SALADINO: Diane?

21 MS. GORDON: Yes.

22 CHAIRMAN SALADINO: Ellen?

23 MS. NEFF: Yes.

24 CHAIRMAN SALADINO: I'll vote yes.

25 Now, we move to a motion to approve the

1 requested variance. David?

2 MR. CORWIN: No.

3 CHAIRMAN SALADINO: Dinni?

4 MS. GORDON: No.

5 CHAIRMAN SALADINO: Ellen?

6 MS. NEFF: Yes.

7 CHAIRMAN SALADINO: I'm going to
8 vote no.

9 MS. GORDON: I was really
10 persuaded about this by Chatty's
11 description of the difficulties of that
12 corner, and I think the combination of
13 the problems of vehicles getting around
14 that corner and into the loading dock
15 and out of it again. I don't know what
16 the solution is, but it really strikes
17 me as a serious problem.

18 CHAIRMAN SALADINO: My thought was
19 that you're going to get more than just
20 boxes of straws and candy delivered to
21 your hotel, you know, sheets and stuff
22 in bigger trucks, and there's no
23 opportunity for anybody to park any
24 place. You can't park on Third Street
25 and make a delivery, you can't park on

1 Front Street to make a delivery. It
2 would really be a detriment to the
3 Village, so that was my thought. If,
4 you know, and again, we could tell you
5 you could only put -- what did you call
6 it, a scooter, a skeeter?

7 MS. GORDON: A sprinter.

8 CHAIRMAN SALADINO: A sprinter.
9 But when your vendor tells you, listen,
10 your delivery is on my truck, if you
11 want it, you're going to take whatever
12 truck it's coming on. You don't
13 suffer, you get your goods, but the
14 people that are trying to get up and
15 down Third Street or up and down Front
16 Street, they're the ones that are going
17 to suffer.

18 MR. CORWIN: A smaller truck might
19 service Manhattan, but nobody is going
20 to drive out to Greenport with a
21 smaller struck just to deliver some
22 beef or something.

23 CHAIRMAN SALADINO: Well, we just
24 don't know, we just don't know, and not
25 knowing is what makes it -- all right.

1 The last one is a mixed use building
2 proposes eleven parking spaces.
3 Section 150-16A, paragraph one requires
4 thirty-two parking spaces based on
5 square footage calculations and
6 requirements for hotel occupancy
7 requiring a variance of twenty-one
8 parking spaces. Any discussion?

9 MR. CORWIN: Well, really the big
10 stumbling block to me is I think we can
11 get around just about everything but
12 all those parking places. The idea
13 that you go to Planning Board and you
14 purchase -- payment for parking, I got
15 to tell you, that was my idea
16 thirty-five years ago, which I told you
17 a month or so ago.

18 CHAIRMAN SALADINO: Did I steal
19 your thunder? I'm sorry.

20 MR. CORWIN: But at that point in
21 time the parking space probably could
22 be had for fifteen hundred dollars or
23 something. At this point in time, you
24 couldn't buy a parking space in
25 Greenport for thirty or forty thousand

1 dollars in my opinion. So that's
2 really the big stumbling block to me
3 for the whole concept of payment moved
4 parking at this point in time.

5 CHAIRMAN SALADINO: To expand on
6 David's answer, right now the fee is
7 set at twenty-five hundred. It was
8 proposed to be raised to ten thousand,
9 which I guess in this day and age makes
10 more sense, but right now it's
11 twenty-five hundred dollars. When I
12 had first saw this I thought forget it
13 because I didn't have a concept of
14 people taking mass transit to Greenport
15 because I don't, and for the most part
16 in the past people haven't. The train
17 hardly runs, the Jitney, you know, most
18 people that stay at hotels and stuff
19 don't take the Jitney. I'm not saying
20 I changed my mind about all that, but I
21 have seen lately, the last -- this
22 season every day I've seen people
23 pulling suitcases up Front Street. I
24 see people pulling suitcases up Third
25 Street and stuff, so I'm thinking maybe

1 parking -- the dynamic of requiring
2 buildings to have parking, new
3 buildings have changed. Plus, the
4 other thing is, you know, it's hard for
5 me to reconcile denying or supporting
6 the code when it comes to this
7 particular property when there's say a
8 property -- without mentioning
9 particular -- say a property across the
10 street that could have a three hundred
11 seat restaurant and nine apartments and
12 not provide one parking space. To me,
13 it seems -- unfortunately the Village
14 Board chose to go that route. The
15 Zoning Board -- a guy like me on the
16 Zoning Board is here to support the
17 code. I don't take an interpretive
18 look at it. So I'm really sympathetic
19 to your cause, but I would love to see
20 this building, but until something
21 changes in my mind to ask for
22 twenty-one parking spaces, I just don't
23 -- I'm just not sure about it.

24 MR. PROKOP: The parking spaces
25 are based on commercial space?

1 MS. WINGATE: Those are based on
2 the residential use, the restaurant
3 use, the retail.

4 CHAIRMAN SALADINO: Employees, two
5 for employees and restaurant, and then
6 the hotel.

7 MS. WINGATE: It's a very
8 comprehensive number.

9 MR. PROKOP: How many residential
10 units?

11 MR. PENNESSI: The hotel requires
12 sixteen parking spaces. It's one space
13 per guest room on sixteen rooms.

14 MR. PROKOP: Sixteen rooms.

15 MR. PENNESSI: Plus one space per
16 employee, and we anticipate two
17 employees. The restaurant requires
18 twelve parking spaces, it's one space
19 for every five seats, and we have sixty
20 seats currently proposed. And then the
21 retail use requires two spaces, it's
22 one space per three hundred square feet
23 of retail space in the building.

24 MS. GORDON: I just hate to see
25 important developments limited by the

1 parking problem, and I realize that's,
2 I mean, the only way to solve that is
3 for the Village as a whole to do
4 something more about parking. I don't
5 know what the answer is.

6 MR. CORWIN: This parking problem
7 has been going on for since they
8 invented cars and probably when they
9 had horse and buggies. So actually it
10 is starting to change with these things
11 like Uber and stuff like that, but I
12 don't know if we're going to see it.

13 MS. GORDON: Do you think you'd
14 have valet parking in the middle of the
15 season?

16 CHAIRMAN SALADINO: Put them
17 where?

18 MR. PENNESSI: That would be the
19 issue.

20 CHAIRMAN SALADINO: I could see a
21 variance -- I could see this Board
22 perhaps getting its head around the
23 variance if you had an alternative
24 piece of property and valet parking.
25 If you had a sixty by a hundred foot

1 piece of vacant land, and you had title
2 to it, to park those cars -- you hire a
3 valet. Me, personally, I think that
4 would be something look at. But again,
5 we'd give you a variance for having it
6 more than two hundred feet away.
7 You're required to have the property
8 two hundred feet from the building
9 but --

10 MS. NEFF: It would have to
11 support zoned parking on that property,
12 which doesn't exist. But I -- since we
13 are discussing this issue, I'm growing
14 an idea of granting five parking spaces
15 as a variance. In other words, we're
16 granting half the required amount. It
17 goes from eleven to sixteen, half of
18 the thirty-two. I don't know where I
19 got that idea, but it just came to me.
20 That's my proposal to the Board.

21 CHAIRMAN SALADINO: But then we
22 don't get the money from the --

23 MS. NEFF: No, it doesn't say that
24 at all because we haven't given a
25 decision. We've ben somewhat flexible.

1 I myself have seen quite a few people
2 get off trains and busses and use the
3 Village as a pedestrians a lot.

4 CHAIRMAN SALADINO: I agree with
5 you. But what the attorney just said,
6 and kind of backed up by the building
7 inspector was that if we gave them
8 anything, it would be giving them the
9 required parking, and we wouldn't --

10 MS. NEFF: That's not the required
11 parking, it's part of the required
12 parking.

13 CHAIRMAN SALADINO: Well, that's
14 what I had thought.

15 MS. WINGATE: That's exactly what
16 John had proposed earlier.

17 MS. NEFF: I didn't hear John's
18 proposal. Today? During the time I've
19 been sitting here? Really? You said
20 that, John?

21 MS. WINGATE: John, repeat
22 yourself.

23 CHAIRMAN SALADINO: I'm too tired
24 to repeat myself. I think it's come
25 time to decide on this variance. We

1 kicked it around a little bit, and I
2 think I'm going to call a vote.

3 MR. PENNESSI: Can I ask one
4 thing? Based on what you were saying
5 before, so the code currently requires
6 that the loading berth be twelve feet
7 wide, but we were asking for a variance
8 as to the width of the loading berth.
9 It should be twelve feet wide, and we
10 were providing a nine foot wide berth.
11 If we were able to include a twelve
12 foot wide berth, based on this it looks
13 like it would take up one and perhaps
14 up to three additional parking spaces
15 on site.

16 CHAIRMAN SALADINO: That was kind
17 of, like, what I thought I was
18 suggesting to you. If we give you --
19 however we worked the numbers that you
20 could go to the Planning Board with
21 twenty spaces, and if that increased
22 your parking lot size by however many
23 square feet, you might have not needed
24 a variance for the loading zone, you
25 might have had the variance for the

1 loading zone, be able to park ten cars
2 or nine cars, and we give you a
3 variance for six cars or seven cars.
4 I'm losing track of how many cars here,
5 and then eventually go to the Planning
6 Board and ask to buy twenty spaces from
7 them.

8 MR. PENNESSI: I understand. I'm
9 just trying to better understand it.
10 It looks like it would be about eight
11 spaces on the site plus a full size
12 loading dock is what could fit there.

13 CHAIRMAN SALADINO: So eight from
14 thirty-two would be twenty-four, so we
15 would have to give you a variance for
16 four spaces. Does that sound right?

17 MS. WINGATE: That's the math.

18 MR. PENNESSI: The Planning Board
19 permits you to buy up to twenty spaces
20 for twenty-five hundred per space?

21 MS. WINGATE: Yes.

22 MS. GORDON: You'd have to ask
23 your employees to park in East Marion.

24 MR. PENNESSI: Hopefully they live
25 in the Village.

1 MR. CORWIN: In my mind, the
2 applicant goes out and he buys say a
3 house on Third Street, he knocks it
4 down, and he says there's my parking.

5 MS. NEFF: But it's not zoned for
6 parking.

7 CHAIRMAN SALADINO: We know a
8 place on Kaplan. Well, I'll also
9 suggest that we table this one variance
10 and let you go to the Planning Board
11 and kick it around a little bit.
12 You've been around here for, like, a
13 year, I mean, another month or so is
14 not going to --

15 MR. PROKOP: I think that's a good
16 idea. I think the Village loses an
17 opportunity if it doesn't at least make
18 one pass through the Planning Board.

19 CHAIRMAN SALADINO: What do you
20 think, Dan?

21 MR. PENNESSI: Yeah, I think that
22 I can say we'll take it under
23 advisement, but I think that we will
24 attend the Planning Board and see --
25 take the Planning Board's temperature

1 as to whether they'd be willing to
2 allow a purchase of those spaces. We
3 had tried to do that at the beginning
4 of this process, I think there was an
5 October application to the Planning
6 Board where we discussed. We were
7 unsure who would actually be
8 responsible for dealing with this.

9 CHAIRMAN SALADINO: That's why I
10 had thought when this application came
11 in front of us, I had thought that it
12 should have been at least -- without
13 just being rejected automatically
14 because you needed a variance or five
15 variances, that it should have been at
16 least discussed at the Planning Board
17 to give everybody a little information,
18 you know. I don't believe in joint
19 meetings, I think they turn into
20 rodeos, so -- but I wouldn't have a
21 problem tabling this one, if it's okay
22 with you, and you give us the extra
23 time.

24 MR. PENNESSI: Yeah, I think we
25 need the extra time anyway for the

1 resolution. I mean, I would ask that
2 we still pursue a resolution for the
3 November meeting, but you know.

4 CHAIRMAN SALADINO: I can
5 guarantee that this will be done by
6 November. We're kind of almost there.
7 I mean, you know.

8 MR. PENNESSI: There would
9 ultimately be a vote anyway. We could
10 figure out if the Planning Board would
11 be willing to do that. Hopefully they
12 would be, and if not, we'll come back
13 and vote on the application as it
14 stands.

15 CHAIRMAN SALADINO: We might have
16 a few extra minutes because we put two
17 public hearings off until February. So
18 am I going to make that motion that we
19 table this until November?

20 MR. PENNESSI: Yes, that's fine.

21 CHAIRMAN SALADINO: The applicant
22 agrees to the additional time?

23 MR. PENNESSI: Yes.

24 CHAIRMAN SALADINO: So moved.

25 MS. GORDON: Second.

1 MR. CORWIN: Say exactly what
2 you're tabling.

3 CHAIRMAN SALADINO: Further
4 consideration of the variances for SAKD
5 Holdings.

6 MR. CORWIN: For everything?

7 MS. NEFF: No, just required for
8 parking.

9 MR. PROKOP: It's to table the
10 application as a whole because we
11 really didn't -- you don't want to take
12 anything off the table, please.

13 MR. PENNESSI: That's fine.

14 CHAIRMAN SALADINO: So I'll make
15 that motion to table this application
16 until the November meeting.

17 MR. PROKOP: And refer back to the
18 Planning Board for parking review.

19 CHAIRMAN SALADINO: That's his
20 choice, right? That's not for us to
21 say.

22 MR. PROKOP: That's fine.

23 MS. NEFF: May I just ask, does
24 our discussions, straw votes, if I may
25 call them that, does that reach the

1 Planning Board, the things we did?

2 MR. PROKOP: Yes, it's a public
3 record.

4 CHAIRMAN SALADINO: I'm sure Dan
5 will tell them what we said here.

6 MR. CORWIN: There's a motion on
7 the table that hasn't been seconded.

8 CHAIRMAN SALADINO: We have a
9 motion to table this application to the
10 November meeting. So moved. Is there
11 a second?

12 MS. GORDON: Second.

13 CHAIRMAN SALADINO: All in favor?

14 MR. CORWIN: Aye.

15 MS. NEFF: Aye.

16 MS. GORDON: Aye.

17 CHAIRMAN SALADINO: Aye. Any
18 opposed? Motion carries.

19 MR. CORWIN: Before we end this
20 matter, I just want to say one thing to
21 Mr. Pennessi, this has been a long
22 torturous process, and I blame a lot of
23 it on you with the idea of
24 interpretations, so as Mr. Saladino
25 says you could get two bites of the

1 apple, and some of it was ours with
2 codes and procedures and stuff, but
3 it's really a pleasure to work with a
4 gentleman rather than somebody that
5 cops an attitude. Thank you.

6 CHAIRMAN SALADINO: Item eleven,
7 discussion and possible action on the
8 application of Ralph and Maureen
9 Caouette, 447 Sixth Street, Greenport,
10 New York. Suffolk County Tax Map
11 1001-6-3-3. Does the Board have any
12 discussion about this application? I
13 heard the attorney say that the
14 application was incomplete? Can we
15 know what that is?

16 MS. WINGATE: Yes, I looked at it.
17 On the application Ralph wrote his
18 street, but he didn't write Holden,
19 Massachusetts.

20 CHAIRMAN SALADINO: 58 Mixter
21 Road?

22 MR. CAOUETTE: That's it.

23 MR. PROKOP: It's not an
24 incomplete application, it just needs
25 to be filled in, made legible.

1 CHAIRMAN SALADINO: I'm okay. Is
2 the Board okay with that?

3 MR. CORWIN: Yeah, I'm okay with
4 that.

5 CHAIRMAN SALADINO: Is there any
6 discussion about the application?

7 MS. GORDON: Yeah, I want to say
8 one little thing, which is that there
9 are a lot of these little cottages,
10 these 20's cottages around the Village.
11 They're very cute. I love looking at
12 them, but they're really not very
13 useful for many families. They don't
14 have big kitchens, they don't have more
15 than one or two bedrooms. It seems to
16 me perfectly understandable why people
17 with sizable lots would want to use
18 those sizable lots to expand their
19 houses. He didn't have to get a
20 variance to add to the bedrooms and the
21 part of the house that we looked at
22 today, so that was all within the
23 existing code, and then it seems to me
24 a little carport is a very logical
25 addition, that it doesn't require a

1 huge variance, and the person to the
2 south is okay with it.

3 MR. CAOUETTE: I shared -- I did
4 nine variations over the last two years
5 of what to do with this tiny cottage,
6 I'm thorough like that, and I share the
7 last three or four plans, I even did a
8 scale model for my neighbor getting her
9 feedback. Good design requires
10 thorough feedback. You know, I helped
11 her with her project, she gave me what
12 I thought was valuable input on this
13 project. She realized too there's a
14 nice canopy, you're not going to use
15 that deck -- that ten by twelve, which
16 is in the back. I mean, the whole
17 portico chair is slid towards the back
18 of the house. I think it's twenty-six
19 feet back from the front porch. You're
20 not going to use that, except in the
21 summer months. There's a nice canopy
22 of walnut and maple tree there that she
23 realizes screens her house. You know,
24 I'm not going to be sitting up there in
25 December or anything unless I've got a

1 painting to do.

2 CHAIRMAN SALADINO: You know, I
3 believe everything you're saying. I
4 believe everything you're saying, but
5 since we're supposed to put a
6 professional face on this operation,
7 not for this time, but perhaps going
8 forward it would have been nice to have
9 her say that somewhere, you know,
10 because right now, like we told someone
11 else, you know, sometimes the
12 applicants aren't always --

13 MR. CAOUETTE: I think she didn't
14 perceive any resistance to this
15 project. She thought it was very
16 reasonable. She's in Texas right now
17 with a friend.

18 CHAIRMAN SALADINO: Well, what
19 we've also learned is that you never
20 know what your neighbors are going to
21 say, you never know what the public is
22 going to say, you never know what
23 somebody that doesn't live in the
24 neighborhood is going to say, and we
25 have to listen to them. So for them to

1 say this is not good, it's always good
2 to have the next door neighbor say no,
3 I love it, it's great. That's really
4 not an issue here, but just going
5 forward. Are we good?

6 MR. CORWIN: I would just like to
7 make a few comments. One is the
8 neighbor to the south got hers, her
9 variance or her mud room for a dog.

10 MS. WINGATE: Her cat.

11 MR. CORWIN: Her deck, her stoop,
12 or whatever it is. And the other thing
13 I want to say is I really have
14 reservations about the deck on the
15 second floor. You can do that by
16 right, you don't need a variance, but
17 when you need a variance I just have
18 reservations about it because if you
19 build a deck in your backyard, hey, the
20 sound is a little muffled, but when you
21 build a deck on the second story, then
22 the noise is broadcast. So I'm a
23 little torn on how I want to vote on
24 that. I'm certainly worn out from
25 being here all evening.

1 MR. PROKOP: That could be -- I
2 mean, it doesn't have to be approved
3 with a deck, it could be approved
4 without a deck or it could be approved
5 with a smaller deck. I wanted to
6 mention to the Board that -- have we
7 had one of these before in the side
8 yard, a second floor deck in a side
9 yard?

10 CHAIRMAN SALADINO: No.

11 MS. WINGATE: Rosa was the back
12 corner.

13 CHAIRMAN SALADINO: Yeah, but that
14 was in the footprint.

15 MR. PROKOP: On either the
16 Planning Board or the ZBA, the second
17 floor deck in the side yard facing the
18 street is a new thing for us.

19 MR. CORWIN: Well, we did have one
20 on Fifth Street or Sixth Street, but
21 that was a front yard.

22 MS. WINGATE: That was the front
23 of the house.

24 CHAIRMAN SALADINO: That's my
25 contention. I would have absolutely

1 problem, no qualms about saying no to
2 this if it was in the front of the
3 house. I'm kind of thinking about it
4 on the side of the house. You know, we
5 granted a deck, second floor deck, but
6 it was in the same footprint. I'm not
7 not looking at you, I'm looking at the
8 plan, I apologize. It was in the same
9 footprint of the house, so, you know,
10 I'm not sure.

11 MR. CAOUETTE: In this case, it
12 lines up with her back deck, and she
13 just added on a big paved patio on
14 back, which again, I helped her with
15 the design of that, so she has no
16 issues there.

17 MR. CORWIN: The thing is she's
18 not going to be around for -- in your
19 original application you sounded like
20 you weren't going to be around very
21 long, so I think --

22 MR. CAOUETTE: There's longevity
23 in my family.

24 MR. CORWIN: That's not the way
25 you made the original application, but

1 anyway, the point is we really should
2 be looking out twenty years, thirty
3 years down the road for people.

4 MS. NEFF: I had one comment, this
5 proposed carport and deck is set --
6 although the measurement isn't here
7 because it's not required, but it's
8 more than forty-five feet from the
9 front of the property, it's not right
10 near the street. Would you -- could
11 you give me a better estimate of how
12 far back that is?

13 MR. CAOUETTE: You're right. It's
14 about forty-five. It's the back
15 quarter of the house. With the roof in
16 the front, the most that will be
17 visible from the street is the top of
18 the railing. There's the roof landing
19 in the front. Again, it only impacts
20 the immediate neighbor, and she's, as
21 you mentioned, fine with it. Directly
22 across the street there's a house owned
23 by Tony Alvarez, that's a rental.
24 They're the only ones that will have a
25 viewpoint of it. My worry about it was

1 smelling the proposed distillery that's
2 probably coming in two years on Coleman
3 Street, which is within three hundred
4 feet. Louis Marine. I know what they
5 smell like, I grew up on the New
6 Hampshire line. Noise wise, most of
7 the residents are used to it. We're a
8 hundred and fifty feet from the DPW,
9 the amount of heavy equipment that
10 comes out of there, parking, noise.
11 Minor, you know.

12 CHAIRMAN SALADINO: Makes me kind
13 of wonder why you want it with all that
14 adversity around you, you know.

15 MR. CAOUETTE: I thought when I
16 retired I was going to the Cape, but
17 I've got -- this is important to my
18 wife.

19 CHAIRMAN SALADINO: I advocate for
20 Greenport, but you're telling us about
21 the rental across the street, and the
22 noise from the road department and the
23 distillery, I would think the last
24 place you would want to be is outside
25 on the deck.

1 MR. CAOUETTE: I like fresh air.
2 I've got a bad sniffer, so she's more
3 likely to smell it than me.

4 CHAIRMAN SALADINO: Okay. What's
5 the pleasure of the Board?

6 MS. GORDON: I'm ready to vote.

7 MS. NEFF: Me too.

8 CHAIRMAN SALADINO: The other
9 thing I would like to tell you, I
10 personally would like to apologize, we
11 held this application a month because
12 -- I think because we were tired, you
13 know, I'm not really sure why, but let
14 me apologize to you now.

15 MR. CAOUETTE: I'm just holding
16 the builder up.

17 CHAIRMAN SALADINO: We'll do the
18 questions. And this is for the
19 proposed 8.3 side yard setback on the
20 south property line requiring an area
21 variance of 6.7 feet in the R-2
22 district. Section 150-12A of the
23 Village code requires a side yard
24 setback of 15 feet in the R-2 district.
25 The proposed aggregate side yard

1 setback is 18.2 feet requiring a 6.8
2 foot combined side yard variance.
3 Section 150-12A of the Village code
4 requires a twenty-five foot combined
5 yard setback in the R-2 district.
6 Okay?

7 Whether an undesirable change will
8 be produced in the character of the
9 neighborhood or a detriment to nearby
10 properties will be created by the
11 granting of the area variance? David?

12 MR. CORWIN: No.

13 CHAIRMAN SALADINO: Dinni?

14 MS. GORDON: No.

15 CHAIRMAN SALADINO: Ellen?

16 MS. NEFF: No.

17 CHAIRMAN SALADINO: I'm going to
18 vote no. Whether the benefit sought by
19 the applicant can be achieved by some
20 method feasible for the applicant to
21 pursue, other than area variance?
22 David?

23 MR. CORWIN: No.

24 MS. GORDON: No.

25 MS. NEFF: No.

1 CHAIRMAN SALADINO: And I'll vote
2 no. Whether the requested variance is
3 substantial? David?

4 MR. CORWIN: Yes.

5 CHAIRMAN SALADINO: Dinni?

6 MS. GORDON: No.

7 CHAIRMAN SALADINO: Ellen?

8 MS. NEFF: No.

9 CHAIRMAN SALADINO: And I'm going
10 to vote no.

11 Whether the requested variance
12 will have an adverse effect or impact
13 on the physical or environmental
14 conditions in the neighborhood or
15 district? David.

16 MR. CORWIN: I'm going to give
17 that a qualified yes, because I am
18 concerned about noise from the deck on
19 the second floor.

20 CHAIRMAN SALADINO: Dinni?

21 MS. GORDON: No.

22 CHAIRMAN SALADINO: Ellen?

23 MS. NEFF: No.

24 CHAIRMAN SALADINO: I'm going to
25 vote no. Whether the alleged

1 difficulty was self-created, which
2 consideration shall be relevant to the
3 decision of the Zoning Board of Appeals
4 but shall not necessarily preclude the
5 granting of the area variance? David?

6 MR. CORWIN: Yes.

7 CHAIRMAN SALADINO: Diane?

8 MS. GORDON: Yes.

9 CHAIRMAN SALADINO: Ellen?

10 MS. NEFF: Yes.

11 CHAIRMAN SALADINO: I'll vote yes.

12 I'll make a motion to grant the area
13 variance.

14 MS. NEFF: Second.

15 CHAIRMAN SALADINO: David?

16 MR. CORWIN: Yes.

17 MS. WINGATE: I'm missing --

18 MR. PROKOP: We need to do it
19 before the final -- we need a motion
20 that it's adopting lead agency status
21 and determining that it's a type two
22 action for purposes of SEQRA.

23 CHAIRMAN SALADINO: So moved.

24 MS. NEFF: Second.

25 CHAIRMAN SALADINO: All in favor?

1 MR. CORWIN: Aye.

2 MS. NEFF: Aye.

3 MS. GORDON: Aye.

4 CHAIRMAN SALADINO: Aye. Finally,

5 I'll make this motion to grant this

6 area variance. David?

7 MR. CORWIN: Well, this is a do

8 over, so is somebody going to second

9 it?

10 MS. NEFF: I'll second it.

11 CHAIRMAN SALADINO: I don't think

12 we. Okay.

13 MR. CORWIN: So my answer is yes.

14 MS. GORDON: Yes.

15 MS. NEFF: Yes.

16 CHAIRMAN SALADINO: I'm going to

17 vote yes. Good luck.

18 Item 12, motion to adjourn.

19 MS. GORDON: Second.

20 CHAIRMAN SALADINO: All in favor?

21 MR. CORWIN: Aye.

22 MS. NEFF: Aye.

23 MS. GORDON: Aye.

24 CHAIRMAN SALADINO: Aye.

25 (Whereupon the meeting was

1 adjourned at 10:29 p.m.)

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C E R T I F I C A T I O N

STATE OF NEW YORK)

) SS:

COUNTY OF SUFFOLK)

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

THAT, the above and foregoing contains a
true and correct transcription of the
proceedings taken on October 18, 2016.

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

IN WITNESS WHEREOF, I have hereunto set my
Hand this 31st day of October, 2016.

Amy Bohleber

Amy Bohleber