

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 September 20, 2016
9 6:00 P.M.
10 Third Street Fire Station
11 Greenport, New York

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

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1 CHAIRMAN MOORE: This is the
2 regular meeting of the Greenport Zoning
3 Board of Appeals on September 20th,
4 about 6:13 p.m. I turned my phone off,
5 if anybody would like to do the same.
6 I had a question from one of the
7 applicants on our agenda, this is a
8 question for Mr. Prokop, on the regular
9 meeting agenda -- I have to find the
10 item number, item number 7, is the SAKD
11 hotel proposal. We are currently in a
12 waiting period for the coordinated
13 review. Mr. Prokop, do you know the
14 dates of that review period?

15 MR. PROKOP: It didn't expire
16 before tonight's meeting. It may
17 expire prior to our next meeting. I'll
18 find out and advise.

19 CHAIRMAN MOORE: I just have to
20 ask the Board, we have a very full
21 agenda, we wouldn't be able to make any
22 decisions on the project. I have a
23 motion on the agenda to table the
24 discussion. Is the Board agreeable to
25 that pending the next meeting and

1 completion of a coordinated review and
2 actually take action? We assume that
3 the waiting period ends sometime
4 between now and next month. Next month
5 we can then entertain final
6 discussions. The hearing has been
7 closed. And we could then complete the
8 coordinated review and proceed to make
9 decisions, that might be able to happen
10 next month, but the question is whether
11 you would be agreeable since we
12 couldn't come to a full decision, I
13 believe we're going to be voting on
14 each agenda request separately, I think
15 as we indicated, and that allows you to
16 pick which ones you want first. Would
17 you be agreeable to discuss a final
18 decision time?

19 MR. PENNESSI: Dan Pennessi, SAKD
20 Holdings, LLC, 567 Fifth Avenue. Yes,
21 Chairman Moore, we would ask that we
22 very much appreciate -- first of all,
23 I'm here to answer any questions if
24 there was going to be a discussion this
25 evening, and of course we would hope

1 that by the next meeting we would be
2 able to complete SEQRA review, have a
3 SERA resolution prepared, and hopefully
4 have the Board make decisions on the
5 variance requests so that we could have
6 a written resolution passed so we can
7 move on. That would be great.

8 CHAIRMAN MOORE: Would you, if we
9 aren't able to complete the full
10 discussion of all the variances which
11 are currently pending --

12 MR. PENNESSI: I think we're down
13 to four or five.

14 CHAIRMAN MOORE: Possibly five or
15 six. We might make final decisions at
16 a subsequent meeting, if we can't
17 complete.

18 MR. PENNESSI: That would be fine,
19 I wouldn't object to that, but
20 hopefully --

21 CHAIRMAN MOORE: We'll make that a
22 priority. Mr. Prokop, question about
23 Planning Board has sixty or sixty-two
24 days to make a decision, if no decision
25 is rendered, the application is

1 approved by default; is that correct,
2 for Planning Board?

3 MR. PROKOP: No, it's not exactly
4 the case.

5 CHAIRMAN MOORE: Okay.

6 MR. PROKOP: I don't agree that
7 it's approved on default.

8 CHAIRMAN MOORE: But the Zoning
9 Board is not under that same
10 restriction.

11 MR. PROKOP: They have a time
12 limit, but I don't think that it
13 automatically ends up granting --

14 CHAIRMAN MOORE: That was my
15 understanding from reading the Village
16 law, it's kind of not -- if we don't
17 get finished, we won't get finished,
18 but we'll try to.

19 MR. PROKOP: Is that a question
20 for this application?

21 CHAIRMAN MOORE: Well, it's a
22 question in general about the waiting
23 period after the closing a hearing.

24 MR. SALADINO: If I could?

25 MR. PROKOP: Did you say Planning

1 Board?

2 CHAIRMAN MOORE: I was comparing
3 it to the Planning Board, which is just
4 a reference to the time that they have,
5 which I don't necessarily agree with
6 fully.

7 MR. SALADINO: Just so you're on
8 the same page as us, Joe, this
9 application the sixty-two days expires
10 the day before the next meeting,
11 sixty-two days is when we closed the
12 hearing, and is the day before the next
13 Zoning Board meeting.

14 MR. PROKOP: You should have the
15 applicant's consent to not make a
16 decision prior to the next meeting.

17 MR. PENNESSI: That's fine.

18 CHAIRMAN MOORE: Technically we
19 can't anyway because it's still open.
20 Does the Board wish to discuss it, item
21 number 7 tonight, are there any
22 questions tonight? If not --

23 MR. PROKOP: I just have a
24 question, do we have -- what's before
25 this Board now is what's considered a

1 final application?

2 MR. PENNESSI: Yes.

3 MR. PROKOP: We don't expect any
4 -- I mean, subject to requests by the
5 Board, you don't expect any further
6 modifications?

7 MR. PENNESSI: That's correct.

8 MR. PROKOP: What happened to the
9 loading dock?

10 MR. PENNESSI: We had added based
11 on -- we changed the site plan based on
12 comments from the DOT and public
13 comments and discussions with the
14 Zoning Board, so the most recent set of
15 plans which were submitted to the
16 Zoning Board included a loading dock,
17 albeit smaller than what's required
18 under the code, so we're asking for a
19 variance to the loading dock
20 dimensions.

21 MR. PROKOP: That's fine. Thank
22 you.

23 CHAIRMAN MOORE: You changed the
24 plans from no loading dock to a
25 substandard loading dock?

1 MR. SALADINO: And one reduction
2 in --

3 CHAIRMAN MOORE: One parking
4 space.

5 MR. PENNESSI: Yes.

6 CHAIRMAN MOORE: If there's no
7 questions about the plans currently, I
8 would make a motion table the
9 discussion until the next meeting at
10 which time we can complete the
11 coordinated review. So moved. Can I
12 have a second?

13 MS. GORDON: Second.

14 MR. CORWIN: Question before you
15 make that motion. I would just like
16 the motion include the fact that the
17 application -- the applicant consents
18 to a one day extension after the
19 sixty-two days.

20 CHAIRMAN MOORE: Okay. So
21 including that, that motion is
22 seconded, and all in favor?

23 MR. CORWIN: Aye.

24 MR. SALADINO: Aye.

25 MS. GORDON: Aye.

1 MS. NEFF: Aye.

2 CHAIRMAN MOORE: Any opposed?

3 Motion carried.

4 MR. PENNESSI: Thank you very
5 much.

6 CHAIRMAN MOORE: We will start at
7 the top. We have a renewed public
8 hearing regarding the area variance
9 sought by Walter and Diane Foote, 126
10 Center Street, SCTM# 1001-4-2-25. The
11 property is located in the R-2 District
12 and is not located in the historic
13 district. The applicants are seeking
14 area variances to obtain a building
15 permit to construct an addition, and
16 I'm just going to paraphrase this
17 because you all have it in your agenda,
18 and we read it before, to build a porch
19 which infringes on the front yard
20 setback both on Center Street and the
21 second front yard on Second Street I
22 believe it is. The changes from the
23 last application are that the proposed
24 front yard setback for the new
25 construction is 1.0 foot requiring a 15

1 foot front yard setback variance for
2 the addition of a front porch, that's
3 Center Street. And on Second Street
4 the proposed front yard setback for the
5 new construction is 4.2 feet requiring
6 a 2.1 front yard setback variance for
7 the addition of a front porch. These
8 are all, again, paraphrasing based on
9 the calculations, which reduces the
10 required front yard space on adjoining
11 properties which are closer to the
12 streets. There is a second variance,
13 which is for lot coverage. The
14 existing building coverage is 31.87%,
15 1,260 square feet with the proposed
16 porch being an increase of 2.81%, 111
17 square feet for a total proposed lot
18 coverage of 34.68%, 1,371 square feet
19 requiring a maximum lot coverage
20 variance of 4.68%, 185 square feet.
21 The site is 3,954 square feet. This
22 project was re-noticed, I believe the
23 placard is still in place, and the
24 addresses noticed are Jeffery Truelove,
25 338 Second Street, Daniel Thin, 100

1 Center Street, Frank Swan, 18300
2 Charity Lane, Echo Peak, Maryland, and
3 that is the property diagonally across
4 the street. Gregory Curcam (phonetic),
5 again a street address in Dix Hills.
6 That property is diagonal across the
7 intersection. Walter Foote, Charles
8 Strobe, again, 401 First Avenue,
9 Apartment 14G, New York, and Mr. Trube
10 is next door. And the final
11 notification was Florida Jones, 47
12 Second Street. We do have the receipts
13 for the mailed notices. I think we can
14 take comments, if there is any from the
15 applicant again before the public will
16 comment.

17 MR. FOOTE: Good evening, my name
18 is Walter Foote, W-A-L-T-E-R,
19 F-O-O-T-E, I'm at 22 Broad Street,
20 Greenport, New York. Thank you for
21 meeting with me again. The -- as Mr.
22 Moore just explained, the new plan is
23 for the porch to have a depth of 5.2
24 feet, which is nearly a full foot from
25 the front boundary and nearly two feet

1 from the sidewalk. It's consistent
2 with the photograph that you all are
3 familiar with of the house
4 historically. We're really just -- the
5 whole point of this is to restore
6 something that was once there. We
7 provided a drawing that my architect
8 rendered of what the porch would look
9 like, as that was requested at the last
10 hearing, and I want to also point out
11 that there is a one step up, and the
12 step up itself is within the property
13 boundary as well. That's -- are there
14 any questions? I'm happy to answer
15 them.

16 CHAIRMAN MOORE: Does the Board
17 have any questions? You'll have the
18 opportunity after the hearing, if
19 anybody has any other discussion. If
20 not, then we could take public comment.

21 MR. FOOTE: Thank you.

22 CHAIRMAN MOORE: Before that, I'll
23 just read a letter which we received.
24 It is from Zachary N. Studenroth, who
25 is the architectural preservation

1 consultant for Studenroth Consulting,
2 and he is writing in reference to an
3 application before the Board for
4 variance enabling the reconstruction of
5 an open porch across the front facade,
6 historic residence at 126 Center
7 Street. The decorative porch became an
8 integral feature in the house in the
9 1870's when it began accommodating
10 summer guests. Fortunately an early
11 photograph of the porch survives
12 providing the present owner with the
13 detail necessary for a complete and
14 authentic restoration of this
15 character. The house, which dates
16 approximately 1845 retains the paneled
17 front door and other features, such as
18 window sashes that are from original
19 construction. The evolution of the
20 house is integral to the history of
21 Greenport, which grew quickly after the
22 railroad's arrival when it became a
23 thriving seaport with emerging tourism
24 industry. In addition to the hotels
25 that sprang up at the harbor bed,

1 enterprising homeowners adapted their
2 residences to accommodate occasional
3 travelers and summer visitors, and the
4 house at 126 Center Street is a rare
5 example of this trend. The porch is a
6 signature feature of that period.
7 While much of the project underway at
8 126 Center Street is concentrating on
9 restoring that interior features of the
10 house, it's exterior appearance is of
11 equal importance. As a corner lot, the
12 property serves as anchor in the
13 neighborhood that preserves that
14 historic column. The restoration of
15 the front porch will not only enhance
16 the front facade of the house, but it
17 will also make a positive visual
18 contribution to the surrounding area,
19 and I encourage the Board to approve
20 the application for this variance. And
21 that's from Mr. Studenroth. Okay.

22 MS. ALLEN: Chatty Allen, Fifth
23 Avenue. First of all, I want to
24 commend him for putting something of
25 history back in the Village. To my

1 knowledge, this is not a brand new
2 house, this is a house that's been in
3 existence since the 1800's, which you
4 just read. So those setbacks were
5 already there when it was built. I
6 strongly urge you to take, you know, a
7 look at the entire picture. This is
8 someone who is bringing history back,
9 he's staying as much as he can within
10 the boundaries, and the few little bit
11 of setbacks that he needs for the porch
12 and the side, I really hope you
13 consider this and say yes to his
14 application. Thank you.

15 CHAIRMAN MOORE: Anybody else wish
16 to comment on this particular
17 application? If not, I will entertain
18 a motion from the Board to close the
19 public hearing.

20 MS. NEFF: I'll move to close the
21 public hearing on the variance
22 application for 126 Center Street.

23 CHAIRMAN MOORE: Can I have a
24 second?

25 MR. SALADINO: Second.

1 CHAIRMAN MOORE: All in favor?

2 MR. CORWIN: Aye.

3 MR. SALADINO: Aye.

4 MS. GORDON: Aye.

5 MS. NEFF: Aye.

6 CHAIRMAN MOORE: Any opposed?

7 Motion carried. Public hearing is
8 closed.

9 We have the next item, number 2,
10 public hearing regarding area variances
11 sought by Bryan Nicholson for a lot
12 east of 217 Monsell Place, SCTM#
13 1001-2-2-29. The property is located
14 in the R-1 District. The property is
15 not located in the Historic District.
16 The applicant seeks a side yard setback
17 variance to construct a new single
18 family dwelling with a footprint of
19 approximately 979 square feet,
20 including a covered entry porch,
21 Section 150-13E. Existing small lots.
22 A lot owned individually and separately
23 and separated in ownership from any
24 adjoining tracts of land, which has the
25 total lot area or lot width less than

1 prescribed in this chapter may be used
2 for a one family residence provided
3 that such lot shall be developed in
4 conformity with all applicable district
5 regulations. The total dimensions of
6 both side yards for a principal
7 building shall be computed on the basis
8 of four-tenths the lot width; however
9 no single side yard dimension shall be
10 less than four-tenths of that total
11 dimensions of both side yards computed
12 as aforesaid. Everybody understand
13 that? And no side yard dimension shall
14 be less than ten feet. That's the key.
15 The proposed house setback is five feet
16 from the east property line, requiring
17 a side yard setback variance of 5.0
18 feet.

19 I have the notifications, the
20 property has been placarded and noticed
21 in the paper. We do, this time, have
22 the notifications, right? Good. We
23 have notified George Hubbard, 208 Manor
24 Place, Gregory Nissen, 4 Rocky Road,
25 Shelter Island Heights. I don't know

1 if we have a map of this one. Yes, we
2 do. I have some trouble reeding this,
3 that's one of the adjoining properties.
4 Eastern Long Island Hospital
5 Association, which is the parking lot
6 at 201 Manor Place. Crystal Fiedler,
7 208 Monsell Place, across the street,
8 and RJ Scott, 404 Atlantic Avenue.
9 Those were the notified neighbors. I
10 don't know if we have any letters on
11 file.

12 MR. SALADINO: Yes, we do.

13 CHAIRMAN MOORE: This is from
14 Crystal Fiedler. Is she here tonight
15 to speak for herself? She's not
16 coming? Okay. In that case, I'll read
17 the letter first. I think that's the
18 only letter we have.

19 As I'm writing to you I can see
20 out my window to the empty lot across
21 the street. I feel despaired about how
22 I wonder what has the Village of
23 Greenport done so to allow a new house,
24 a 902 story house no less to be
25 shoveled into this empty lot. The

1 house, when built, will be within just
2 five feet of 217 Monsell Place, which
3 is not a livable amount of space
4 between the two houses and will only
5 add to the congestion on the street and
6 in the Village in general, especially
7 in the summer. On no other street in
8 Greenport have I ever visualized such a
9 big house being constructed on such a
10 small piece of land. Who allowed this
11 to happen in the first place? I am not
12 talking about who sold the lot to the
13 new owners, I'm talking about who way
14 back when looked at a map of Greenport
15 and this street and said sure, we can
16 squeeze another house in there. Can
17 anyone really believe that such
18 congestion is good for the Village of
19 Greenport, short or long term. When
20 living in the Village is no longer a
21 good thing because overcrowding, may be
22 the board will rethink the decision
23 made. When you come and take a look at
24 this lot tonight, I want you to ask
25 yourself six things. One, how was the

1 original zoning decision arrived at?
2 It deserves a phone call or two to find
3 out. Will this house add to the
4 overcrowding in Greenport? The answer
5 is obviously yes. What will happen to
6 all of these old growth trees on the
7 lot? They need to be taken and planted
8 elsewhere rather than ground up for
9 mulch. This is important, and the new
10 owner should assure the Village that it
11 will thoughtfully re-home them and
12 destroy as few as possible. Will this
13 new resident be a good neighbor? I
14 have no reason not to think so, and
15 it's a good idea to review the purposes
16 of this new house. Will the building
17 process ahead take into the account the
18 fact that a good percentage of people
19 who live here work at home like myself,
20 and there are a few people like myself
21 who are disabled and need quiet. Six,
22 will they ensure us that the
23 construction foreman and his workers
24 will keep reasonable hours, not 7:00 to
25 7:00, even on weekends, disrupting the

1 quality of life for the tenure of the
2 construction, even if they are close to
3 the deadline. Most importantly
4 remember for future generations what
5 you do in terms of how the Village is
6 shaped. Before you do anything, I urge
7 you to stop and think long and hard
8 before you allow this construction on
9 this lot or any other with limited
10 space to proceed in the conditions
11 under which it is allowed to do so.

12 So that was her letter. I will
13 take any comments from the applicant
14 first, and then the public.

15 And I'd just like to mention on a
16 factual basis, this application for a
17 building permit could have been
18 permitted without the variance for a
19 side yard setback if it were placed in
20 the center of the lot. The applicant
21 has asked to move the house to the
22 left, which starts the requirement for
23 a variance. This is to give more room
24 to the house to the west, which is
25 already there. Mr. Nicholson?

1 MR. NICHOLSON: Bryan Nicholson,
2 B-R-Y-A-N, N-I-C-H-O-L-S-O-N. I
3 mentioned the house next door is only
4 one and a half feet from the property
5 line. The current code requires a ten
6 foot minimum, so in a sense, you know,
7 I inherited a variance considering most
8 of the houses in Greenport are twenty
9 feet apart. Mine and my neighbor's
10 house would be eleven and a half feet
11 apart without a variance. I'm asking
12 for an additional five feet. It came
13 up in a previous ZBA meeting about the
14 parking lot next door getting
15 developed, and if I don't get a
16 variance, it would be a lopsided twenty
17 feet on the one side and eleven and a
18 half on the other. If the variance is
19 granted, and the parking lot is ever
20 developed, it would be a minimum of
21 fifteen feet on one side and -- on the
22 parking lot side, and sixteen and a
23 half feet on the other side, making it
24 more even and consistent. In sum, the
25 variance will make parking easier and

1 safer, me and my neighbors more
2 comfortable, and it is not a detriment
3 to the neighborhood.

4 CHAIRMAN MOORE: Thank you.

5 MR. SALADINO: I have one
6 question. I'm curious as to why you
7 would locate the driveway on the
8 opposite side of the house from the
9 front door. Most driveways lead into
10 the front door. If we can believe,
11 which I do believe your design, the
12 front door and the rear door is on the
13 east side of the house, the driveway is
14 on the west side of the house. I'm
15 just --

16 MR. NICHOLSON: Basically it makes
17 a difference of three or four extra
18 steps getting from one side of the
19 house to the --

20 MR. SALADINO: It makes the
21 difference the width of the house,
22 however wide the house is, so it's not
23 three steps, it's how wide is the
24 house?

25 MR. NICHOLSON: Twenty-two feet.

1 MR. SALADINO: So it makes a
2 difference of twenty-two feet.

3 MR. NICHOLSON: Are you talking
4 about the side entrance of the house or
5 a front entrance of the house?

6 MR. SALADINO: Your plan doesn't
7 show a side entrance.

8 MR. NICHOLSON: Right. But you're
9 moving the front door from basically,
10 you're looking at the house, from the
11 left side of the house to the right
12 side of the house?

13 MR. SALADINO: I'm looking at the
14 front of the house. The door to the
15 front of the home is on the east side
16 of the house, the driveway is on the
17 west side of the house. You would have
18 to walk across the front yard to get to
19 the front door. In my mind, to
20 relocate the driveway to the east side
21 is what most houses do. I would just,
22 you know, point that out to you.

23 MR. NICHOLSON: It's a preference
24 I took. This allows, you know, more --
25 a more comfortable distance between my

1 house and my neighbor's house. That's
2 how I chose to build it and how I would
3 like to build it.

4 CHAIRMAN MOORE: We can discuss
5 this as far as the overall plan of the
6 house at a later time once we get past
7 the public. Thank you. Anyone from
8 the public interested in speaking?

9 MS. ALLEN: Chatty Allen, Fifth
10 Avenue. Like Mr. Nicholson explained,
11 the house next door is not conforming.
12 He's trying to make it a better
13 situation, so basically if this does
14 not get approved he's being penalized
15 because his neighbor has a
16 nonconforming setback. The house next
17 door doesn't have the proper setback,
18 so he's trying to adjust it some to
19 give, you know -- if the next door
20 neighbor had the proper setback on
21 their side yard, he wouldn't need a
22 variance.

23 MR. SALADINO: You're going to
24 have to explain to me how he's being
25 penalized, just so I understand.

1 MS. ALLEN: Because he's trying to
2 give a little more distance. The house
3 next door doesn't conform, so there's
4 not that much, like he said, between
5 their property line and his, so he's
6 starting at a deficit where he has to
7 do his setback from.

8 MR. SALADINO: Combined side yard.
9 I'm not going to --

10 CHAIRMAN MOORE: No, she just made
11 a statement.

12 MS. ALLEN: I'm looking at it -- I
13 mean, he's starting with having to move
14 it to begin with. You know, the house
15 next door is not conforming. They
16 weren't made to conform their side
17 yard. This is a young couple that's
18 looking to move here, live here, and
19 I've heard a lot of stuff with other
20 boards that he has gone through about
21 too many bedrooms, and you can't have a
22 bedroom on the downstairs, you can't do
23 this, you can't. Everything he's doing
24 is to code, and he's trying to put a
25 little space between. I just think you

1 need to think about, you know, he's
2 trying to adjust because the house next
3 door is not conforming. I do agree
4 with overcrowding. The next two you're
5 going to hear me be the opposite and
6 not be for it. This I am for, and I
7 wish he would be approved for this.
8 Thank you.

9 MR. KEEL: Bob Keel, 242 Fifth
10 Avenue. I agree with Mr. Saladino,
11 he's got a lot he doesn't need a
12 variance on, the house is supposed to
13 be on there. He's creating his own
14 problem. A code is supposed to work to
15 keep the housing, we're not supposed to
16 be changing all this stuff just because
17 someone wants a little bit more, a
18 little bit less here and there. It has
19 to be a reason. There's no hardship
20 for this thing, so there's no reason it
21 should be changed, and I don't think
22 you should vote in favor of this.

23 MR. TASKER: 17 Beach Street. I
24 just want to state my agreement on what
25 the previous speaker just said, he took

1 the words right out of my mouth. This
2 is a perfect example of a self-created
3 hardship. There is no need for a
4 variance, there's no need to take your
5 time to even apply for this variance.
6 If the building can be built within the
7 code that he wants to build, then there
8 should not be a variance. As to the
9 adjacent building, I'm not sure, but I
10 suspect that that building was in place
11 was in place with its one foot setback
12 prior to the imposition of the zoning
13 code in 1949. Thank you.

14 MR. NISSEN: Gregory Nissen,
15 N-I-S-S-E-N. I am the house with the
16 nonconforming setback at 217 Monsell
17 Place, and yes, I know, I bought the
18 house in 2007. I actually believed
19 that when my wife and looked at the
20 house that the lot was included. The
21 neighborhood is filled with double
22 lots. Monsell is a great neighborhood,
23 learned as we moved forward with the
24 Haroon family that it wasn't actually
25 included.

1 MR. CORWIN: Would you please
2 address the Board?

3 MR. NISSEN: Yes.

4 MR. CORWIN: You're addressing the
5 room.

6 MR. NISSEN: So we moved forward
7 with the purchase, we attempted to
8 purchase this lot a number of times,
9 and yes, Bryan could build this house,
10 and I'm sorry that he's taking your
11 time, but we do live in a community,
12 and Bryan is doing this for himself but
13 also for me because my daughter's
14 bedroom is a foot and a half from the
15 property line. I could not come up
16 with the hundred and change to purchase
17 this lot and put a swing set on it for
18 my daughter. Very true. And I wish I
19 could have. I'm a full-time, year
20 round resident of Greenport. My
21 children will go to this school, yada,
22 yada, yada. Zoning Boards are not -- I
23 get it, I get it, there's no reason
24 that this truly needs to be done. He
25 could build the house, we could jam a

1 car in there, we could pretend that the
2 hospital is going to develop that lot
3 at some time, but that's why Zoning
4 Board of Appeals exists, because we are
5 a community, because we're looking at
6 the character of the neighborhood on
7 Manor, Monsell, Bridge Street. Very,
8 very few houses will be as close as
9 this. I just drove past them to remind
10 myself on the way here. It is
11 uncharacteristic of those blocks. I
12 understand that there are houses that
13 are in the center of town, Fourth,
14 Fifth, and Sixth Street that are ten
15 foot, six inches apart. In this part,
16 in this neighborhood they're not. So
17 it would be great if this could be
18 considered. I'm not -- I just recently
19 built a garage, I went through the
20 whole routine to make sure that my
21 garage was conforming, and this is just
22 a compassion thing to see if we can
23 give ourselves a tiny bit of space
24 between our two homes and not waving at
25 each other in each other's bedrooms.

1 CHAIRMAN MOORE: Just to make it
2 perfectly clear, you want him to build
3 this according to code or to move it
4 five feet east?

5 MR. NISSEN: There was a question?
6 I would love five additional feet
7 between his house and mine so I would
8 like you to grant a variance.

9 CHAIRMAN MOORE: Just wanted to be
10 absolutely sure that's what you were
11 saying.

12 MR. NISSEN: Good. Thank you.

13 MR. TASKER: I'm sorry to repeat,
14 but the previous speaker just pointed
15 out another important reason why this
16 variance shouldn't be granted is
17 because this is in the R-1 District.
18 He's making comparisons to Fifth Street
19 and Sixth Street, which are R-2
20 Districts. The intention for R-1
21 District is perhaps greater because we
22 see that here in Zoning within your
23 Boards own decision that you are much
24 more likely to grant variances for side
25 yards and so forth in the R-2 District

1 than you are in the R-1 District, and
2 that's appropriate.

3 MR. CORWIN: It seemed to me you
4 said this variance should be granted?

5 MR. TASKER: No. If you heard
6 that, I misspoke.

7 MR. CORWIN: Thank you.

8 CHAIRMAN MOORE: Anybody else?

9 MR. HOLLID: Good morning, Board.
10 Joe Hollid, 415 South Street. I just
11 want to get an idea of the
12 nonconforming, are they grandfathered
13 lots that were way back when that can
14 still be conforming to a point where
15 they can be built on? I don't
16 understand that.

17 CHAIRMAN MOORE: I believe the
18 reference was -- it's usually not
19 question and answer, but it might
20 clarify things. The question was about
21 the adjoining the property and the
22 existing house, and it is 1.6 feet or
23 one foot, six inches from the property
24 line, and the assumption was that this
25 house preexisted the code, and it would

1 be considered legally nonconforming.
2 It could perhaps as an example in the
3 R-2 District, which it is, be converted
4 to a two-family house, but that doesn't
5 apply here.

6 MR. HOLLID: These lots are all
7 grandfathered?

8 CHAIRMAN MOORE: According to the
9 building inspector, this is a buildable
10 lot.

11 MR. HOLLID: It's only five
12 hundred square feet.

13 MR. SALADINO: I'm sorry?

14 CHAIRMAN MOORE: The size of the
15 lot?

16 MS. WINGATE: This is a
17 substandard lot that was created by the
18 Zoning Board approval and Planning
19 Board approval back around 2003, 2004
20 by the previous owner.

21 MR. HOLLID: I don't understand
22 that one.

23 CHAIRMAN MOORE: No further
24 variance is necessary, such as lot
25 coverage?

1 MS. WINGATE: Once there's a legal
2 lot, no.

3 CHAIRMAN MOORE: You don't have a
4 lot coverage restriction?

5 MS. WINGATE: There's a lot
6 coverage restriction. The house that's
7 proposed for this lot fits lot
8 coverage.

9 CHAIRMAN MOORE: That's my
10 question.

11 MS. WINGATE: The house fits, the
12 lot is small.

13 MR. SALADINO: The code makes
14 provision for undersized lots and
15 reduced front yard, side yard.

16 MR. HOLLID: That's where we're
17 getting into trouble because the more
18 houses going up in substandard lots,
19 that shouldn't be part of this whole
20 equation, and if they were
21 grandfathered I understand that being
22 the case, but they're not, something is
23 wrong with this whole picture. I don't
24 know why the Zoning Board could even
25 consider doing anything and have it go

1 as far as actually granting substandard
2 lots with buildings on them when we got
3 totals of 7,500 square feet. We've got
4 variances in place, sure. Variances
5 are for a purpose to a point, but we're
6 not talking -- we're talking small
7 variances, but still it's a substandard
8 lot, and again, it's my only question
9 is how you got this through is just
10 something that I don't understand.

11 CHAIRMAN MOORE: Seems to me
12 that's a question about the code
13 itself, and that's an issue for the
14 Village Board of Trustees. They set
15 the code or change the code.

16 MR. HOLLID: Board of Trustee from
17 where?

18 CHAIRMAN MOORE: Greenport
19 Village. They have the legislative
20 responsibilities to maintain the code
21 or change it as they see fit.

22 MR. HOLLID: And this was done
23 when, in '95? When?

24 MS. WINGATE: I think it's 2003,
25 2004.

1 MR. HOLLID: Who was in charge
2 then I wonder? That's amazing to me,
3 absolutely incredible.

4 MS. GORDON: Mr. Chairman, this is
5 a very small Village, and there are
6 maps that show locations of houses that
7 go way back to 1873 and I think '53,
8 little teeny drawings. At the time of
9 the code, there probably were eighty
10 percent, I would even go down to
11 seventy-five percent of the existing
12 houses were already there. So this is
13 not a village with extensive open space
14 that can be built. There are parks
15 thank God, but our lots, some of them
16 as they historically developed are
17 small. A standard lot in the Village
18 doesn't exist, except there are a lot
19 of them that are fifty feet by a
20 hundred and fifty feet. Yet the code
21 says they should be sixty feet by a
22 hundred feet, so they are only --
23 whether it was historically a board
24 from twenty years ago or fifty years
25 ago --

1 CHAIRMAN MOORE: Let's concentrate
2 on the public.

3 MR. HOLLID: Joe Hollid, 415
4 South. This Village has been formed
5 way, way back, and I understand that
6 things change a lot in the past, but
7 today we have codes and if they changed
8 in the past, and they're not really
9 good codes, then we're getting involved
10 in a position where we have other
11 overcrowding in our streets. We have
12 small lots that have homes on them that
13 are getting closer together, and it's
14 getting to be a one square mile area,
15 we're getting so overdeveloped with
16 this situation that I just don't
17 understand how these codes are not
18 being enforced properly. And I get it,
19 that it was changed, but whoever did
20 it, they must have been okay with it.

21 CHAIRMAN MOORE: Any other members
22 of the public wishing to speak about
23 this particular application? If not,
24 I'll entertain a motion to close the
25 public hearing.

1 MR. CORWIN: So moved.

2 MS. GORDON: Second.

3 CHAIRMAN MOORE: All in favor?

4 MR. CORWIN: Aye.

5 MR. SALADINO: Aye.

6 MS. GORDON: Aye.

7 MS. NEFF: Aye.

8 CHAIRMAN MOORE: Any opposed?

9 Motion carried. The next item is a
10 continuation of the public hearing
11 regarding area variances sought by
12 James Olinkiewicz, 221 Fifth Avenue,
13 SCTM# 1001-4-4-29. This property is
14 not located within the Historic
15 District. The applicant requests
16 several area variances required to
17 subdivide an existing lot and construct
18 a conforming house. This subdivision
19 will create two new substandard lots
20 requiring area variances. Lot one, the
21 proposed subdivision creates lot one,
22 which is 6,587 square feet where
23 Section 150-12A of the Greenport
24 Village Code requires a minimum lot
25 size of 7,500 square feet, requiring a

1 minimum lot size variance of 913 square
2 feet. Proposed lot width is 47.82 feet
3 where section 150-12A of the Greenport
4 village Code requires a minimum lot
5 width of 60 feet, requiring a minimum
6 lot width variance of 12.18 feet.

7 Lot two, the proposed lot width of
8 lot two is 52.35 where Section 150-12A
9 of the Greenport Village Code requires
10 a minimum lot width of 60 feet,
11 requiring a minimum lot width variance
12 of 7.65 feet. The proposed combined
13 side yard setbacks of lot two is 17.9
14 feet where Section 150-12A of the
15 Greenport Village Code requires
16 combined side yard setback of 25 feet,
17 requiring a combined side yard setback
18 variance of 7.1 feet. The proposed
19 subdivision creates a five foot side
20 yard setback on the north property line
21 where Section 150-12A of the Greenport
22 Village Code requires a side yard
23 setback of ten feet, requiring a side
24 yard setback variance on the north
25 property line of, and there is a

1 correction in the agenda, 5.0 feet.

2 This is a continuation of last
3 month's public hearing, which was left
4 open. And I would ask any additional
5 members of the public to speak. If you
6 spoke last month, we don't need you to
7 say the same thing. If you have some
8 new information, we appreciate having
9 it, but let's keep that in mind, we
10 need to keep this on a timely basis.
11 We will let everybody speak. I also
12 want to remind the public that if you
13 are siting Village Code, that you are
14 recommending that the code might differ
15 from something the applicant has
16 proposed, it would help to know what
17 section of the code you're referring
18 to. That would be helpful.

19 MR. WEISKOTT: Jack Weiskott, 229
20 Fifth Avenue. My wife and I live
21 adjacent to 221 Fifth Avenue, and we
22 feel very strongly that this proposal,
23 if it went through, would severely
24 effect our quality of life, which has
25 already been effected by living next to

1 the building that exists there with the
2 overcrowded nature and tremendous
3 activity of people in and out of that
4 place constantly. But previous to my
5 own statements, I'd like to read a
6 letter from our lawyer, Abigail
7 Wickham, which is addressed to the
8 Zoning Board of Appeals, to the Town
9 Attorney, Building Department, and I
10 have a copy for everybody.

11 Ladies and gentlemen, I am
12 submitting -- because she couldn't be
13 here at this meeting. I am submitting
14 this letter on behalf of my clients,
15 Jack Weiskott and Roberta Garris, who
16 own and reside at 229 Fifth Avenue,
17 immediately adjacent to this property.
18 The adverse impact to their property by
19 this proposed subdivision is enormous.

20 First, in the code, there are
21 eight area requirements for setback,
22 width, and lot area. The applicant
23 seeks five variances from these
24 requirements: His plan violates almost
25 every code provision in these

1 categories. Essentially, he cannot
2 subdivide unless you obliterate the
3 code provisions as they apply to this
4 property. The cumulative impact of all
5 these variances squeezed onto one
6 property is much greater than the
7 impact of any one variance alone.
8 Further, without granting all of these
9 variances, the project cannot go
10 forward. If you deny any one, the rest
11 are moot. It is not right to grant
12 this extent of code variances merely to
13 enable a project to go through. If the
14 project cannot stand on its own with
15 only minimal relief, then it should not
16 be allowed. Granting it would create a
17 terrible precedent.

18 To summarize the variances: 12%
19 reduction in Lot 1 required area; over
20 20% reduction in Lot 1 width; 13%
21 reduction in lot width for Lot 2; 28.4%
22 reduction in combined side yard
23 setback, 50% reduction in setback at
24 northerly property line. Every
25 variance is over 10%, most well over.

1 Second, the cumulative impact of
2 the proposed variances for this
3 property at 221 Fifth Avenue and the
4 nearby 238 Fifth Avenue, which seeks
5 even more egregious reductions from
6 code requirements, would result in a
7 change to the neighborhood, which is
8 completely out of proportion to the
9 neighborhood and creates a much greater
10 adverse impact for this subdivision
11 proposal at 221.

12 Third, it seems that the applicant
13 is playing you with a red herring. It
14 is entirely possible that he put up the
15 238 application with such extensive
16 variance requests that he could not
17 have reasonably expected to obtain,
18 hoping to make this 221 application
19 seem relatively less offensive,
20 thinking if you deny him that one, well
21 maybe you will give him this one. You
22 should deny both. They are both
23 outrageous and overreaching, reflecting
24 a subterfuge of overdevelopment. You
25 must protect this neighborhood.

1 Fourth, the applicant's assertion
2 that the proposal at 221 is not out of
3 keeping with the neighborhood is false.
4 A look at the tax map makes it clear
5 that there are many lots in this
6 immediate neighborhood which are
7 considerably larger than those
8 proposed. Further, it is well settled
9 that the existence of a nonconforming
10 situation is not a reasonable
11 justification for creating new
12 nonconformity under a zoning code, and
13 certainly not this much nonconformity.
14 Further, this is not a precedent that
15 should be set.

16 Fifth, we must ultimately look at
17 the five standards for granting a
18 variance: One, the number of variances
19 and the extent of the variances
20 produces an undesirable change in the
21 neighborhood and a detriment to nearby
22 properties. Crowding, traffic, noise,
23 reduced building separation, reduced
24 on-street parking, loss of mature
25 trees, over density are all going to

1 happen. A two story house on Lot 2
2 will be five feet from the property
3 line. Both lots are too narrow,
4 neither have sufficient side yard and
5 one is too small an area by over 900
6 square feet on only a 7,500 square foot
7 minimum.

8 Two, the benefit sought cannot be
9 achieved by another method, which would
10 not require a variance. He cannot get
11 two lots here because he doesn't have
12 the width for either one or the lot
13 area for one. Building a smaller house
14 on lot two won't change that. To avoid
15 the 50% side yard variance on Lot 2, he
16 would have to make the Lot 1 width even
17 smaller. Anything he mitigates will
18 create another problem.

19 Three, the requested variances are
20 substantial. They are huge, alone and
21 together.

22 Four, the proposed variance will
23 have an adverse effect on the physical
24 or environmental conditions in the
25 neighborhood. In addition to the

1 above, another dwelling where one was
2 not otherwise allowed will add to the
3 demands on the municipal sewer and
4 other services.

5 Five, the alleged difficulty is
6 self-created. The applicant purchased
7 this property knowing the situation.

8 Two additional points should be
9 made. First, this is not about what
10 kind of a house he builds or who lives
11 there. It is not about providing
12 housing where there is an undeniable
13 need. This is not the way to do it, by
14 shoehorning in housing where it doesn't
15 belong. He is again playing the
16 sympathy card with the Village, which
17 is another red herring. Second, the
18 impact of this project is amplified in
19 yet another way - by the ability of the
20 applicant, if the vacant lot is
21 legalized, to build a two family house
22 despite his slight of hand in providing
23 -- proposing a single family house.

24 For all of the above reasons and
25 frankly for any one of them, I urge you

1 to deny this application. Since I am
2 out of town tonight, I will be unable
3 to respond to the applicant's comments,
4 which have been held until this
5 adjourned meeting. I would ask the
6 Board to allow a rebuttal either in
7 writing a fixed number of days after
8 the minutes are published or by the
9 holding of another hearing.

10 Thank you for your consideration.
11 Very respectfully and truly yours,
12 Abigail A. Wickham.

13 I have a copy for each of you. I
14 have a few personal comments to make as
15 someone who has lived there for
16 thirty-two years, we're newcomers to
17 the Village, we've only been there
18 thirty-two years, but our children were
19 born while we were living in that
20 house, they grew up there, we walked to
21 school everyday from kindergarten
22 through high school, and we love this
23 Village.

24 About four plus years ago,
25 Mr. Olinkiewicz proposed this exact

1 subdivision. There was a slight change
2 of -- he shifted the house from one
3 side closer -- it was closer to our
4 property line, now it's five feet
5 closer the other direction. When he
6 originally applied for this variance,
7 he categorically stated he had no
8 intention of building anything, he was
9 doing it simply to alleviate the
10 interest rate he was getting on his
11 loan from the bank. Within a month, he
12 applied to build a two-family house
13 there. When there was a lot of
14 objection, he changed it to a one
15 family house thinking it would placate
16 everyone in the neighborhood, which it
17 didn't. We had twenty-nine signatures
18 from homeowners on that street and
19 around that area opposed to this
20 subdivision then, and we still have the
21 same amount now.

22 Basically, and I know that Ms.
23 /RAOE his lawyer is going to say that I
24 can't characterize it this way, but I'm
25 living next to a tenement house. There

1 are so many people there, so much
2 activity, people can't fit in that
3 house. They come home from work and
4 they stay outside because they don't
5 have a room in that house. The cooking
6 is all done outside in the backyard as
7 well as the car radios with the music
8 on so they can have some entertainment
9 because I know when they go in that
10 house all they can do is sleep on the
11 mattress.

12 Mentioning the mature trees, there
13 are four probably thirty to forty foot
14 tall holly trees along the property
15 line. They would all be killed when
16 the foundation is dug, if the house is
17 approved.

18 And I have just a couple of more
19 things here. Next weekend is the
20 Maritime Festival. As everyone knows,
21 when the Maritime Festival is in town
22 it's almost impossible to get out of
23 your driveway or to get back into your
24 driveway. What we're living with is
25 not quite as bad as that, but when we

1 first moved into that house, the kids
2 played on that street. Kids cannot
3 play on that street anymore because
4 there's so much traffic, and part of
5 that is Mr. Olinkiewicz owning five
6 houses up and down -- he's got three
7 houses on our street, he's got a house
8 on Kaplan and a house on -- that's
9 adjoined to Kaplan, and now he wants
10 two more houses, and we just don't have
11 room for that many people and that many
12 houses on our street anymore. It's
13 full. We're more than full. As
14 Mr. White, who can't be here because
15 he's not well anymore, said a long time
16 ago, four plus years ago he said our
17 street is saturated. We've reached the
18 point of total saturation, we can't fit
19 anything more. And that was four plus
20 years ago, and here we are looking at
21 adding two more properties. And I will
22 say that once -- if he gets a one
23 family house, he's going to apply for a
24 two family house because that's what
25 he's done to every single property he

1 owns. Furthermore, I would just like
2 to say that last meeting I couldn't be
3 here, my wife and I couldn't be here,
4 and I gave you a little picture of a
5 map of how the cars were parked on the
6 property, I'd like to amend that, there
7 are between seven and nine cars there,
8 not six. Six was generous. There were
9 only six cars there, now there are
10 seven to nine cars there. There's one
11 behind the house, one in front of the
12 house, and there are six in the
13 backyard. Sometimes they just park
14 across the lawn because there are no
15 other places. And with that many
16 vehicles and that many people, there's
17 traffic in and out of there all the
18 time. I mean, when we're sitting
19 having dinner there's engines revving
20 up and cars going back and forth. It's
21 not a quiet and peaceful street
22 anymore, and it has already effected
23 our quality of life to a great extent,
24 and I would please ask you not to
25 exacerbate the system -- the situation

1 even more. It's pretty much
2 intolerable as it is. And thank you
3 very much for your time and your
4 efforts in volunteering, and I'm trying
5 to keep our Village a beautiful place.

6 CHAIRMAN MOORE: Could I ask one
7 question, because you're the closest
8 property most effected by the proposed
9 construction, how far is your house
10 from the adjoining property line?

11 MR. WEISKOTT: From his property
12 line, fifteen feet maybe.

13 CHAIRMAN MOORE: So the distance
14 would then on construction I believe
15 the setback on the north is fifteen
16 proposed.

17 AUDIENCE MEMBER: Proposed is
18 twelve.

19 MR. WEISKOTT: Twelve. He's
20 proposed to put the property line five
21 feet from his own house that he owns
22 already.

23 CHAIRMAN MOORE: So that would put
24 the houses about more than twenty-five
25 feet apart?

1 MR. WEISKOTT: Twelve and fifteen,
2 something like that maybe. Of course
3 our house was built before there was
4 any zoning.

5 CHAIRMAN MOORE: I understand.
6 I'm trying to understand the span of
7 the proposed house to say the distance
8 from your house to the one north of
9 you, similar distance perhaps.

10 MR. WEISKOTT: The one north of us
11 is closer, but that's a house that only
12 has a normal amount of occupants, not a
13 crowd of people. I'm mentioning seven
14 to nine cars, there are also people go
15 to work on bicycles and there are also
16 people who get picked up, so there may
17 be -- I know the people downstairs have
18 one car. That means that six cars
19 belong to the second half of the house,
20 and there are bicycles, and there are
21 people who walk to work, and there are
22 people who get picked up from work. I
23 have no idea how many people are there,
24 and I don't get to know them because
25 they change too frequently. One guy I

1 say good morning to because I see him
2 at 6:15 in the morning when I'm walking
3 my dog and he's walking to work because
4 he doesn't have a car. Anyway, if
5 there are any other questions,
6 otherwise --

7 CHAIRMAN MOORE: We're not in
8 possession of that letter.

9 MR. WEISKOTT: I'm giving it now.

10 CHAIRMAN MOORE: Just for the
11 record.

12 Did you speak last time?

13 MS. ALLEN: I want to back up
14 something that you just said. I don't
15 think I spoke at the last meeting, I
16 think it was the one before that.
17 Chatty Allen, Fifth Avenue, I just want
18 to back up what he was saying about the
19 amount of vehicles. I live further
20 down on Fifth Avenue, but I go up Fifth
21 Avenue onto Front Street to go to work
22 at 6:30 in the morning. There is a
23 minimum of eight cars that I see from
24 the road, so for you to try and put
25 another building in there, I should

1 only suggest you deny this with a
2 resounding no so it doesn't try and
3 come up again because the quality of
4 life of people around these two
5 buildings is going to be destroyed by
6 him trying to cram more in where
7 there's already too much overcrowding.
8 Thank you.

9 MR. PROKOP: Where are the eight
10 cars? We've had two people talk about
11 the number of cars so far, where are
12 the cars?

13 MS. ALLEN: When you pull into the
14 driveway, I don't know if you were at
15 the site visit or not?

16 MR. PROKOP: I didn't know there
17 was one.

18 MS. ALLEN: You pull into the
19 driveway, the house is here, the lot
20 where he wants to put his buildings is
21 here (indicating). Go to the back,
22 there's two different buildings, barns
23 or whatever, which I've heard people
24 are living in those. They're lined up
25 one right after the other, and then the

1 back of the house they're this way
2 (indicating). I have been watching,
3 like I said, I leave for work at 6:30
4 in the morning, I go past that house
5 every morning, I count -- this morning
6 I counted ten cars back there, but
7 there's a minimum of eight cars every
8 morning when I head to work at 6:30.

9 MR. PROKOP: They're not in the
10 vacant lot, they're on the --

11 MS. NEFF: They are.

12 MR. PROKOP: They are on the
13 vacant lot?

14 MS. ALLEN: Not necessarily what
15 is staked out, I'm talking all the way
16 in the back yard.

17 AUDIENCE MEMBER: It's the side
18 yard.

19 MS. ALLEN: I just wanted to back
20 up what he was saying, that there is
21 overcrowding and it's going to be worse
22 if this is allowed. Thank you.

23 MR. REED: Mike Reed, 438 Front
24 Street. Good evening, ladies and
25 gentlemen of the Zoning Board. You

1 guys have an arduous task ahead of you.
2 Here we've had problems going on for
3 four years back and forth. I have some
4 questions: Are you here to enforce the
5 code or rewrite the code on this? If
6 you rewrite the code, you've a
7 dangerous precedent by saying yes to
8 this. As you all know, you've heard
9 the letters from both sides, you've
10 seen how many people are against this
11 from the neighborhood. It's not a
12 hundred percent but it's ninety
13 percent, that should say enough on the
14 remark of the community and the
15 neighborhood. You've got, for
16 instance, like, what Jack said, when
17 they're working on a car they're racing
18 up and down, is that being a good
19 neighbor? No. Good neighbors follow
20 and keep the harmony of the community,
21 and it hasn't been for quite some time.
22 Granted, you've got a job, and it's a
23 hard job either way, but it's been
24 going on. Substandard is substandard
25 lots. You put these in for a reason

1 for code, and if you're not going to
2 enforce the code, then you've got
3 anarchy. Is that what you want?
4 There's a reason why you made 7,500
5 square feet as the minimum for
6 substandard, correct, Mr. Chairman?

7 CHAIRMAN MOORE: We're here to
8 take testimony, not answer questions.

9 MR. REED: I'm just asking.
10 That's part of your job, isn't it, to
11 look out for the neighborhood and the
12 quality of life of the neighbors, and
13 it hasn't been for some time. And if
14 he doesn't like what he's going to
15 hear, he'll come over and get his
16 variance pulled again like last time.
17 Then we'll have to go another four
18 years until somebody is off the board
19 that he thinks he's got a shot. Let's
20 call a spade a spade. I got no problem
21 calling somebody out. I've lived here,
22 born and raised. My family, same
23 thing. But you know, changing the
24 dynamics of the neighborhood. That's
25 one of the nicest neighborhoods on the

1 planet. I was grown up there, my
2 family, my grandparents. I've known
3 everybody on the street, they're like
4 family to me. Family helps everybody
5 out, not destroys and becomes a
6 nuisance to the community. Please, do
7 the right thing and say no. Thank you.

8 CHAIRMAN MOORE: Thank you.

9 MS. PETERSON: Diane Peterson, 228
10 Sixth Avenue. My property borders on
11 the west side. I was not here at the
12 last meeting, I did write a letter,
13 thank you for entering that, having
14 that read then. When we started this
15 process four, four and a half years ago
16 Mr. Olinkiewicz at the very first site
17 meeting stated that his intention was
18 to actually subdivide this property
19 three times. He wanted to do it in
20 half, and then when that project was
21 completed come back and divide it again
22 so that the back piece where all of the
23 cars are parking now was also going to
24 be another project. There are numbers
25 of cars there on a daily basis. It's

1 not a vacant lot, it's the side lot,
2 and it's also all of the property on
3 the west side that they park up on the
4 grass behind the house, so you can't
5 see them from the road. This happens
6 on a daily basis. I do suspect that
7 during the summer months residency is
8 taken up in the old barn that is on the
9 north side of the property. The red
10 barn that is there was moved away from
11 my property line, it was right on the
12 property line, so a while back it was
13 moved, I don't believe people are
14 living in there, but that is being used
15 as a storage facility for yard sale or
16 estate sale items. I have seen things
17 being moved in and out of there. That
18 I would be concerned. Also that use of
19 that building and what happens to those
20 two that are there, they should be
21 moved. I want to just reiterate
22 everything else that's been said so
23 far. We're setting a dangerous
24 precedent in this Village allowing or
25 even considering to allow the

1 subdivisions into substandard lots and
2 building houses on them when there is
3 not enough room for the people not only
4 in the areas that are living there now
5 as far as safety, but the people that
6 are going to be in those proposed
7 buildings. You can't have buildings so
8 close to each other that it does not --
9 it's an unsafe condition God forbid
10 there was a fire or a medical
11 emergency. We can't do this. We're
12 not Queens. We are a rural area and we
13 really need to be careful about what is
14 approved. And as far as changing
15 zoning, that is up to the Board of
16 Trustees. I truly hope that all of you
17 with your hard work are here to uphold
18 the zoning laws as they are now and not
19 continue approving or even trying to
20 approve these subdivisions. Thank you.

21 MR. PROKOP: The barn that we're
22 talking about, that's behind your
23 property?

24 MS. PETERSON: They're both behind
25 my property. The old barn that is on

1 the northwest corner actually infringes
2 on my neighbor's property by several
3 feet I believe. I don't remember what
4 the dimensions were, that was a while
5 back. I suspect people are living in
6 there during the summer. There's a lot
7 of activity in and out of there all
8 night long. The red barn, the old
9 metal barn is used as storage. We have
10 seen items for yard sales and estate
11 sales in and out of there stored. I
12 have asked about the possibility of
13 having it investigated, but I've also
14 been told that you can't do a spot
15 inspection, that you have to set a time
16 and a day. So to do that, they move
17 everything out, so when you go and look
18 it's not there. This is just the
19 activity that we live with on a daily
20 basis.

21 CHAIRMAN MOORE: Could I ask the
22 storage activity referred to is
23 current?

24 MS. PETERSON: Last summer. This
25 summer I haven't seen it as much.

1 CHAIRMAN MOORE: You're talking
2 current conditions?

3 MS. PETERSON: Within the last
4 couple of years, yeah, absolutely.

5 CHAIRMAN MOORE: Thank you. That
6 came up before and was discussed.

7 MS. JAGGER: My name is Marianne
8 Jager, I live at 430 Front Street. My
9 main complaint, besides what everyone
10 else has said. I agree with what
11 they're saying, but my main problem is
12 I'm at the end of a sewer line, right?
13 I'm at the end of the sewer line for
14 Fifth Avenue. That sewer line gets
15 clogged, I've had my cellar stinking to
16 the point that I threatened to call the
17 Board of Health. They came and they
18 cleaned. One time I even told them
19 their stuff had to be cleaned out. Oh,
20 no, no, there was nothing wrong, it had
21 to be the sewer. I had a plumber come
22 to my house, and he said are they nuts,
23 there's nothing there. That afternoon
24 down the road, which would be just
25 before that new house would be built

1 and Jack, that it was in that /SAO*UR
2 sewer line and it was foaming all over
3 the place, water all over the place.
4 If this is doing it now, we're having
5 trouble now with the people we have
6 there living, what's it going to be
7 like with a couple of more people?
8 Because he's going to say it's a one
9 family house. What one family means to
10 us, one family to what he rents to
11 seems to be ten people or more, and
12 somehow I've been told they're all
13 related, and none of them even look
14 alike, that's the joke of it. But I'm
15 saying the sewer lines cannot take
16 anymore. The roads can't take anymore
17 cars. My grandson's car, his truck was
18 hit the other day. You know, when is
19 someone going to take responsibility
20 for what's happening around this town?
21 And I know you have a job, and you get
22 yelled at most of the time, but
23 understand why the people are really
24 upset now. They're tired of this.
25 This man keeps coming back, it's like a

1 ball court. Who is on this side, and
2 then he plays to this side. He can't
3 get what he wants here, now we're going
4 to have to sit and throw on the other
5 side. And it's going back and forth,
6 back and forth. When does no mean no?
7 If you tell a child no, it's not going
8 to happen, it's not a good thing, the
9 child has to accept the fact it's not
10 going to be. So when does this grown
11 man learn it may not be, deal with it.
12 We have to deal with your nonsense with
13 the people that you have in your homes,
14 it's time for you to say hey, maybe I
15 better drop it. People, as I said, in
16 our area are fed up. It's only getting
17 worse. Like Jack said, with the
18 Maritime Festival, believe me, it is
19 bad. I've had people actually park in
20 my driveway and have the nerve to yell
21 at me when I asked them to get the hell
22 out. And I told them you move it your
23 way or I'm going to move it my way, and
24 that means you're going to need a new
25 vehicle. But I'm telling you,

1 something has to be done. We can't put
2 anymore people on that block, find
3 another area to go in. I grant that we
4 need homes for people, but enough is
5 enough. You can't saturate our block
6 anymore. You know, we try so hard to
7 keep our places nice, and then you turn
8 around and you got to see all this
9 garbage going on. Like I said, please
10 really consider what's going on before
11 you make a judgment. Thank you.

12 CHAIRMAN MOORE: Would there be
13 someone else that would like to speak?

14 MS. MILLER: Carol Miller, 239
15 Fourth Avenue, diagonally across the
16 street. Years ago, I spent a lot of
17 time in Greenport, I actually lived in
18 the Jagger's house with them, and it
19 was a family neighborhood, and there
20 wasn't any fear of being walking up and
21 down the road, you felt comfortable.
22 This is not the environment that you
23 are creating with putting these houses
24 in with multiple families, or you can
25 call them one giant family in that

1 area. We go past the house every
2 morning at 5:30 and everybody's right,
3 there are eight cars there. Worst part
4 is, they're probably nicer than most of
5 the cars that you drive so so much for
6 the section 8 thing because there's so
7 many in the house, they're all paying
8 barely nothing, and they're on the
9 road. I'm married to one of the fire
10 department chiefs, you go to go
11 anywhere to try and get up and down
12 that road for any type of rescue or a
13 fire, nine times out of ten it's a
14 mess, let's just say. If it's your
15 house on fire, you know what, I really
16 -- if this is what you are allowing to
17 create, and you will give somebody
18 trouble about a variance on five feet
19 when the person next door is, like,
20 please, don't let him look in my
21 daughter's bedroom. I get that because
22 our houses are pretty close right there
23 on the corner of Fourth and South, so I
24 understand not wanting a house on top
25 of you, but that doesn't make it okay

1 to say oh, this house has a nice yard,
2 so let's plop down a butt load of
3 houses and see how many people we can
4 house in it before somebody finally
5 says no. You guys have to start to
6 stand up and say no because I lived in
7 Greenport years ago, and I loved it. I
8 hate this town now because it's just
9 full of people who don't care, people
10 who don't respect. The calls that you
11 guys know about, there's machete calls,
12 there's slashing of throats, all of
13 this stuff is being bred because of the
14 overcrowding that you're allowing in
15 your town. So it comes down to you
16 guys figuring out what do you want
17 Greenport to be in the future? Because
18 you can either make it this total mess,
19 or you can start to reign this thing in
20 a little bit, and kind of keep it to
21 where our families can move back in as
22 families. I would love to see my kids
23 live here, but my daughter lives with
24 us, you know, right now, and she calls
25 me before she leaves work to walk home

1 because I don't trust this town
2 anymore. I don't trust walking on most
3 of the streets. There's people that
4 hang out, she walks by, she gets
5 comments all the time walking -- she
6 works at 1943 and at the market. You
7 know what, it's just worth living here
8 anymore if this is what's going to be
9 allowed and we're going to keep going
10 oh, okay, you know what, you have the
11 right amount of money, so by all means,
12 we will give you this variance, but the
13 guy who is trying to do a single family
14 home, God, no, don't let him move five
15 feet because that will screw up the
16 whole Greenport town. So I don't know
17 what you're doing, but I think you need
18 to change the way you're doing it
19 because it just seems like more people
20 who live here and have lived here their
21 entire lives, their grandparents lived
22 here, their parents lived here want to
23 leave because of the chaos that's being
24 created by the over-congestion that are
25 allowed in the neighborhoods that they

1 grew up in. And when they go in to
2 rescues and whatever they're going
3 into, nobody is allowed to check these
4 houses, but yet nobody is allowed to
5 say anything about what they're finding
6 either. So somebody needs to figure
7 out a reality check on who is living in
8 what house and find a way to really
9 check to see how many people are living
10 in a house. If there's eight cars at
11 one house, there's something seriously
12 wrong there, and if nobody here is
13 noticing it then I got to tell you
14 there's something seriously wrong with
15 you. Thank you.

16 (Applause).

17 CHAIRMAN MOORE: Anybody else that
18 hasn't already spoken wish to say
19 something?

20 MR. HOLLID: Joe Hollid, 415 South
21 Street. The area that we're talking
22 about is really overcrowded, we know
23 that. There are cars there with
24 license plates from other states that
25 have been there for years since I've

1 moved here, and nothing is being done
2 for that reason to check these cars
3 out, why they're living and being there
4 with their out of state plates for so
5 long. Also this is going to be good,
6 but as a Trump supporter, I am for
7 vetting these people somehow or another
8 we've got to vet the people that are
9 here because the overcrowding is way
10 out of control, way, way out of
11 control. So I don't know how it can
12 happen, how it can be taken care of,
13 how it can be rectified, but we're
14 getting out of control. I understand
15 the lots that we were talking about
16 before, but its' like a little
17 community houses, homes in certain
18 areas, and that's the way the Village
19 should give back, but we're really
20 getting to be over the edge, and I
21 don't know what else to say about that.
22 We got to stop it somehow, and I'm
23 hoping that you don't allow these
24 subdivisions, one of which is right
25 behind me, to go through because the

1 tourists that are going to be there are
2 not only outside, but inside. So I
3 like to make sure you hopefully deny
4 these two lot proposals. Thank you.

5 CHAIRMAN MOORE: Do we have any
6 other public members wish to speak? I
7 can -- the attorney is here tonight.
8 We can engage in a discussion should we
9 close the hearing with any immediate
10 pertinent points you want to make, very
11 brief, on behalf of your applicant, if
12 you wish, if you can be very brief
13 because we will be speaking with you
14 later.

15 MS. RAY: I'm sorry, sir, in
16 another hearing? You said you'd be
17 speaking with me later?

18 CHAIRMAN MOORE: Once the hearing
19 is closed, we have the opportunity to
20 discuss with you the details of the
21 application so that it's not the last
22 time you have the opportunity to speak.
23 I'm asking that you keep your comments
24 to the point.

25 MS. RAY: Sir, I'll do that. And

1 actually I'd like to also submit
2 written comments. I'd like to point
3 out that I had not seen the letter
4 that --

5 MR. CORWIN: Could you give your
6 name?

7 MS. RAY: Kimberly Ray, Wester,
8 Belton, Ray, Shelter Island, New York
9 on behalf of Mr. Olinkiewicz.

10 CHAIRMAN MOORE: I believe
11 Mr. Weiskott had read it in it's
12 entirety --

13 MS. RAY: He just kindly handed me
14 a copy, but I haven't had time to
15 consider it, and I would like to be
16 able to respond to it. I would like to
17 say out of the box, however, that any
18 suggestion that having two applicants
19 before this board for subdivisions on
20 property that my client, who is a
21 developer, owns, a suggestion that
22 that's subterfuge is ridiculous. It's
23 utterly ridiculous. So I'd like to
24 dispel the red herring theory right
25 now. I'd like to reserve the rest of

1 my comments and response to the points
2 that Ms. Wickham made until later.

3 I'd also like to say that I'm a
4 little bit mystified by the eight to
5 ten cars that two persons have said are
6 parked there. I've never seen that.
7 I'm not next door, but I do go by there
8 quite frequently. I've never seen any
9 more than five. Oftentimes there are
10 no more than three. Perhaps there are
11 more than that, I don't know. It's
12 interesting to me though that there
13 have never been photographs or any sort
14 of proof of that. I have a hard time
15 believing it.

16 MR. WEISKOTT: Excuse me, there
17 have been photographs.

18 MS. RAY: There have been many,
19 many charges here made tonight that are
20 really unsubstantiated. The last
21 speaker got up and was very angry about
22 the Village of Greenport in particular.
23 What's before you are two applications,
24 one on 221 Fifth and one on 238 Fifth,
25 and the specifics of that, as I said,

1 I'll deal with it in writing in a
2 letter, but I'd like to say that with
3 respect to precedent, this Board has
4 already set a precedent with prior
5 zoning board application approvals, and
6 in fact on --

7 MR. CORWIN: Let me interrupt you.
8 Let me ask the attorney a question
9 because he's repeatedly said there is
10 no such thing as a precedent. I would
11 ask you, is that true, Mr. Attorney?

12 MR. PROKOP: Is there no such
13 thing as a precedent? No. I think if
14 there's a precedent for relief if it's
15 under similar conditions. I think
16 there is such a thing as a precedent if
17 it's under similar conditions and
18 circumstances.

19 MR. CORWIN: Thank you.

20 MS. RAY: That's my understanding
21 of the law as well.

22 MR. PROKOP: The conditions and
23 the circumstances has to be the same,
24 and it has to be the same area, but if
25 those things exist then there is

1 relevant -- it's not binding, but it's
2 relevant.

3 MS. RAY: All of the commentators
4 who have addresses on Fifth Avenue and
5 Sixth Avenue, except for one, own
6 houses on lots that are significantly
7 smaller than the smallest lot proposed
8 at 221 Fifth Street proposed by
9 Mr. Olinkiewicz. In fact, those houses
10 of the commentators you just heard from
11 own lots that are 5,227 square feet in
12 width. For example, Roberta Garris and
13 Jack Weiskott at 229 Fifth Avenue own
14 property that's 5,227 square feet.
15 Joanne Mcentee and Robert Kehl, 242
16 Fifth Avenue also have property that's
17 5,227 square feet. The same may be
18 said for Mr. Kehl as I've mentioned,
19 but also include Carolyn Tamin, 307
20 Fifth Avenue, Marilyn White Corwin, who
21 spoke last time, she lives in Fifth
22 Avenue Apartment Building. Diane
23 Peterson of 228 Sixth Avenue, lot is
24 5,227 square feet, as is that of Donna
25 Sangel (phonetic), 222 Sixth Avenue,

1 who spoke last time, as is that of
2 William Swiskey, who spoke last time.
3 Actually his property is 4,792 square
4 feet.

5 MR. SWISKEY: Why are you picking
6 on me?

7 MS. RAY: As I said, the lot that
8 Mr. Olinkiewicz -- there are two lots
9 proposed by Mr. Olinkiewicz at 221.
10 One is not substandard in lot size
11 being 7,619 square feet, so it's not
12 substandard. The lot that has been
13 proposed is next door to the Garris and
14 Weiskott is actually 6,587 square feet,
15 1,300 square feet larger than all of
16 the lots of the commentators that I've
17 just identified here. This is modest
18 relief. People can jump up and down
19 and carry on about cars and noise and
20 sewers all they want, but this is
21 modest relief. Once the tempers cool
22 down and the facts are examined, that's
23 the case. If these commentators had to
24 apply for a variance, they'd have to
25 get 2,273 square feet. By contrast,

1 Mr. Olinkiewicz is simply asking for
2 913 square feet. In fact,
3 Mr. Olinkiewicz's proposal for a lot
4 size of 6,587 square feet is bigger
5 than the lots proposed by Hugh
6 Prestwood in his 2010 application for
7 519 First Street. Those new lots,
8 which are behind the existing house in
9 front where the existing large dwelling
10 stood were 5,775 square feet each, and
11 again, these were two new building
12 lots. Those are both smaller than the
13 lots my client is proposing. When we
14 settle down and look at the facts here
15 and look at what the Zoning Board of
16 Appeals has considered in the past,
17 looking at all the totality of the
18 circumstances and the sizes, that
19 relief was granted. In the Prestwood
20 application there was also a lot width
21 variance sought for both lots. The
22 relief sought was for a fifty foot wide
23 lot rather than a sixty that's required
24 for the code. In fact, in virtually
25 all of the applications and variances

1 that I've examined in the last ten
2 years, that amount of variance for lot
3 width was considered and granted.
4 That's modest. And I don't care what
5 the -- if you calculate all the
6 percentages that appear in Ms.
7 Wickham's letter, the Zoning Board of
8 Appeals considered this issue in the
9 past and found that that relief was
10 modest and acceptable. Like
11 Mr. Olinkiewicz who sought width
12 variances for lot widths of 47.82 and
13 52.35 feet, these are not significant
14 variances. They were granted in the
15 Prestwood application. Lot width
16 variances were also granted in the
17 Comber (phonetic) 2009 application for
18 421 Fourth Street, and the Kenneth
19 Lockhardt 2009 application for 602
20 First Street. Notable also is
21 Lockhardt's application, which allowed
22 a two and a half foot side yard
23 setback, which is smaller than what Mr.
24 Olinkiewicz is seeking at 221 Fifth.
25 In fact, the similarities between 221

1 Fifth and the Lockhardt's 2009, 602
2 First Street application are really
3 striking. Also note the Daniel Finne
4 2003 application for 338 Second Street
5 were both new lots. Lot widths
6 proposed were fifty feet rather than
7 the code sixty. Those lot sizes were
8 5,049 square feet requiring 2,451
9 square feet of variance, much greater
10 than that sought by Mr. Olinkiewicz
11 tonight. Then there was a 2009 Monsell
12 application for 520 First Street, but
13 like Mr. Olinkiewicz's application, one
14 lot was standard, and he needed 600
15 square feet of variance for a lot size
16 of 6,900 square feet. Also similar was
17 the request for relief on lot width,
18 again down from sixty feet to
19 approximately fifty feet like
20 Mr. Olinkiewicz's request. Finally,
21 the side yard setback variance request
22 is for five feet rather than the code
23 required ten feet. This is greater
24 than the Lockhardt variance. The ZBA
25 on that one allowed two and a half foot

1 side yard setback between the
2 properties. It's very similar to this
3 one. So there is precedent here, and
4 it's precedent that you all have looked
5 at and applied yourselves, so I think
6 if you strip away the emotion and the
7 neighborhood animus towards Mr.
8 Olinkiewicz's Hispanic tenants who are
9 living at density ratios allowed by the
10 New York State code, you will find that
11 this request for variance at 221 Fifth
12 is appropriate. He has submitted plans
13 for a one family house, and that is
14 what he intends to build there. If you
15 want to have him covenant that, we will
16 do that. The idea that he's going to
17 somehow change that in the middle of
18 things or afterwards is just untrue.
19 He will bound by whatever covenant this
20 Board is willing to grant.

21 I'm going reserve the rest of my
22 comments then. You had asked me to be
23 brief, and I'll do that, and I'll do
24 the same for 238 Fifth. It appears
25 you'd like to move on, and I'm going to

1 have other things to raise in rebuttal
2 to this letter and some of the comments
3 that were made.

4 MR. SALADINO: I just have one
5 question.

6 MS. RAY: Yes, sir.

7 MR. SALADINO: Is it your
8 contention that the needs of the
9 Village on the dates of the previous --
10 I personally don't believe that an
11 application sets a precedent. I
12 believe an interpretation sets a
13 precedent, not an application. So
14 listening to you, is it your contention
15 that the needs of the Village in say
16 2004 or 2008 should be applied --

17 MS. RAY: 2010.

18 MR. SALADINO: Six years, seven
19 years ago, should be applied --

20 MS. RAY: In fact, as recently as
21 2013, Mr. Olinkiewicz was granted
22 relief and his variance for 214 Center
23 Street was granted just up the street.

24 MR. SALADINO: I understand. I'm
25 just asking you if that's your

1 contention, that the date doesn't
2 matter, that the needs of the Village
3 at that particular moment in time
4 doesn't matter, or the particular area
5 doesn't matter?

6 MS. RAY: The needs of the Village
7 always matter clearly. However, there
8 are also legal protections against
9 singling out certain neighborhoods and
10 bowing to emotion and animus.

11 MR. SALADINO: Is that what you
12 think?

13 MS. RAY: I'm just quoting the law
14 as I know it, and the reason for our
15 reliance on precedent is both a legal
16 one, the courts have again and again
17 recognized that consideration of these
18 factors should be taken into
19 consideration by boards, and that
20 hostility of any ungiven neighborhood,
21 which this is a NIMBY, NIMBY animus,
22 and that's what I hear here tonight,
23 and I have heard, the not in my
24 backyard. I have heard time and again
25 commentators say it's true that there

1 is a crying need for housing in this
2 Village, but not in this neighborhood.

3 CHAIRMAN MOORE: I have a
4 question. I appreciate you enumerating
5 from variances actually granted.
6 Referring to the various neighbors'
7 houses, are you aware of any of those
8 having those lot sizes created by
9 subdivision in recent history?

10 MS. RAY: I believe that all of
11 them were, if I'm not mistake. These
12 are applications for subdivision.

13 CHAIRMAN MOORE: No, I'm talking
14 about the neighbors that you
15 specifically mentioned as having small
16 lots in comparison to the proposed
17 lots, were they created by any recent
18 subdivision, or were they preexisting.

19 MS. RAY: I believe that they were
20 preexisting, and, in fact, I would even
21 -- I'd like to even submit for you, if
22 I haven't already, a chart that has
23 densities. I have that here, and I'll
24 pass it out.

25 CHAIRMAN MOORE: Is it what you

1 previously submitted with the lot
2 sizes?

3 MS. RAY: Yes.

4 CHAIRMAN MOORE: We have it.

5 MS. RAY: I presume that most of
6 those were preexisting. I haven't
7 looked at all of them, but I presume
8 that they were.

9 CHAIRMAN MOORE: Just to make a
10 point.

11 MS. RAY: That's right. And
12 that's just in the ten years, the ones
13 that I've cited are just in the last
14 ten years. The prior ten years
15 probably also bears examination.

16 CHAIRMAN MOORE: Thank you.

17 MR. PROKOP: I have a question, if
18 I could ask, Mr. Moore. The
19 information that you provided regarding
20 these other variances, as you said, I'm
21 going to have to go back and verify
22 this, but this is public information,
23 and I'm just wondering where you were
24 able to -- how you were able to
25 accumulate this information?

1 MS. RAY: From a Freedom of
2 Information Law request.

3 MR. PROKOP: When was that?

4 MS. RAY: To the Village, I can
5 get you the date, I'm not sure exactly
6 when.

7 MR. PROKOP: Approximately when
8 was it filed?

9 MS. RAY: I just don't have the
10 date. Maybe 2013.

11 MR. PROKOP: Was it this year,
12 last year?

13 MS. RAY: No, 2013 is when it was
14 filed, yes, yes. And, in fact, you
15 make a point, I haven't looked at
16 applications since then, there may have
17 been others as well.

18 MR. PROKOP: The other question I
19 have is what exactly is the use of the
20 barn?

21 MS. RAY: Oh, the use of the barn
22 is for storage like everybody uses
23 their barn. I have never heard of
24 anyone living in the barn, and I've not
25 heard --

1 CHAIRMAN MOORE: The question is
2 who is using the storage?

3 MS. RAY: Oh, tenants and
4 Mr. Olinkiewicz, both.

5 CHAIRMAN MOORE: I think we've had
6 that discussion with him before about
7 the use of rental properties for
8 personal purposes and for antique
9 business purposes, and I think he said
10 that problem would be taken care of.

11 MS. RAY: I'm not aware of him
12 using it for commercial purposes.

13 CHAIRMAN MOORE: Well, he
14 acknowledged he was using it for his
15 antique sales.

16 MS. RAY: I'll certainly get an
17 answer to that question.

18 CHAIRMAN MOORE: I'm just trying
19 to get the facts.

20 MS. RAY: I will certainly get an
21 answer to you for that, but I believe
22 that no one is living in those storage
23 structures. And tonight all I heard
24 was I have my suspicions, which is far
25 from legal standard. It ought to be

1 considered by this Board, that's
2 innuendo and nothing else.

3 MR. PROKOP: What I was really
4 asking, the question I was really
5 asking is what you have to say about
6 what the use of the barn was and this
7 other structure?

8 MS. RAY: I think it's for storage
9 and personal possessions like everybody
10 else's, what people use their barns and
11 garages for, storage.

12 MR. PROKOP: Whose personal
13 possessions?

14 MS. RAY: I think Mr. Olinkiewicz
15 and his tenants I believe.

16 MR. PROKOP: Only because I'm
17 going to make another application
18 tonight, I have a question as to
19 whether a property can be subdivided, a
20 property that includes an accessory
21 structure, the accessory structure I
22 believe supposed to exist as an
23 accessory to a principal residence on
24 the same property, and I have the
25 question as to whether or not a

1 property can be subdivided and create
2 an accessory structure that is not
3 accessory to a principal structure on
4 that property.

5 MS. RAY: There is no intent to do
6 that.

7 MR. PROKOP: So then how are you
8 going to subdivide the property?

9 MS. RAY: As is noted on the
10 drawing, the shed that's over on one
11 side is going to be moved over to the
12 other side.

13 MR. PROKOP: What about the barn?

14 MS. RAY: Well, the barn has been
15 there for a hundred years or more.

16 MR. PROKOP: I'm not talking about
17 that. The barn exists as an accessory
18 structure to the --

19 MS. RAY: The main dwelling.

20 MR. PROKOP: On a larger lot.

21 MS. RAY: That's right.

22 MR. PROKOP: How would you
23 subdivide the property so that it
24 creates a lot with an accessory
25 structure, but not a principal

1 structure?

2 MS. RAY: Well, if the Board is
3 going to except that and be that
4 formalistic, we can have the lot lines
5 redrawn so that this tiny strip that
6 includes the barn with the first
7 parcel. It just seems to me that isn't
8 necessary. That barn has been there
9 more than a hundred years, it's
10 virtually a historic structure at this
11 point, so I don't think that's illegal,
12 I think that's --

13 MR. PROKOP: I don't think you're
14 -- I'm just asking you how the barn can
15 exist as an accessory structure when
16 there's no principal structure on the
17 lot that you're proposing?

18 MS. RAY: Well, are you suggesting
19 that we redraw the lot lines so that we
20 make a tiny strip of property that
21 encompasses the barn?

22 MR. SALADINO: That would be up to
23 you.

24 MR. PROKOP: No, I'm just asking.

25 MS. RAY: Well, if the Board were

1 to insist upon that, I'd certainly take
2 it back to my client, but it just seems
3 to me that with a historic structure on
4 that property already, that that
5 wouldn't be necessary. We hope that it
6 wouldn't be.

7 CHAIRMAN MOORE: I think the
8 technical question was can a new lot be
9 created which only has at the time the
10 lot was created an accessory structure
11 in the absence of a principal
12 structure?

13 MS. RAY: I think that's right,
14 and I'm not sure that we have an answer
15 to that in any case.

16 CHAIRMAN MOORE: That's a good
17 argument for attorneys.

18 MS. RAY: Mr. Prokop and I can go
19 round and round about that. Thank you
20 very much.

21 MR. PROKOP: In summation, I have
22 two concerns to bring to the Board, one
23 is the use of this barn, and the second
24 is the creation of a lot with an
25 accessory structure with no principal

1 structure that it's accessory to.

2 MS. RAY: Why don't we reserve
3 that, I'll address that in my comments,
4 if that's acceptable to the Board.

5 MR. PROKOP: This is a comment
6 that I'm making to the Board.

7 CHAIRMAN MOORE: He's advising us
8 that we need to consider. I'm going to
9 be helpful, you went through the list
10 of recent hopefully properties that
11 have undergone subdivisions, it might
12 be helpful if you could provide a list
13 of those since we only took the verbal
14 testimony, my notes are not very good.
15 You certainly can't describe the
16 circumstances and environment of the
17 neighborhood during the time that they
18 were granted, but the foot statistics
19 that you have, just enumerate it and
20 provide it to us.

21 MS. RAY: I'll be glad to do that.
22 I have that in graph form, so it's an
23 abstract, if you will, but I have
24 examined each of these.

25 CHAIRMAN MOORE: Select a bunch

1 just for you have it clear to the Board
2 what you're trying to say. I would
3 just point out that zoning variances
4 are granted on a case by case basis,
5 and circumstances of the neighborhood,
6 the environment, all of that come into
7 play, but your raw data would at least
8 be helpful on your points that you're
9 making.

10 MS. RAY: I'll be glad to provide
11 that. Thank you.

12 MS. ALLEN: Are we allowed to
13 rebut, ask a question about what she
14 said?

15 CHAIRMAN MOORE: I wouldn't want
16 any rebuttal, but any testimony that --

17 MS. ALLEN: I just have a question
18 about what she just stated.

19 CHAIRMAN MOORE: Question to who?
20 I mean, you can't ask her.

21 MS. ALLEN: Chatty Allen, Fifth
22 Avenue. Mr. Olinkiewicz's lawyer just
23 quoted all kinds of variances and wants
24 a precedent to have been set. I think
25 you need to look into -- it seems like

1 she only did one -- she only said one
2 variance per each property that she was
3 rattling off all the way back to 2004
4 or whatever. I'd also like to know,
5 and I think you should know what did
6 the neighborhood, the people that lived
7 around all of these properties, how did
8 they feel? I don't feel that the
9 people that are speaking out against
10 this project have anything to do
11 against him. There are plenty of
12 vacant lots and vacant homes within the
13 Village, take a ride. You have to not
14 allow this not just because of who is
15 living there, how many are living
16 there. There's an old sewer system
17 there that backs up all the time, there
18 is already too many people living in
19 one small little area, and what's being
20 proposed is to add even more. So I'm
21 not coming from I don't like this man,
22 I don't want him to do it. I'm coming
23 from a safety issue, a health issue, a
24 quality of life issue. I live further
25 down and except for in the morning when

1 I leave, I normally when I go anywhere
2 I reroute myself because of the traffic
3 issue at the top of the road there.
4 But I really think you need to look
5 into all these that she's saying
6 precedent, because to me it sounded
7 like there was one variance for each
8 application that she named, but I
9 didn't hear anything about the
10 neighbors objecting. The neighbors
11 surrounding both of these projects have
12 been objecting for five years. It's
13 not a personal vendetta against the
14 gentleman. They don't want their
15 quality of life destroyed and the
16 health of everyone around them, that is
17 what needs to be taken into
18 consideration. Thank you.

19 MS. PETERSON: Diane Peterson, 228
20 Sixth Avenue, directly behind the
21 property. I've lived on this block for
22 thirty-six years, and in those
23 thirty-six years this has been a
24 socially diverse, economically diverse
25 community. And at no time, no time,

1 has anybody ever, and I take personal
2 offense that the lawyer is saying that
3 we are doing this because of the
4 ethnicity of the people living in that
5 house. As a matter of fact, my heart
6 goes out to them because they should
7 not be living in the conditions that
8 they are. Right now that community
9 that we live in, that little block, two
10 street block has white, black,
11 Hispanic, gay, lesbian, everybody gets
12 along, it's not a problem. That's not
13 the issue. It's a safety issue. We
14 live on existing plots that were
15 created over a hundred years ago.
16 She's asking -- Mr. Olinkiewicz is
17 asking to continue the closeness that
18 we already know is difficult to live
19 with should not be allowed. We don't
20 need more. We need to be smarter about
21 what we're building. Thank you.

22 MR. REED: Mike Reed, 430 Front
23 Street. I do take exception to her
24 snide comments. My grandparents, my
25 great, great grandparents came over

1 from Germany and from Italy, did the
2 right thing, Ellis Island. Do you know
3 what it's like back then? It's hard.
4 I take exception to that. I don't
5 begrudge anybody, white, black, Asian,
6 a martian, you know what, as long as
7 you're good neighbors, you're good
8 neighbors. It shouldn't have a bearing
9 on races, color of skin. I grew up
10 here, used to go to Third Street, hang
11 out with the Jackson's and stuff,
12 people that live here, grew up here,
13 know my family very well. We're not
14 racist any way in the neighborhood, and
15 I take kind of exception to that.
16 We're far from it. And as
17 Mrs. Peterson said, what she said about
18 the zoning or the housing, these houses
19 were here a hundred and something years
20 already. So we're going back to apples
21 to oranges. I said how can you put
22 something in 1905 to 2016? Different
23 generation, different genre, different
24 states where when I was going to
25 college, I worked for Mr. Vantie

1 (phonetic) who most of you people know.
2 There was some one foot off the line,
3 but that was back in the late 1800's.
4 You can't compare what was done by our
5 ancestors to now. You're trying to
6 rectify the problem to be fair, and God
7 bless you all, I know it's hard, but,
8 you know, you do what she's saying, do
9 your homework because you were told a
10 mountain of misinformation first of
11 all. Second of all, like I said, these
12 houses have already been here
13 preestablished, not like oh, I think
14 today 4,000 square foot lot, I think
15 I'm going to put a 4,000 square foot
16 home. These houses that she said under
17 precedents were already preestablished,
18 they weren't built here. Please, do
19 the right thing in your heart. Thank
20 you.

21 MS. MILLER: Carol Miller, 239
22 Fourth Avenue. Most of the properties
23 that she rattled off to you were homes
24 of people that have lived there for
25 thirty years, and it's them living in

1 their houses, I live in my husband's
2 grandmother or great grandmother's
3 house. Do I wish my yard was bigger?
4 Heck yeah. Do I want to spit at my
5 neighbor out the window? No. But that
6 at the time was the size of the
7 property that was acceptable. We got
8 smarter, we gave ourselves a little bit
9 more room to breathe. There is no
10 reason to start jamming more people on
11 top of each other on smaller properties
12 if it's not absolutely necessary. We
13 do have open houses. By all means, let
14 Mr. Olinkiewicz buy an open house.
15 Nobody is headhunting Mr. Olinkiewicz,
16 it's just he seems to be picking
17 properties and jamming as many people
18 as possible. I wouldn't care if it was
19 Santa Claus doing it, I'd be pissed off
20 at him. You can't take houses and
21 overcrowd them and expect the neighbors
22 to find this acceptable. He's talking
23 about doing it there, he's talking
24 about doing it I know the next property
25 across the street, and my husband who

1 just left here, there are problems with
2 the houses being so close on top of
3 each other, you can't get a fire truck
4 down the driveway, so how are you going
5 to get in there and, God forbid there's
6 fire, protect A, the people who are
7 overcrowded in the house because
8 there's so many of them and the
9 neighboring houses. It's just
10 logistically it doesn't happen, and it
11 has nothing to do with people's
12 ethnicity. Hispanic, I work with them
13 all day long, I love them. They will
14 be the first ones to give me a hard
15 time, I give them a hard time. It has
16 nothing to do with whether they're
17 black, Japanese, or whatever. It's a
18 matter of how many people you are
19 jamming into a certain space. Our
20 complaint is that, our complaint is not
21 with what color their skin is or what
22 they do, it's a matter of overcrowding,
23 and the neighborhood overcrowding on
24 both sides of that road now is getting
25 insane. And we're going to have it

1 where the neighbors that been there
2 their whole life are going to leave,
3 and Greenport is supposedly the, what,
4 eleventh most beautiful town to come
5 live it. We're going to be in the
6 bottom eleven if it keeps up because
7 it's turning into a slum in certain
8 areas. And I don't say that lightly
9 because years ago I loved it, but
10 honestly, if it keeps going the way
11 it's going, as soon as he's done with
12 Chief and done with county, I want out
13 of this town because I don't think that
14 with the way it's continuing to
15 overcrowd there is going to be an
16 upswing to bring it back to the harbor
17 town that it was and could be again if
18 all the variances get passed for
19 housing like this. Thank you.

20 MR. WEISKOTT: Jack Weiskott. You
21 all went to the site today, there were
22 six cars in the backyard and one parked
23 in the front yard, that's typical and
24 it's minimum. There's more cars often.
25 That's all I have to say. I don't know

1 why someone would say that there are
2 only three cars that they've ever seen
3 there. There are seven cars there
4 right now and possibly there are nine
5 by the time we finish with this
6 meeting. That's all.

7 CHAIRMAN MOORE: Thank you.

8 MS. MCENTEE: Joanne Mcentee, 242
9 Fifth Avenue. What Mr.
10 Olinkiewicz's attorney fails to say
11 about all the commentators' homes or
12 properties is they were already --
13 these lots were already approved many,
14 many years ago. These are not
15 subdivided lots as I believe Doug
16 Moore, you kind of referenced to, and I
17 just wanted to make that clear that
18 they're not subdivided. These are,
19 yes, small lots that in the beginning,
20 and we were talking about another
21 hearing, that that was an issue that
22 something that we did and these lots
23 were designed many years ago. So I
24 believe what she's saying is very
25 incorrect. And let's not to mention

1 that Mr. Olinkiewicz has created many
2 of his own lots. There have been many
3 issues that he has built incorrectly,
4 not to mention 312 Center, I believe
5 it's Center, 314 Center, 411 Kaplan
6 Avenue, and 510 Madison. These are
7 things that need to be addressed. She
8 doesn't bring up the ones that are
9 improperly built, she brings up the
10 ones that we actually own. Thank you.

11 CHAIRMAN MOORE: I think we've
12 mostly run out of public comment. I'm
13 going to propose that we adjourn for
14 ten minutes to give the stenographer a
15 break. Quarter after we will return.

16 MR. TASKER: One quick comment,
17 I'm very observant of the
18 stenographer's work because they do a
19 great job. I'd just like to point out,
20 a number of people in the room alluded
21 to this, they hadn't really brought it
22 to the floor, and that is that one of
23 the fundamental purposes of the Zoning
24 Bill -- if you into paragraph one, and
25 it enumerates the reasons why there is

1 a Zoning code, and one of the principal
2 ones is the gradual elimination of
3 nonconforming uses. Every time a
4 variance is granted, it supports either
5 a new or a greater nonconforming use.
6 So that is ample reason in itself to
7 say this kind of development should not
8 be permitted to happen. Comparing that
9 one to the Prestwood application, for
10 example, where I was the leading person
11 who objected to that because it brings
12 up another dimension, and that is what
13 I call cascading variances. I said at
14 the time if you allow those two lots to
15 be created substandard, which the
16 Zoning Board of Appeals did do, they're
17 going to be in here in a year looking
18 for side yard variances, and sure
19 enough as soon as the lot was bought,
20 the first one was bought by somebody
21 who wanted to build, there it was, the
22 variance applications for side yard
23 setbacks. So this cascading effect is
24 exactly the antithesis what is required
25 by the Zoning code, enforcement of the

1 Zoning code, and that is the
2 elimination of nonconforming uses, not
3 their creation. Thank you.

4 CHAIRMAN MOORE: I'll make a
5 motion to adjourn for ten minutes for a
6 break.

7 MR. SALADINO: So moved.

8 CHAIRMAN MOORE: All in favor?

9 MR. CORWIN: Aye.

10 MR. SALADINO: Aye.

11 MS. GORDON: Aye.

12 MS. NEFF: Aye.

13 CHAIRMAN MOORE: Any opposed?

14 8:20 we'll be back.

15 (A recess was taken.)

16 CHAIRMAN MOORE: Is everybody
17 back? Okay. I think what I'm going to
18 suggest since we've had quite a few
19 speakers on item number 3 is I would
20 like to make a motion that we adjourn
21 the public hearing to next month so we
22 can take additional information, the
23 attorney can provide any additional
24 documents that she referenced in her
25 spoken testimony. So I'll move that,

1 is it to table or adjourn?

2 MR. PROKOP: Adjourn.

3 CHAIRMAN MOORE: I'm going to move
4 that we adjourn the public hearing on
5 221 Fifth Avenue until the October
6 meeting. So moved, and I'll ask for a
7 second?

8 MS. GORDON: Second.

9 CHAIRMAN MOORE: All in favor?

10 MR. CORWIN: Aye.

11 MR. SALADINO: Aye.

12 MS. GORDON: Aye.

13 MS. NEFF: Aye.

14 CHAIRMAN MOORE: Any opposed? So
15 we adjourned the hearing until next
16 month. And secondly, we are coming
17 into item number 4. It's now 8:24
18 roughly, we need to get on to some
19 other items. If anyone has a pressing
20 comment they would like to make tonight
21 on the project, I understand that there
22 will be many more comments. We've
23 already had a quite a few. This is the
24 more complicated and aggressive
25 application with more variances, and

1 I'm going to propose that we take a
2 couple of pertinent comments until
3 about 8:35, and then we will adjourn
4 that hearing until next month because
5 we need to get a few things done.
6 People have been coming back multiple
7 meetings hoping some action, and
8 nothing happens, so we aren't
9 forgetting the public comments, but
10 they are going to be reserved then for
11 next month. So we will open the
12 hearing, which is the continuation of
13 the hearing for area variances sought
14 by James Olinkiewicz for 238 Fifth
15 Avenue. Again, this is a subdivision
16 of a property into two additional -- or
17 into two lots, does the audience
18 remember sufficiently the details, so
19 that if I can just paraphrase, if that
20 is acceptable to the attorney as to
21 what the requests are, this is the
22 proposed a new lot at the rear of the
23 property --

24 MR. PROKOP: It's acceptable to me
25 to paraphrase. We've already read it

1 into the record at the last meeting.

2 CHAIRMAN MOORE: The first lot is
3 the lot I believe on which the house
4 already stands, and it is requesting
5 three variances, which is a lot size
6 variance of 2,110 square feet. There
7 is a lot width issue of fifty feet
8 where the code requires sixty, and the
9 proposed lot coverage is 37 where 35 is
10 permitted for a two-family house. Lot
11 2 has five variances requested. This
12 creates a substandard lot of only 4,026
13 square feet with a variance request of
14 3,474 square feet the lot depth of lot
15 2 is 50 where 100 feet is required, 50
16 foot variance. The proposed one-story
17 framed house on lot 2 is 15 feet from
18 the front of the west property line.
19 The code requires 30 feet. Again, a 15
20 foot variance. The one-story framed
21 house is 10 feet from the rear line,
22 again 30 feet required, variance of 20
23 feet. And the one-story framed house,
24 there's a lot of discussion about that
25 already, as only 800 square feet with

1 695 square feet of livable space, and
2 the code requires 1,000 square feet.
3 So again, fairly substantial variance,
4 304 square feet for the livable area of
5 the house. Those are the requested
6 variances, and I will take a certain
7 amount of public testimony until 8:35
8 then we will adjourn.

9 MR. KEHL: Robert Keel, 242 Fifth
10 Avenue, Greenport. Some of the facts
11 have been twisted tonight, like the one
12 before, they said te lots -- the
13 attorney was saying that the lots were
14 zoning changes. The lots were
15 preexisting lots that were all
16 preexisting nonconforming lots in
17 Greenport, and they were only asking
18 for variances, they weren't asking for
19 a subdivision and then variances on top
20 of it to put a house on the properties.
21 In most towns or villages, the village
22 is supposed to work with the homeowners
23 that live in the village, especially to
24 get neighborhoods together and try and
25 fight for something. They're supposed

1 to listen to it. We haven't been
2 seeing a lot of this. Some people we
3 see -- we're not getting a lot of it,
4 and over the years a lot of this is
5 going down the road. Everybody just
6 kind of, like, people don't show up to
7 the meetings, we just let it slide, and
8 it goes on. And then people say oh,
9 now we got a precedent. It doesn't
10 really work that way. Some things have
11 gotten let go in the past that really
12 shouldn't have let go because no one
13 ever bothered to get up and participate
14 at the meetings, and it's really --
15 this is -- Mr. Olinkiewicz, I have
16 nothing against Mr. Olinkiewicz, he's a
17 businessman, I'm a businessman. But
18 he's coming into our neighborhoods, and
19 he's trying to subdivide lots that are
20 already substandard, and he's trying to
21 put houses in there to make a profit,
22 and you can't tell me he's not making a
23 profit. He says oh, it's all supposed
24 to be for work force housing, and he
25 gives you this bleeding heart story,

1 sob story all the time. It's a lot of
2 crap. If he was doing it because he
3 wanted work force housing for everyone
4 in this town, he would build work force
5 housing and give it to them for free,
6 but he's doing it to make a profit on
7 the backs of all the people in the
8 neighborhoods, and that's wrong. And
9 we really expect to see something done
10 about this. Thank you.

11 CHAIRMAN MOORE: Thank you.

12 MS. MCENTEE: First of all, I
13 would disagree with Douglas Moore's
14 statement -- excuse me, Joanne Mcentee,
15 242 Fifth Avenue, Greenport, New York.
16 I disagree with Douglas Moore's short
17 time in reference to us to be heard.
18 It's less than ten minutes, and that's
19 not fair. We come here to speak. We
20 didn't come here -- we don't want to be
21 here just as much as everybody on this
22 board doesn't want to be here, and some
23 will leave sooner than others, but we
24 came here to speak, and I believe that
25 we should have that opportunity.

1 I would like to make a correction
2 that I submitted the notes on 8/16 ZBA
3 meeting in reference to the short term
4 environmental assessment form that it
5 did say -- it should say I strongly
6 disagree with the answers. I'm not
7 sure which one went into the record,
8 but if you got my marked up one that
9 was marked up with the correction. If
10 it was not marked up, then that mark up
11 should be made that I strongly
12 disagree. I encourage all the people,
13 speakers here on Fifth Avenue and our
14 community to speak again at this same
15 hearing because what the same issues
16 are for 221 Fifth Avenue are pretty
17 much the same, slightly different for
18 230 Fifth Avenue, so if there's an
19 opportunity to do that as well.

20 I'd like to speak about this
21 corner lot. Now, we had a little
22 misunderstanding down at 238 Fifth
23 Avenue, and the corner lot -- this is
24 now creating a corner lot, and it's
25 being created Mr. Olinkiewicz putting

1 severe restrictions on the lot next to
2 it, which is ours at 242 Fifth Avenue,
3 thus creating 242 Fifth Avenue a corner
4 lot now putting a hardship, a severe
5 hardship requiring extra future
6 variances as they are more restrictions
7 -- there will be more restrictions for
8 corner lots. And most of the -- most
9 of all, decreasing the value of our
10 home. This is a hardship. I'm sure no
11 one on this Board would like to see
12 their home being decreased in value.

13 The right of way, it is its own
14 entity and is strictly separate from
15 either lot. The lot coverage
16 percentage is grossly understated. The
17 lot coverage calculations should
18 exclude the right of way, not include
19 the right of way. And this means,
20 again, this has to be recalculated, and
21 therefore this application should be
22 rejected for the fact that -- or denied
23 for the fact that it is completely
24 false, and what I don't understand is
25 why our building inspector did not pick

1 this up. Let me refer to 411 Kaplan
2 Avenue when we had an issue with the
3 right of way at 411 Kaplan Avenue and
4 510 Madison. Now, 510 Madison was
5 already built, there were a lot of
6 issues at the time with that going on,
7 but then 411 Kaplan Avenue, which was
8 again created was still to this day not
9 conforming, should have never been
10 developed into or transferred into a
11 two family home. I will say that Mr.
12 Olinkiewicz's property at 510 Madison
13 had -- once you put in the right of
14 way, it is taking away the lot
15 coverage. Now, the right of way was
16 created after the fact, and as
17 Mr. Prokop has stated previously back
18 then the lot coverage had changed from
19 its -- for some reason that the right
20 of way was accepted improperly by the
21 Village of Greenport, and this did not
22 go through properly, so that right of
23 way, if you're putting a right of way
24 or a proposed right of way, you need to
25 take into consideration the lot

1 percentages and exclude the right of
2 way. Our law is to protect properties,
3 not create hardships to the properties
4 next to it. Mr. Olinkiewicz is
5 creating this hardship to this
6 property, not to mention having other
7 issues with other properties around it.
8 With the amount of the Fifth Avenue
9 residents who object this subdivision
10 and the 221 subdivision I honestly feel
11 that there is not one person here that
12 came up to the podium, other than his
13 attorney, that was for this project.
14 So it should be denied. We're a
15 community. This is where we live. I'm
16 pretty sure if this was where you
17 lived, you might have a beef also. We
18 have one of the oldest clay pipes in
19 our street, we have sewer problems.
20 The sewer has backed up next door at
21 least twice this year. We've had to
22 call to have it fixed. We'd see it
23 spewing into the road going down the
24 driveway. Do the tenants call?
25 Absolutely not. Why? Do they not

1 notice it? They're home. There's many
2 residents that are living there. I
3 would probably say a guesstimate right
4 now is probably about fourteen people
5 between both homes, between both
6 apartments. The -- I understand that
7 there is the nonconforming building
8 garage apartment above it that stands
9 alone by itself. Well, Mr. Olinkiewicz
10 stores -- he actually stores his
11 commercial wood, his appliances in
12 there, and you mean to tell me that
13 that's allowed? That's not a
14 commercial piece of property.

15 CHAIRMAN MOORE: Are you
16 referencing 238?

17 MS. MCENTEE: 238. I'm only
18 talking about 238 pretty much here. In
19 reference to -- you wanted us to
20 reference the code in reference to the
21 right of way, I think we should look at
22 118-7. Our code 150 reads that the
23 village code gradually eliminates
24 nonconforming uses, 150-1. You all
25 know this. I'm not sure why we have to

1 repeat it, but I guess it's just to
2 make it more effective, put it in the
3 record and let everybody know that we
4 know.

5 All I can say is I really -- this
6 is putting a hardship on our home.
7 This will dramatically change every
8 setback at 242 Fifth Avenue, our
9 property, and that is the 238 property,
10 okay, and thank you for listening to
11 me, and all I can say is let's make
12 Greenport great again.

13 MR. PROKOP: What was the comment
14 about 242?

15 MS. MCENTEE: The comment? If --
16 we will have to have variances.

17 MR. PROKOP: What does 242 have to
18 do with the subject property?

19 MS. MCENTEE: We're right next
20 door to it. That's our property.
21 We're right next door to it. We got
22 driveway, fence, driveway.

23 MR. PROKOP: Okay.

24 MS. MCENTEE: And let me also
25 mention that even if you drive in the

1 back here, he does not have -- where
2 the property is, there's a fence right
3 there, he does not have enough room to
4 take his cars and move it out properly
5 because he'll be backing into a fence.
6 If you look at the diagram, there is no
7 way that he's going to -- and they keep
8 hitting the fence right now. That's a
9 two family. There's one house on that
10 lot. They can't even -- they hit the
11 house with cars. It doesn't make sense
12 to follow through. This application
13 needs to be denied.

14 CHAIRMAN MOORE: I'd like to make
15 one comment. You made a couple of
16 assertions as to what the code is
17 regarding rights of way and side yard
18 becoming front yard. I'm just going to
19 note that that's your assertion, I'm
20 not sure that I know sufficiently. I'm
21 just letting you know that we will
22 check into that, but just because you
23 say it, doesn't necessarily mean it's
24 so.

25 MS. MCENTEE: And fair enough.

1 And I'm sure, Mr. Prokop, you would
2 know what the rules are for a right of
3 way? A rule for a right of way are not
4 included in the lot coverage
5 percentage. I think you know that. It
6 was done incorrectly on 510 Madison,
7 you mentioned it when 411 was being
8 installed.

9 MR. PROKOP: That's correct. What
10 I was going to say when you were
11 finished, I'm sorry, I got involved
12 with that other question, is that the
13 application will be reviewed by myself
14 and the building inspector for
15 calculations to make sure that they're
16 correct.

17 MS. MCENTEE: Over where, at this
18 one, 238?

19 MR. PROKOP: This application,
20 yes.

21 MS. MCENTEE: I appreciate that.

22 MR. PROKOP: To confirm that it's
23 correct.

24 CHAIRMAN MOORE: I have a
25 question. Last month there was someone

1 raised a question that a right of way
2 had to be fifteen feet, I tried to find
3 it.

4 MS. WINGATE: Actually New York
5 State fire code says it needs to be
6 fifteen feet, but not in a one and two
7 family house. There are absolutely no
8 easement -- they're not required.
9 There is no fire access in one and two
10 family houses, only commercial and
11 commercial is fifteen feet.

12 MR. PROKOP: Maybe we can ask the
13 fire chief.

14 MS. WINGATE: Section 703.4.

15 MR. MILLER: Wayne Miller, 239
16 Fourth Avenue, Chief of the Fire
17 Department. I just wanted to mention
18 that maybe you people need to take into
19 consideration the fire fighting
20 problems that we may have with
21 additional cars parked on the street,
22 you've got houses on top of each other.
23 Greenport -- there's a lot of houses on
24 that block that are right on top of
25 each other. The property that he owns

1 and then the house next to that, you
2 could barely walk down the alley there.
3 So these houses catch on fire, God
4 forbid, you know, you're talking about
5 not losing one structure, but possible
6 two or possibly three. They're all on
7 top of each other. You keep
8 overcrowding the Village like this,
9 it's not a good thing, believe me. So
10 I think you really need to take into
11 consideration the fact that, you know,
12 there's a safety factor there, so you
13 might want to think about that also.

14 CHAIRMAN MOORE: You're speaking
15 -- are you the fire chief?

16 MR. MILLER: Yes.

17 CHAIRMAN MOORE: Are you speaking
18 as the fire chief?

19 MR. MILLER: I'm speaking as a
20 resident.

21 CHAIRMAN MOORE: Are you
22 representing the fire department?

23 MR. MILLER: No, I'm not. I'm
24 speaking as a resident.

25 MR. SALADINO: I want to ask you

1 as a firefighter, and you are the fire
2 chief, this is your opinion that this
3 might be a hazard?

4 MR. MILLER: I would say so, yeah.
5 Those houses are right on top of each
6 other. You've got cars up and down
7 that street. Look at that fire we had
8 on Kaplan Avenue over there last
9 winter. It wasn't last winter, the
10 winter before. When you got snow on
11 the streets and you've got cars buried,
12 do you know how hard it is for us to
13 come in there? Did you ever see the
14 size of our ladder truck? Do you know
15 what it takes to get that truck into
16 position and have to fight a fire, put
17 a fire out? Did you ever think of
18 that? You're putting a lot of men's
19 life in danger. You're not thinking
20 about the safety factors either.

21 MR. SALADINO: That's why we're
22 asking you.

23 MR. MILLER: That's what I'm
24 telling you.

25 CHAIRMAN MOORE: One more, and

1 then we may have to have a motion here.

2 MR. WILE: Good evening, Ian Wile,
3 234 Fifth Avenue. I appreciate the
4 late hour. I didn't speak during the
5 221 conversation because my house
6 directly abuts the 238. I would
7 suggest that if there's any way to move
8 all of the commentary from 221 that's
9 not specific to the lot sizes, I think
10 it's relevant. Otherwise you'll have
11 to hear the same stories for both
12 properties. What I was going to say,
13 I've been listening to the Board talk a
14 little bit about their responsibility,
15 and its given me some thought about the
16 way you guys carry and, Mr. Moore, you
17 mentioned that the Village Board of
18 Trustees writes the code, and they're
19 in charge of changing it, it made me
20 think about you guys in terms of your
21 role as somewhat of the Supreme Court,
22 right? Your job is to interpret and
23 make interpretations and judgment and
24 understanding on a case by case basis.
25 And I think one of the things I take

1 away is that one of your jobs is it's
2 trying to look ahead to the next group
3 of volunteers or fifty years from now
4 the next group of zoning board
5 volunteers who have to make an
6 interpretation and not create a
7 difficulty. Right now these are a lot
8 of conversations about one applicant
9 who happens to have a number of pieces
10 of property, but we're seeing at this
11 very meeting Mr. Nicholson facing the
12 requirement to try and figure out
13 something based on a lot that's too
14 small. I'm in that firehouse, I'm in
15 the house next to 238. I have less
16 than one inch between Mr. Olinkiewicz's
17 other property and my property line,
18 and I have thirty-three inches between
19 my window and his window on the 238
20 side. So I am in a less than 6,000
21 square foot property, but you know,
22 that property was drawn in 1845, and
23 somebody had the foresight to draw a
24 set of code guidelines to try and
25 prevent that kind of density to make it

1 so that a fire truck could get between
2 our two houses. One side of my house
3 is almost impossible to roof because I
4 can't get a ladder width apart. Bob
5 would attest to the fact that it's
6 difficult to manage. One of the goals
7 that we're looking at is not just
8 specifically this house or this
9 application, but how you're
10 interpreting the code for generations
11 to come who might buy one of these
12 houses. This is not a second unit on
13 one property. This is a subdivision.
14 This will become its own entity, and
15 some poor sucker down the road is going
16 to want to put an extra bedroom on
17 because maybe they bought it from Mr.
18 Olinkiewicz, and then they had kids,
19 and they want to put a bedroom. All of
20 a sudden this property is too small
21 really to exist and grow and thrive,
22 and it doesn't do our community great
23 justice to go through all of this
24 thinking to create a set of codes that
25 can set a place on a path, and then

1 come in and ask you -- I don't think
2 it's fair to ask you to subvert all of
3 that Board of Trustees work. The first
4 time years ago that these were both put
5 forward, the Board of Trustees acted so
6 strongly that they put a moratorium on
7 subdivisions before any of this would
8 be thought through. So I think some of
9 the frustration we're hearing from some
10 of the neighbors is that that was the
11 initial reaction years ago, and yet
12 we're still talking about a certain
13 number of feet here, a certain number
14 of feet there. I find that -- I tend
15 to be a longer term thinker, so what
16 I'm trying to look at is if this is
17 really where you want to be, if you
18 want to start to make more of these
19 properties smaller, and you want to get
20 rid of some of these setbacks and make
21 this density work here somehow, if
22 there's a huge drive to get more people
23 in and cram the lots smaller, then you
24 need to make other urban planning
25 choices to go along with it because

1 otherwise we're not meeting each other.
2 The sewer is not ready for that, the
3 streets are two-way streets, they would
4 need to probably be one-way streets or
5 no on street parking. Right now that
6 Fifth Avenue is a one-way street, we'll
7 blink our lights at one another to see
8 who can go through. It's like a
9 country lane, it's down to one car
10 width. So they'll need to do some --
11 if we're going to continue down this
12 path where this Board will have to take
13 on the onerous job of subverting the
14 Village code because it's reacting to
15 hardships, then somehow we need to
16 integrate these other parts of this
17 Village to make accommodations. It's
18 my hope that we don't do that. One of
19 the reasons I purchased the house, I
20 put money into the house, I raised my
21 kid here, and he's going to the school,
22 I opened a business here, I wanted that
23 investment I made, I had to look it all
24 up, I knew the lot size, and I read the
25 code, and I know when I bought my house

1 what I'm allowed to do and what I'm not
2 allowed to do. It's in the piece of
3 paper. It wasn't confusing, it was
4 what was put in front of me. Now, you
5 know, put a porch on here or there,
6 we're not didactic society, we should
7 be allowed to think through what
8 functions or what grows the health of
9 the community. To me, some of the
10 choices we're being asked to make here
11 are not about growing the health of the
12 community, but about growing the health
13 of one particular individual, which
14 repeated this process over and over
15 again, and frankly, I give so much
16 credit to my neighbors that they're at
17 ten times the meetings I've been at
18 because the fact that this same set of
19 applications has been punted meeting
20 after meeting after meeting for years
21 and years and years begins to weigh on
22 everybody, I'm sure it weighs on the
23 applicant as well, he's paying legal
24 fees, we've met his attorney a number
25 of times. I've taken days off of work,

1 I didn't take my son out on the water
2 today like we had hoped to because I
3 wanted to be here. It's important. I
4 traded family time, you trade your
5 volunteer time to listen. I appreciate
6 it. I know this evening has gone on
7 very long, and you have a lot of
8 business to get to, but for me it's
9 just about the spirit of the whole
10 picture and why it's called a variance,
11 what the purpose of a hardship -- what
12 the purpose of the original code is,
13 and if somebody doesn't like it I
14 really think that then I would
15 encourage the applicant to get busy in
16 this Village as a resident and a
17 taxpayer and spend time on the code
18 commission, and spend time with the
19 Board of Trustees and make those
20 changes to allow a 5,000 square foot
21 property line, 5,000 square foot lot.
22 If that's what everybody seems to want,
23 otherwise we're really just bogging
24 down good business, good strong
25 business with people who are spending

1 an awful lot of their volunteer time to
2 battle something. I have suggested
3 before that I do think that when
4 somebody runs for this -- like Bob, I'm
5 a businessperson, I totally understand
6 the economics of Mr. Olinkiewicz is
7 after, I think if there's a house that
8 makes some money, if there's enough
9 room to get another house on there,
10 there's more profit to be made, and I
11 think that's excellent, but when I
12 wanted to open a business in town, I
13 went in front of the Planning Board,
14 and I had to show a site plan for my
15 business and how I was going to impact
16 my neighbors and other businesses, and
17 I feel like even though these are
18 residential houses, some of the
19 consideration that we apply to
20 businesses ought to be thought on here.
21 The applicants for the Third Street
22 property had to jump through hoops for
23 parking. Whenever anybody says there's
24 a parking problem with these
25 residential houses, they're sort of

1 shushed out or we're counting cars,
2 whatever, but if you said hey, I don't
3 think you should open a hotel in town
4 because there's a parking problem,
5 everybody agrees. We have a parking
6 problem on the street. I most nights
7 don't park my car in the driveway
8 anymore because I've had to spend a
9 number of mornings knocking on the
10 neighbor's door, also an Olinkiewicz
11 house, to ask them to move their car
12 because it's parked across my driveway.
13 It happens I would say five out of
14 seven days. So we've started to park
15 in the street. Now I'm part of the
16 problem. I've got a car in the street
17 and a perfectly empty driveway, but I
18 can't get my car into my driveway.
19 We're at maximum density, and we either
20 need to accommodate for that with some
21 smart assessments of what can be added
22 or the bigger picture needs to be
23 addressed. How can we deal with cars
24 on the street? How do we deal with
25 directional parking? What is an

1 appropriate lot size? If 7,500 square
2 feet isn't appropriate, and you're
3 dealing with variance after variance,
4 it's time to rethink that. For me, you
5 know, one of the reasons I bought my
6 house and wanted to move here was that
7 I didn't feel like houses were going to
8 go eight stories up and two feet apart.
9 I'm already as close -- I mean, look,
10 when Mr. Olinkiewicz bought 238, he put
11 the big propane tanks outside my window
12 which I had a window air conditioner
13 on, and to me, I get freaked out by
14 that having a propane tank six inches
15 from the back of an air conditioner, so
16 I pulled my air conditioner out of my
17 house and put it on the floor. So that
18 room is no longer air conditioned, but
19 it hasn't blown up. So there's just
20 enough space for that kind of stuff.
21 That doesn't even hit the
22 infrastructure that's being asked to be
23 put in here. I appreciate your time
24 and your consideration. One other
25 thing I would say is in the past I know

1 that I had written a letter that I've
2 requested be put into the documents,
3 and I've understood it has not been in
4 the folder before. I hope that it has
5 been, otherwise I'll be happy to
6 refurnish it. Most of these letters
7 have very, very old dates so.

8 CHAIRMAN MOORE: Thank you.

9 MR. WILE: Thank you again for
10 your time and service.

11 CHAIRMAN MOORE: I'm going to make
12 a motion that will annoy some of the
13 people attending, but not to keep you
14 from talking but to allow us to
15 continue, and you can talk next month.
16 I'm going to make a motion to adjourn
17 the hearing number 4, Mr. Olinkiewicz
18 at 238 Fifth Avenue until the October
19 meeting. So moved. Can I have a
20 second?

21 MS. NEFF: Second.

22 CHAIRMAN MOORE: All in favor?

23 MR. CORWIN: Aye.

24 MR. SALADINO: Aye.

25 MS. GORDON: Aye.

1 MS. NEFF: Aye.

2 CHAIRMAN MOORE: Any opposed?

3 Motion carried. At 8:52 we will move
4 to the regular agenda. If the Board
5 would allow Mr. Caouette who is down
6 the line at item 8, has traveled a long
7 distance to be here, and I would like
8 to oblige him by taking item number 8
9 next. This is motion to accept an
10 application for an area variance
11 publicly noticed and schedule a public
12 hearing for Ralph and Maureen Caouette,
13 447 Sixth Street, SCTM 1001-6-3-3. The
14 property is located in the R-2
15 District, the property is not located
16 in the Historic District. The
17 applicant seeks a building permit to
18 construct an addition to the dwelling
19 including an open carport with a second
20 floor deck. Section 150-12A of the
21 Greenport Village Code requires a side
22 yard setback of 15 feet. Proposed
23 carport has an 8.2 foot side yard
24 setback on the south property line
25 requiring a side yard setback variance

1 of 6.8 feet. Section 150-12A of the
2 Village of Greenport code requires a 25
3 foot combined side yard setback in the
4 R-2 District. The proposed combined
5 side yard setback is 18.2 feet
6 requiring a combined side yard set back
7 variance of 6.8 feet.

8 Just to make a comment, this
9 application has been before us before,
10 and some of the members of the Board
11 requested additional information or
12 corrections of some items, which I
13 believe have now been made, and would
14 anyone wish to comment whether there
15 are any additional issues with the
16 current application? If not, then I
17 would make a motion that we accept this
18 application as currently presented and
19 had ask for a second.

20 MR. SALADINO: Second.

21 CHAIRMAN MOORE: Any further
22 discussion? All in favor.

23 MR. CORWIN: Aye.

24 MR. SALADINO: Aye.

25 MS. GORDON: Aye.

1 MS. NEFF: Aye.

2 CHAIRMAN MOORE: Any opposed? So
3 the application is accepted. We'll
4 need to schedule a site visit. I would
5 propose as we're only going to have two
6 site visits next month that we would go
7 ahead and do that for this property,
8 item number 8, at 5:30 before the next
9 meeting holding at 6:00, if that's
10 agreeable to everybody?

11 MR. CORWIN: Yes.

12 CHAIRMAN MOORE: We will do the
13 proper noticing, and you'll need to get
14 the addresses from the building
15 inspector and send those letters out,
16 you want to be sure to do that.

17 MR. CORWIN: And let's not forget
18 the --

19 CHAIRMAN MOORE: And to stake out
20 the property where the carport would
21 be, that would also be helpful.

22 And I think now we can move back
23 to number 1, and I was -- I think we
24 can discuss this. The hearing was
25 closed last month, so we can move into

1 discussion of this case. To refresh
2 everybody's memory, the main discussion
3 on this application has basically come
4 down to the issue of preexisting
5 conditions, whether this house was, in
6 fact, the multifamily house at the time
7 of the code, which would be 1971.
8 There was a lot of, what would you say,
9 substantial evidence presented by a
10 number of people who lived there or in
11 proximity as to what probably existed
12 in 1971. The only exception is, and
13 I'm trying to find it in my notes, but
14 the woman who came and actually
15 testified under oath, could you give us
16 her name?

17 MS. WINGATE: Dolores Amarose or
18 something like that.

19 CHAIRMAN MOORE: All I can say is
20 a woman very kindly --

21 MS. MOORE: She did very kindly
22 come and testify.

23 CHAIRMAN MOORE: She lives on
24 Carpenter Street, she testified under
25 oath that at the time of the writing of

1 the code in 1971 there were, in fact,
2 more than two apartments in the house.
3 I don't believe she got more specific
4 than that. This property has been
5 described as having four apartments.
6 When we did our site inspection, there
7 was evidence of occupancy of part of
8 the back of the house, but there
9 currently are not four apartment units
10 because there is no official kitchen
11 present. The kitchen had been
12 dismantled and is currently being used
13 in common I believe by the tenants as
14 the laundry area, or had been used
15 because the laundry equipment is also I
16 believe at least in part not present.
17 The difficulties with the property to
18 be a four family house if it were being
19 applied for does not have the
20 sufficient square footage for each
21 apartment. The lot size is
22 insufficient for the number of
23 apartments that would be proposed, and
24 the parking spaces being provided
25 currently on the lot would be

1 insufficient to support a multifamily
2 dwelling. But the issue appears to be
3 whether or not there was a grandfather,
4 and then the question I would say, if
5 the Board was actually agreeable to
6 that contention, then that may be what
7 our vote boils down to, whether we
8 would acknowledge whether there were
9 actually four of them, or whether there
10 would be three, and what might go
11 forward. Any further discussion from
12 the Board? I'm just kind of rolling
13 out my impression of what's occurred so
14 far. The house very clearly was
15 occupied at the time by three tenants,
16 and that's where we are right now.

17 MR. SALADINO: I'm not willing to
18 accept the applicant's contention that
19 the four families had always lived
20 there. Eighteen years ago, I believe
21 it was eighteen years ago, they
22 received a communication from the
23 Building Department telling him what
24 they thought, what they believed was
25 there. Ms. Moore's contention that the

1 CO was mismarked with a district that's
2 not in Greenport, M-2. As luck would
3 have it, I've since looked at five or
4 six other property cards from Southold
5 Town for Greenport, and they all had
6 that same mark, M-2 or M-1, and to me
7 for a building inspector to just look
8 at the property card and look at a
9 district, to me, and mark what he sees
10 on the property card, to me, just
11 doesn't constitute a fatal flaw as you
12 can tell. Mr. Liakeas told us he did
13 dismiss the letter that he got from the
14 Village because he was young and he --
15 he was a licensed physician. It's a
16 one paragraph letter saying that this
17 is what the building inspector
18 believed, and for eighteen years he
19 didn't contest it.

20 MS. MOORE: Well, for eighteen
21 years it was rented. For that whole
22 period of time it's been rented.

23 MR. SALADINO: My contention is
24 that he was aware that the building
25 inspector told him it was a two-family

1 house. The fact that he continued to
2 rent for that eight year period to me
3 suggested he was in violation so --

4 MS. MOORE: That's your opinion.
5 Okay.

6 CHAIRMAN MOORE: It kind of has a
7 cloudy progression through the years
8 because there was an indication in the
9 Village record that the notice of
10 disapproval written the same day as his
11 certificate of occupancy for a
12 two-family house was sent indicating it
13 was not up to standard, that it needed
14 a variance. Now, his contention is he
15 never received the letter, but there's
16 documentation it was mailed, and a lot
17 of time passed. I think it should have
18 been obvious at some point to him that
19 something wasn't right. The issue for
20 him was the financing, the mortgage
21 company apparently with the
22 documentation that was provided was
23 satisfied and he put his mind to rest
24 as to the situation. So we're kind of
25 faced with basically a vote from the

1 Board as to whether we accept the
2 contention of a multifamily house,
3 which I think would require --

4 MR. SALADINO: Well, that's not
5 what Ms. Moore is asking for.

6 MS. MOORE: No, I've actually
7 asked for a preexisting, that based on
8 both structurally and the fact that
9 it's been occupied as it was, that at a
10 minimum we had a three family, but I
11 would agree that once he removed the
12 kitchen in the fourth unit, even though
13 it may have been set up as a fourth
14 unit, he removed the kitchen, so it
15 could -- what we wanted to present is
16 what we had as far as physical evidence
17 and how the building is set up, but
18 I've explained to him that certainly at
19 a minimum he has three families because
20 of the fact that that's how it was
21 established. The fact that he didn't
22 catch or he didn't understand the
23 documentation that came in the pre-CO,
24 it's naive to say the least that it was
25 -- or stupid, but he'll acknowledge --

1 he was here, he said it was stupid. It
2 just didn't occur to him what that
3 pre-CO indicated. As far as he was
4 concerned, it was always rented that
5 way, it continued to be rented, it's
6 section 8 rented, the space from him,
7 and he runs a very clean and under, you
8 know, three -- the three rooms, and
9 then he was using the fourth apartment
10 whenever he'd come out here. But at a
11 minimum, the three apartments that have
12 been rented, it provides housing for
13 local families, and it's the way it's
14 always been. It's the way it was
15 designed and it would be nearly
16 impossible to eliminate the space
17 because you've got walls, you've got
18 separations that are physical
19 separations that have been in place
20 for --

21 MR. SALADINO: Well, that's not
22 exactly true.

23 MS. MOORE: Since the 30's.

24 MR. SALADINO: That's not exactly
25 true because when we made a site

1 inspection, the ground floor apartment
2 that was as you claim in the past two
3 apartments is now one apartment, and
4 all they had to do was open the door.

5 MS. MOORE: But that's the only
6 one that has an opening. What I'm
7 saying is the two upstairs are
8 physically separated. There is thick
9 walls that separate the two spaces.

10 MR. SALADINO: Well, it just makes
11 me -- sometimes it just makes me wonder
12 when somebody says no, that would be
13 impossible.

14 MS. MOORE: Okay. I guess nothing
15 is impossible if you have enough money,
16 but it would be impractical and very
17 expensive.

18 MR. PROKOP: I'll make a
19 recommendation. There's a level of
20 proof that's required by the applicant,
21 and the minimum proof is the use at the
22 time of the adoption of the zoning code
23 and then the continuation of that use
24 uninterrupted until the present time,
25 and every -- my personal observation

1 with all due respect to the applicant's
2 attorney, who has done a great job, is
3 that it seems that we just -- every
4 time this application is on, we just
5 regenerate into the back and forth, and
6 it really doesn't provide us any -- the
7 Board any -- the type of information it
8 needs to make a favorable decision on
9 this.

10 MS. MOORE: Well, I apologize --

11 MR. PROKOP: Exactly what's
12 happening right now.

13 MS. MOORE: But I would remind the
14 Board I gave you affidavits, I gave an
15 elderly woman because we're talking
16 about fifteen years ago.

17 MR. PROKOP: Can I make a
18 suggestion? I just said that every
19 time you present this application it
20 generates into an argument.

21 MS. MOORE: Well, that's because
22 I'm a lawyer. It's not an argument,
23 it's a discussion.

24 MR. SWISKEY: Exchanging of facts.

25 MS. MOORE: If you and I were

1 talking, we'd have the same exchange.

2 MR. PROKOP: There's a level of
3 proof that has to be met, and as I
4 recall, the woman that came and
5 testified before the Board --

6 MS. MOORE: Yes, I have her
7 name --

8 MR. PROKOP: -- who testified
9 before the Board, she said that it was
10 rented, I don't know that she said that
11 it was specific information about a
12 rental unless I'm not recalling
13 correctly.

14 CHAIRMAN MOORE: I think she was
15 indicating there were multiple families
16 present, more than two, but I don't
17 recall the --

18 MS. MOORE: Well, we had an
19 affidavit, so go back to the --

20 MR. SALADINO: The affidavit, if I
21 recall, the affidavit was dated 1979,
22 she signed it and notarized it with the
23 year being 1979, so she read it, she
24 signed it, I believe it was you or
25 somebody from your office witnessed it,

1 and then you decided that that was a
2 typo. That was her statement. You
3 decided that oh, I made a typo.

4 MS. MOORE: Because when she was
5 here speaking, she went back to the
6 right date. I must have made a typo,
7 '79, because she came and was in this
8 -- she moved into the neighborhood and
9 knew the house since the 60's. That's
10 how -- when she was here, she corrected
11 that.

12 MR. SALADINO: The other three
13 affidavits were all for people that had
14 lived there after the fact from 1998.

15 MS. MOORE: She was the only one
16 that was from the 60's.

17 CHAIRMAN MOORE: As I recall, most
18 of the people were speculating based on
19 their personal architectural level of
20 expertise that the house must have been
21 based on molding multifamily. That
22 didn't really tell us too much, but the
23 personal testimony of Dolores Ar -- I
24 can't pronounce her name, she was quite
25 certain that, you know, she lived there

1 since 1969, and she visited at the
2 house and knew it to be more than a
3 two-family house. I'm not sure she
4 specified how many -- she does in her
5 affidavit say four bedrooms, four
6 kitchens, four living areas. So I just
7 asked Mr. Prokop, we had both a request
8 for variance and interpretation, so I
9 would assume we would have to make an
10 interpretation before we consider a
11 variance because interpretation might
12 provide some level of relief; is that
13 correct?

14 MS. MOORE: Yes, it's correct.

15 CHAIRMAN MOORE: I was asking him,
16 sorry.

17 MR. SALADINO: I'm reading her
18 affidavit now, and her affidavit says
19 that I owned my property since 1979,
20 and I have a note that that was changed
21 by her testimony to 1969, but then it
22 goes on to say that to my knowledge the
23 house has not changed since 1979.

24 MS. MOORE: Well, because I
25 thought she was from '79. She couldn't

1 testify -- I can't have somebody in an
2 affidavit say she knows a house before
3 she actually does, but in '69, she
4 moved to '69, and she was familiar with
5 that house in '69. That's why I
6 corrected the affidavit. I must have
7 had '79 somewhere, and but when she was
8 here she corrected that timeline.

9 MR. SALADINO: What I have as her
10 correction is the timeline that she
11 owned her property, that I've owned my
12 property 1979, we changed it 1969, but
13 then later on I have no correction that
14 says to my knowledge the house has not
15 changed since 1979.

16 MS. MOORE: No, the '79 would have
17 been the same date as her ownership, so
18 it would be consistent, '69.

19 CHAIRMAN MOORE: That is -- Ms.
20 Moore --

21 MR. PROKOP: On the agenda for
22 tonight, which I failed to notice based
23 on the application is that it's
24 applicant seeks a building permit for
25 the construction of two additional

1 dwellings in an existing two-family
2 house. So we're talking about a
3 preexisting nonconforming apartment,
4 and even our agenda tonight say it's an
5 existing two-family house. So whatever
6 -- even if it was established that the
7 use existed at the time of the zoning
8 code adoption, it has to be continuous
9 until the present time.

10 CHAIRMAN MOORE: Well, if the
11 application itself -- this agenda item
12 was taken from the variance part in
13 158-B and it's A, B, and C, the
14 different parts of the multifamily
15 house, but there's also an indication
16 that the first issue, Article IV,
17 Section 150-8, preexisting four rooms,
18 and that's the original application.

19 MS. MOORE: Right.

20 CHAIRMAN MOORE: Ms. Moore pointed
21 that out to us that she really was
22 asking for both, and it wasn't apparent
23 to me during the review process that's
24 what's in the application. But most of
25 the documentation regards the

1 variances.

2 MS. MOORE: I had to -- the
3 preexisting is all the documentation I
4 gave you with affidavits, and the
5 evidence that I had with respect to the
6 independent observations of the bank
7 appraisal. So I had -- I gathered what
8 I could to prove that, in fact, it was
9 preexisting. The matter is resolved.
10 We don't need to apply for multifamily
11 nor do we want to apply for multifamily
12 if it's recognized as a preexisting.
13 We wanted to keep what they have, what
14 he has, and that's what we've been
15 asking for since day one. It's just as
16 an alternative relief, the building
17 inspector said okay, the only way you
18 can get this is by seeking a variance
19 to make it multifamily. Our position
20 is no, we've always had a multifamily.

21 CHAIRMAN MOORE: In your
22 description here in the project
23 description, item 5, purpose, obtain CO
24 for four units for correct pre-CO, and
25 I think the idea that Ms. Moore is

1 saying that we're basically covering
2 all bases by asking for both. We're
3 kind of -- when we first had discussion
4 on this, we went straight for the
5 variances because that's what was in
6 the agenda, and then it quickly became
7 apparent that there was a lot of
8 material in the application, the
9 assertion that this was actually a
10 preexisting condition and seeking
11 confirmation of that.

12 MS. MOORE: Correct.

13 CHAIRMAN MOORE: I think that's
14 where we are in the discussion. What
15 is the recommendation as to how we
16 resolve the two questions?

17 MR. PROKOP: Can I make a
18 suggestion? Reserve decision on this.

19 CHAIRMAN MOORE: I would maybe ask
20 how you would recommend --

21 MR. PROKOP: There seems to be
22 another legal issue here, and I have to
23 draft something that refers to these
24 various affidavits. So maybe we could
25 reserve decision. I'll prepare, not a

1 resolution one way or the other, you
2 know, the Board should decide this, but
3 I would like to get a resolution that
4 refers to these various affidavits and
5 documents, so then you could decide one
6 way or the other based on that.

7 CHAIRMAN MOORE: I would agree
8 with that. Obviously we're not
9 changing any conditions at the house.
10 It's existing, it's being operated as
11 it has been, so I would then make a
12 recommendation --

13 MR. CORWIN: Before you make any
14 recommendations, I'd like to make some
15 comments, if I may. First, I want to
16 say that I have heard multiple times
17 oh, the building code of 1971. The
18 building code went into effect in 1949,
19 and it's changed very little since
20 1949. In 1949 that was called
21 two-family, that's what it's called in
22 1971, that's what it's called today.
23 That's the zoning for that property. I
24 also want to point out that the
25 apartment dwellers in that structure

1 park on the grass lawn. Two of the
2 tenants there consistently, every night
3 park on the grass mowing strip. Now,
4 when I say that, what I'm talking about
5 is curb because there's no narrow
6 shoulder there, what they do is they
7 drive up over the curb, and they park
8 half their car on the grass mowing
9 strip, which is an environmental
10 consideration because they're killing
11 the grass, then there is no more room
12 for the water to run off it, it doesn't
13 percolate and run off into the street.

14 I also want to point out two
15 neighbors that have objected to this
16 with a question of quality of life. If
17 the Zoning Board goes ahead and
18 approves this, there's going to be a
19 line out the door of people saying oh,
20 I have a three-family house, I have a
21 four-family house, you've got to give
22 it to me. That's precedent. You gave
23 it to 640 Main Street.

24 CHAIRMAN MOORE: I think I agree
25 with you about the thing you just said,

1 if that referenced granting variances.
2 I think the decision that we have to
3 make about this property and Mr. Prokop
4 has to look at in detail is a broader
5 question of preexisting use, and they
6 would come one by one as we see them.

7 MR. CORWIN: I do not agree with
8 you. I think the applicant came in and
9 they wanted a change of use. This is a
10 change of use, and that's the way it
11 should have been addressed from the
12 beginning.

13 I want to point out that Main
14 Street is already too crowded, there
15 will be cars parked there. I still
16 have more remarks, if you'll let me,
17 please.

18 CHAIRMAN MOORE: Any other
19 comments?

20 MR. CORWIN: I'm still trying to
21 make mine, I'm a little slow. Cut me a
22 little slack. The building inspector
23 when he issued the permit saw it as a
24 two-family house. The applicant didn't
25 come back and say hey, it's a

1 four-family house, he figured hey, I
2 can get away with it, and that's what
3 he did. It was an illegal house and it
4 still is.

5 We still have the sixty-two day
6 problem because our meeting is going to
7 be on the sixty-third day after we
8 close the public hearing, so we really
9 need to make a decision tonight.

10 CHAIRMAN MOORE: Or we can ask for
11 Mr. Liakeas --

12 MS. MOORE: I can give you until
13 the next meeting.

14 CHAIRMAN MOORE: I don't see that
15 as a problem.

16 MR. CORWIN: Let me read my notes
17 and see if I made all the points I
18 wanted to make. That's all the points
19 I want to make right now. I want to
20 say again this should have been brought
21 forward as a change of use, not as a
22 variance. It was brought forward as I
23 can see as a variance, that's what they
24 asked for, variances. I'm sorry.
25 That's it.

1 MR. SALADINO: I'm going to have
2 to agree with David. I mean, Ms. Moore
3 is asking for the pre-CO to be voided.
4 I'm looking at the pre-CO, July 14,
5 1998, and it's clear that it is claimed
6 to be a two-family wood panel dwelling
7 with an M-2 zoning wrap around porch,
8 but the relief you're requesting is the
9 pre-CO must be voided. In the
10 alternative, area variances are
11 requested for the existing as built
12 four units as a multifamily dwelling.
13 I mean, that's kind of like the
14 definition of a use variance, isn't it?
15 I mean, in the R-2 zone to ask for a
16 multifamily dwelling?

17 MS. MOORE: It comes as a
18 permitted use -- you have to give me a
19 hand here, why was it described as an
20 area variance? I think it's because
21 you can have a four-family.

22 MS. WINGATE: Because having a
23 multifamily dwelling is a conditional
24 use, so it --

25 MS. MOORE: It's not a use

1 variance.

2 MS. WINGATE: Yeah, that's the way
3 I was --

4 MR. SALADINO: I'm going to
5 dispute that.

6 MR. CORWIN: I don't think either
7 one of you know what you're talking
8 about. I'm sorry. This is a change of
9 use. It was called out by the building
10 inspector as a two-family house, and to
11 say anything else is nonsense. Please,
12 make a motion, Mr. Chairman, to have
13 the attorney do what he's got to do and
14 include the fact that the applicant
15 said she would wait until the
16 sixty-third day.

17 MR. PROKOP: It should be until
18 the next meeting in case it changes, an
19 adjournment or something of the
20 meeting, please.

21 CHAIRMAN MOORE: So we are
22 adjourning?

23 MR. PROKOP: It's a motion to
24 accept -- it's accepting the -- the
25 motion is to accept the applicant's

1 offer to extend the time to make a
2 decision until the next meeting and to
3 adjourn the consideration of the
4 application until the next meeting of
5 the Zoning Board.

6 CHAIRMAN MOORE: So I would make a
7 motion following what Mr. Prokop just
8 said, and we will adjourn with the
9 agreement of the attorney until our
10 next meet in October or whenever it
11 will be, and so moved?

12 MS. GORDON: Second.

13 CHAIRMAN MOORE: Second has been
14 given. All in favor?

15 MR. CORWIN: Aye.

16 MR. SALADINO: Aye.

17 MS. GORDON: Aye.

18 MS. NEFF: Aye.

19 CHAIRMAN MOORE: Any opposed?
20 That motion carries. We are moving on.

21 Now, we have the next item, we are
22 now back to Mr. Foote on his -- I
23 believe number 2, yes, number 2, and we
24 had closed that hearing. Discussion
25 and possible action on the application

1 of Walter and Diane Foote, 126 Center
2 Street, SCTM# 1001-4-25. The property
3 is located in the R-2 District and is
4 not located in the Historic District.
5 The applicant seeks the variance that
6 we previously identified in the public
7 hearing, so I won't repeat those, and
8 it basically is setbacks for two front
9 yards to allow a reproduction of a
10 porch which was historically present in
11 the early times of the house. Mr.
12 Foote is still here, and is there
13 anything you want to add to what you've
14 already said?

15 MR. FOOTE: No.

16 CHAIRMAN MOORE: We've all been
17 there to see it. There was discussion
18 on the original application whether it
19 was a narrow porch, which you indicate
20 would limit it's use, so you changed
21 your application, and now we're to a
22 one foot setback on the front.

23 MR. FOOTE: Yeah, so I brought up
24 the possibility -- when we met last
25 month at the site I didn't have it

1 staked, and it created some confusion,
2 and in the process of that I discussed
3 the possibility of making the porch six
4 foot in depth, which would have taken
5 it further out, and it was pointed out
6 to me by Mr. Saladino, he made a good
7 point, that the step in that case would
8 have ended up being on Town property,
9 which I couldn't do, and I understood
10 that. So that's why I got back with my
11 architect, and we discussed, and we
12 felt that the 5.2 foot depth was
13 appropriate, it gives a full foot
14 setback which creates enough room for
15 the step. I've looked at other --
16 there's literally a porch right next
17 door to my house on Second Street
18 that's got almost an identical set up.
19 I took a picture on my phone if you
20 want to see it. So bear in mind, it's
21 nearly two feet away from the sidewalk,
22 and I'd just like to further add that
23 the portico on the house, which was
24 there when I bought it came out to
25 right around that depth. I don't know

1 the exact depth, but it was right
2 around that depth, so I don't -- you
3 know.

4 MR. CORWIN: Could you define a
5 portico, please?

6 MR. FOOTE: Yeah, probably not
7 very well, but there is the entry to
8 the front door had a much smaller kind
9 of a one level -- a step and then a
10 platform, a small platform under which
11 there was a little awning roof -- above
12 which was an awning roof, and as
13 opposed to the full width of the front
14 of the house being porch.

15 MR. CORWIN: This is what I would
16 call a stoop.

17 MR. FOOTE: A stoop, yes.

18 CHAIRMAN MOORE: The code
19 references porticos, it has allowances
20 for certain projections, but this is --
21 the proposal is a porch, it's no longer
22 a portico. We're kind of talking what
23 was there once being proposed, and I
24 think it's appropriate that variances
25 would be required for the porch.

1 That's where we are. Is there any
2 discussion from the Board because we
3 basically will proceed if we're willing
4 to run the tests and determine whether
5 we approve the variance request. Would
6 that be considerable?

7 So the first issue is that the
8 Zoning Board of Appeals declares itself
9 lead agency for purposes of SEQRA, and
10 based on the request for area
11 variances, this is by definition a type
12 2 action requiring no further
13 environmental review. I make that
14 motion and ask for a second?

15 MR. SALADINO: Second.

16 CHAIRMAN MOORE: And I'll just ask
17 in order, Mr. Corwin?

18 MR. CORWIN: Yes.

19 CHAIRMAN MOORE: Ms. Gordon?

20 MS. GORDON: Yes.

21 CHAIRMAN MOORE: Ms. Neff?

22 MS. NEFF: Yes.

23 CHAIRMAN MOORE: Mr. Saladino?

24 MR. SALADINO: Yes.

25 MR. CHAIRMAN: I vote yes. We are

1 lead agency, no further environmental
2 review. And then I will go to the
3 questions, there are five. Whether an
4 undesirable change will be produced in
5 the character of the neighborhood or
6 detriment to the nearby properties will
7 be created by the granting of an area
8 variance? Mr. Corwin?

9 MR. CORWIN: No.

10 CHAIRMAN MOORE: Ms. Gordon?

11 MS. GORDON: No.

12 CHAIRMAN MOORE: Ms. Neff?

13 MS. NEFF: No.

14 CHAIRMAN MOORE: Mr. Saladino?

15 MR. SALADINO: No.

16 CHAIRMAN MOORE: I vote no. That
17 passed. Whether the benefit sought by
18 the applicant can be achieved by some
19 method feasible for the applicant's
20 pursuit, other than an area variance?
21 This references the building of a
22 porch. Mr. Corwin?

23 MR. CORWIN: Yes.

24 CHAIRMAN MOORE: Ms. Gordon?

25 MS. GORDON: No.

1 CHAIRMAN MOORE: Ms. Neff?

2 MS. NEFF: No.

3 CHAIRMAN MOORE: Mr. Saladino?

4 MR. SALADINO: I vote no.

5 CHAIRMAN MOORE: I would vote no.

6 That's four to one. It passes. Is the

7 requested area variance substantial?

8 Mr. Corwin?

9 MR. CORWIN: No.

10 CHAIRMAN MOORE: Ms. Gordon?

11 MS. GORDON: No.

12 CHAIRMAN MOORE: Ms. Neff?

13 MS. NEFF: No.

14 CHAIRMAN MOORE: Mr. Saladino?

15 MR. SALADINO: No.

16 CHAIRMAN MOORE: I vote no. That

17 passed. Whether the proposed variance

18 will have an adverse effect or impact

19 on the physical or environmental

20 conditions in the neighborhood or

21 district? Mr. Corwin?

22 MR. CORWIN: No.

23 CHAIRMAN MOORE: Ms. Gordon?

24 MS. GORDON: No.

25 CHAIRMAN MOORE: Ms. Neff?

1 MS. NEFF: No.

2 CHAIRMAN MOORE: Mr. Saladino?

3 MR. SALADINO: No.

4 CHAIRMAN MOORE: I vote no. That
5 passed. And whether the alleged
6 difficulty was self-created? This
7 consideration shall be relevant to the
8 decision of Board of Appeals, but shall
9 not necessarily preclude the granting
10 of the area variance. Mr. Corwin?

11 MR. CORWIN: Yes.

12 CHAIRMAN MOORE: Ms. Gordon?

13 MS. GORDON: No.

14 CHAIRMAN MOORE: Ms. Neff?

15 MS. NEFF: No.

16 CHAIRMAN MOORE: Mr. Saladino?

17 MR. SALADINO: Yes.

18 CHAIRMAN MOORE: I would vote yes
19 to that. So that is two to three. And
20 then lastly is the motion to approve
21 the requested variance as applied for
22 in the most recent set of plans,
23 everybody understands what they are,
24 and I'd ask Mr. Corwin?

25 MR. CORWIN: Are you going to have

1 a second on that?

2 CHAIRMAN MOORE: You're right.
3 This is not a question, this is a
4 motion.

5 MR. CORWIN: I'll second.

6 CHAIRMAN MOORE: Mr. Corwin
7 seconded. And Mr. Corwin?

8 MR. CORWIN: Yes.

9 CHAIRMAN MOORE: Ms. Gordon?

10 MS. GORDON: Yes.

11 CHAIRMAN MOORE: Ms. Neff?

12 MS. NEFF: Yes.

13 CHAIRMAN MOORE: Mr. Saladino?

14 MR. SALADINO: Yes.

15 CHAIRMAN MOORE: I vote yes. So
16 the variance is approved. You're all
17 set.

18 MR. FOOTE: Thank you very much.

19 CHAIRMAN MOORE: I'd just like to
20 point out that I think this is the
21 first vote for anything we've done --
22 (applause). I'd like to compliment you
23 on the documentation you provided, it
24 made it so clear and quite an easy site
25 visit. All right. Thank you very

1 much.

2 Okay. So just to bring you up to
3 date, this is discussion and possible
4 action on the application of the Estate
5 of Elmer Tuthill, 129 Bay Avenue, SCTM
6 1001-5-3-1.4. The property is located
7 in the R-2 District and is located in
8 the Historic District. This is for a
9 pool construction. The one request is
10 that they are asking to build the pool
11 ten feet from the property line where
12 twenty feet is required from all
13 property lines, and it needs a variance
14 of ten feet from the east property
15 line. The technical point of this
16 application is that if it is located
17 within fifty feet of any property line,
18 such pool shall be screened from view
19 of abutting properties, and the plans
20 submitted did not illustrate any
21 screening. And then I believe those
22 were the only two variances that were
23 at issue. I would like to point out
24 that we did close the hearing last
25 month, but we had to adjourn any action

1 on it because there was a question
2 about the appropriate applicant. Mr.
3 Prokop, I believe you've seen a letter
4 from the attorney.

5 MR. PROKOP: Yes. So as I
6 understand it, we questioned the
7 applicant's representative about who
8 was appointed as the fiduciary for the
9 Estate of Mr. Tuthill, and the attorney
10 provided us information that
11 Mr. Tuthill's spouse, widow wants to
12 proceed. Since they were married at
13 the time of his death, and the
14 application was pending, a spouse can
15 -- a surviving spouse can proceed with
16 the application without being appointed
17 as the executrix. So she has indicated
18 that she would like to proceed, so
19 that's fine with me.

20 CHAIRMAN MOORE: Very good.

21 MR. PROKOP: And I recommend the
22 Board proceed with the application.

23 CHAIRMAN MOORE: Thank you. Okay.
24 So just to bring kind of the concept up
25 to date, this is a very interesting

1 property. The Tuthill's actually own
2 the adjoining property against which
3 this variance of ten feet bringing it
4 closer to the side property line would
5 create a problem. There was also an
6 issue about the front side and front
7 yard. I'm not seeing it in the
8 write-up, unless I skimmed over it.
9 Oh, here it is. Concerning swimming
10 pools, the body of water shall not be
11 various things, and it says that the
12 proposed swimming pool is proposed to
13 be in the front and side yards
14 requiring a variance because it can be
15 in the rear lot only. This property is
16 unique because the adjacent property is
17 also owned by the family. The pool is
18 being proposed to be behind the
19 building that screens it from the
20 front, and by all appearances it would
21 be in the backyard, technically it's
22 actually in the front yard and the side
23 yard. And so that was one of the
24 issues. I think everybody at the site
25 when we looked, there's very little

1 visibility of the pool from the street,
2 which is very well screened in itself,
3 and I personally don't have a problem
4 with it. There might be one caveat
5 that we would perhaps put in that
6 should the property adjacent be sold,
7 we would require that at that time
8 screening would be installed by the
9 current owners to avoid that burden
10 being put on the new property owner
11 next door. The family indicates that's
12 very unlikely, but that's something
13 that we would consider. Is there any
14 other discussion from the Board on the
15 merits of this request?

16 MR. SALADINO: No, if we're
17 reasonably certain that Tuthill owns
18 the Mitchell house next door, then I
19 don't --

20 MS. GORDON: I think the condition
21 that you're suggesting is appropriate
22 because lots of things change when
23 someone dies, maybe not right away
24 but --

25 MR. SALADINO: You're right. I

1 agree. I mean, to put a condition on
2 the variance that if and when that
3 house is ever sold, that the Tuthill's
4 or whoever owns the Tuthill's house at
5 that time will put up some kind of
6 screen. That's not unreasonable.

7 CHAIRMAN MOORE: Would the Board
8 be fine with doing a vote?

9 MR. CORWIN: Yes.

10 CHAIRMAN MOORE: So then we will
11 proceed. The first is that we declare
12 ourselves lead agency, Zoning Board of
13 Appeals purposes of SEQRA and that this
14 is an area variance for a residential
15 property, it's a type two action
16 requiring no further environmental
17 review. I make that motion and ask for
18 a second.

19 MR. SALADINO: Second.

20 MS. NEFF: Second.

21 CHAIRMAN MOORE: Mr. Corwin -- do
22 you want to just do a voice vote on
23 this?

24 MR. CORWIN: That's fine.

25 CHAIRMAN MOORE: All in favor?

1 MR. CORWIN: Aye.

2 MR. SALADINO: Aye.

3 MS. NEFF: Aye.

4 MS. GORDON: Aye.

5 MR. PROKOP: Motion is approved to
6 accept the conditions.

7 MR. SALADINO: SEQRA.

8 MR. PROKOP: I'm sorry, I
9 apologize.

10 CHAIRMAN MOORE: And now I'll ask
11 the questions. First, that an
12 undesirable change will be produced in
13 the character of the neighborhood or
14 detriment to the nearby properties will
15 be created by the granting of the area
16 variance. Mr. Corwin?

17 MR. CORWIN: No.

18 CHAIRMAN MOORE: Ms. Gordon?

19 MS. GORDON: No.

20 CHAIRMAN MOORE: Ms. Neff?

21 MS. NEFF: No.

22 CHAIRMAN MOORE: Mr. Saladino?

23 MR. SALADINO: No.

24 CHAIRMAN MOORE: I vote no.

25 Whether the benefit sought by the

1 applicant can be achieved by some
2 measure feasible to the applicant to
3 pursue, other than an area variance,
4 this is multiple variances. Mr.
5 Corwin?

6 MR. CORWIN: Yes.

7 CHAIRMAN MOORE: Ms. Gordon?

8 MS. GORDON: Yes.

9 CHAIRMAN MOORE: Ms. Neff?

10 MS. NEFF: Yes.

11 CHAIRMAN MOORE: Mr. Saladino?

12 MR. SALADINO: I'm going to vote
13 yes.

14 CHAIRMAN MOORE: I would vote no.
15 Whether the requested area variance is
16 substantial? Mr. Corwin?

17 MR. CORWIN: No.

18 CHAIRMAN MOORE: Ms. Gordon?

19 MS. GORDON: No.

20 CHAIRMAN MOORE: Ms. Neff?

21 MS. NEFF: No.

22 CHAIRMAN MOORE: Mr. Saladino?

23 MR. SALADINO: No.

24 CHAIRMAN MOORE: I vote no.

25 Whether the proposed variance will have

1 an adverse effect or impact on the
2 physical or environmental conditions in
3 the neighborhood or district? Mr.
4 Corwin?

5 MR. CORWIN: No.

6 CHAIRMAN MOORE: Ms. Gordon?

7 MS. GORDON: No.

8 CHAIRMAN MOORE: Ms. Neff?

9 MS. NEFF: No.

10 CHAIRMAN MOORE: Mr. Saladino?

11 MR. SALADINO: No.

12 CHAIRMAN MOORE: I vote no.

13 Whether the alleged difficulty was
14 self-created, and the consideration
15 shall be relevant to the decision of
16 the Board of Appeals but shall not
17 necessarily preclude the granting of an
18 area variance. Mr. Corwin?

19 MR. CORWIN: Yes.

20 CHAIRMAN MOORE: Ms. Gordon?

21 MS. GORDON: Yes.

22 CHAIRMAN MOORE: Ms. Neff?

23 MS. NEFF: Yes.

24 CHAIRMAN MOORE: Mr. Saladino?

25 MR. SALADINO: Yes.

1 CHAIRMAN MOORE: I will vote yes.
2 And then finally I would make a motion
3 that we approve the variances for the
4 side yard setback and for the
5 screening, and also for the position of
6 the pool in the side yard and partly in
7 the front yard with the condition that
8 the owner at their expense would be
9 responsible to screen the side yard
10 area if the adjacent property was sold
11 to a new owner. And I would make that
12 motion and ask for a second.

13 MR. SALADINO: Before -- I just
14 have one note here about the pool
15 drain, that it has to go to the
16 cesspool.

17 CHAIRMAN MOORE: Oh, yes, and that
18 the pool outflow on the backwash be
19 directed to the Greenport sewer system.
20 So those two conditions. And with
21 that, I make that motion and ask for a
22 second.

23 MS. NEFF: Second.

24 CHAIRMAN MOORE: Mr. Corwin?

25 MR. CORWIN: Yes.

1 CHAIRMAN MOORE: Ms. Gordon?

2 MS. GORDON: Yes.

3 CHAIRMAN MOORE: Ms. Neff?

4 MS. NEFF: Yes.

5 CHAIRMAN MOORE: Mr. Saladino?

6 MR. SALADINO: Yes.

7 CHAIRMAN MOORE: I vote yes, so
8 the motion carries. The variance is
9 approved.

10 We are moving right along. We are
11 at number 4, this is discussion and
12 possible action on the application for
13 Bryan Nicholson, a lot east of 217
14 Monsell Place, SCTM# 1001-2-2-29. Just
15 to summarize, this is for an area
16 variance to move the house eastward
17 reducing the side yard setback from the
18 required ten feet to five feet, so it's
19 just asking for a variance of five
20 feet. We've had a lot of discussion
21 about this. It's beneficial to him,
22 and the neighbor has also asserted that
23 it is beneficial to him as well.

24 MR. SALADINO: I'm not willing to
25 concede that it's beneficial to him.

1 CHAIRMAN MOORE: I'm just saying
2 that was his expression. So we are in
3 position of looking at the code
4 requirements. The person filing the
5 appeal is still here, I might want to
6 ask you a few question requests. One
7 of the basis that the neighbor to your
8 west indicated, he referenced his
9 daughter's bedroom window, and I've
10 looked over the plans, we're not here
11 to judge the value of the design of the
12 house, that's not our purview, but I do
13 notice and he commented about the
14 exposure of the house to his daughter's
15 upstairs bedroom. The house as
16 currently configured has most of its
17 windows on the side facing the
18 neighbor's house. Mr. Saladino
19 commented on the position of the porch
20 being opposite to the driveway. This
21 is a design, I know you're building
22 another house identical to it, I assume
23 the door on that house is on the left.
24 One of the considerations is is it
25 possible to flip the house in its

1 interior design so that the occupied
2 rooms are to the east and not facing to
3 the west.

4 MR. NICHOLSON: Yes, that's
5 possible.

6 CHAIRMAN MOORE: I'm just
7 wondering if that alleviates some of
8 the impact on the neighbors. So many
9 houses in Greenport that are on narrow
10 lots are positioned either to the left
11 or right which provides driveway access
12 either for car or carriage, usually
13 there was a barn, so that it's not
14 unusual that houses are displaced on
15 lots. The problem here, of course, is
16 it is a new house on an empty lot, so
17 we are dealing with a variance instead
18 of looking at existing conditions. One
19 of my suggestions is that, you know, we
20 would feel better, it might effect the
21 voting if you were able to flip the
22 house to provide a better privacy for
23 the house to the west. Do the members
24 feel that that's a reasonable
25 expectation?

1 MR. SALADINO: I'm not sure what
2 you're suggesting. I mean, I
3 understand what you're suggesting, I'm
4 not sure how that relates to Bryan --
5 Mr. Nicholson asking for a variance.
6 I'm opposed to a variance, I'm not
7 opposed to the project. I'm kind of
8 loving this house. I'm just -- and I
9 have no problem with it being on a
10 small lot, and I really don't care
11 about the inside, that's between you
12 and the Planning Board. With us, it's
13 strictly a land issue, but I am opposed
14 -- I'm a firm believer in what our
15 mandate is, our mandate is limited
16 tailored relief, and this applicant
17 doesn't need relief to build this
18 house. So -- and also, again, you
19 know, I sympathize with the neighbor's
20 concern, but having lived that way
21 myself for the last twenty years, and
22 the fact that I know twenty-five other
23 people that are in similar situations
24 without a hardship, I just don't see
25 the need for a variance. I personally

1 don't believe the Zoning Board of
2 Appeals should give a variance when
3 none is needed. Again, I'm not opposed
4 to this project, I like this house, and
5 but I think you could give your
6 neighbor a little relief if you, you
7 know, compromise with this board or
8 compromise with your neighbor to just
9 move the driveway to the other side of
10 the house, and then he has ten feet of
11 no activity between his daughter's
12 bedroom window and the side of your
13 house. Right now he has a car parked
14 three or four feet from his daughter's
15 bedroom. To suggest that -- and the
16 fact that we are encroaching on the --
17 we haven't heard from the hospital, but
18 we are encroaching on their property.
19 To say it would be more aesthetic this
20 way, you know, I think you and I --
21 well, that's a matter -- I'm not sure,
22 we can debate. I don't know if that's
23 a fact or not.

24 MR. NICHOLSON: I just want to be
25 clear about one thing, the word

1 encroachment, we're not necessarily
2 encroaching on the hospital's property
3 per se, are we?

4 MR. SALADINO: No, but the
5 hospital, if and when it came a time
6 that in the future they decided to
7 build, now instead of having twenty
8 feet between their daughter's window,
9 they have fifteen now. You know,
10 you're entitled to this house. You're
11 entitled to this house. In my mind,
12 you're not entitled to that five feet.
13 To me, a variance is a need, this is
14 more of a desire so --

15 MS. GORDON: I think that it
16 depends on how you define need, and you
17 can define it in a fairly narrow way,
18 or you can define it in a broader way.
19 It seems to me that you're defining
20 need in terms of a larger community
21 interest, and that's perfectly
22 appropriate, and although I understand
23 the interest in not -- in trying to
24 reduce nonconforming uses, but we have
25 an existing small lot which is -- for

1 which there is a provision in the code,
2 Section 150-13E, and that this project
3 with the distance requested from the
4 neighbor fits the look of that section
5 of the street as well as the interests
6 of the neighbor, so I would say that
7 your need for -- I would define your
8 need for variance in a somewhat broader
9 way and say it is appropriate.

10 MS. NEFF: Mr. Chairman, may I
11 also comment? Often we're dealing with
12 people's pressure about what they want
13 to do for additions. That happens a
14 lot, whether they get along with eight
15 feet or now they wanted -- they need a
16 variance because they want it to be
17 twelve feet. Seldom are we faced with
18 a new house on a lot, and I understand
19 everything that John had to say, but I
20 think their preference and the amount
21 of variance requested are reasonable
22 and appropriate to the neighborhood and
23 the lot.

24 CHAIRMAN MOORE: And I --
25 Mr. Nicholson is taking somewhat of a

1 risk and expense because he's applying
2 for a variance. It's not really a big
3 risk because if you don't get it, he'll
4 just build the house right in the
5 middle of the lot, and the neighbor may
6 be less happy with that. I kind of
7 looked at the overall benefit and
8 detriment that are part of our
9 questions, and that's really what I'm
10 suggesting. The Board has their own
11 feelings, and if you're satisfied that
12 you have enough information, we can
13 proceed with a vote and see how it
14 goes. Is that agreeable to everyone?

15 MR. SALADINO: Sure.

16 MS. NEFF: Yes.

17 MR. SALADINO: David?

18 MR. CORWIN: Yes.

19 CHAIRMAN MOORE: So we will once
20 again, the ZBA declares itself lead
21 agency for purposes of SEQRA, and this
22 is a type 2 action based on area
23 variance requiring no further
24 environmental review, and I make that
25 motion, and ask for a second?

1 MS. GORDON: Second.

2 CHAIRMAN MOORE: Mr. Corwin? Why
3 don't we just do a voice vote. All in
4 favor?

5 MR. CORWIN: Aye.

6 MR. SALADINO: Aye.

7 MS. GORDON: Aye.

8 MS. NEFF: Aye.

9 CHAIRMAN MOORE: Any opposed?
10 Motion carried and passed. Whether an
11 undesirable change will be produced in
12 the character of the neighborhood or a
13 detriment to nearby properties will be
14 created by the granting of an area
15 variance? Mr. Corwin?

16 MR. CORWIN: No.

17 CHAIRMAN MOORE: Ms. Gordon?

18 MS. GORDON: No.

19 CHAIRMAN MOORE: Ms. Neff?

20 MS. NEFF: No.

21 CHAIRMAN MOORE: Mr. Saladino?

22 MR. SALADINO: I'm going to say
23 yes.

24 CHAIRMAN MOORE: I would say no.
25 That part passes. Whether the benefit

1 sought by the applicant can be achieved
2 by some method feasible to the
3 applicant's pursuit, other than an area
4 variance? Mr. Corwin?

5 MR. CORWIN: Yes.

6 CHAIRMAN MOORE: Ms. Gordon?

7 MS. GORDON: Yes.

8 CHAIRMAN MOORE: Ms. Neff?

9 MS. NEFF: Yes.

10 CHAIRMAN MOORE: Mr. Saladino?

11 MR. SALADINO: Yes.

12 CHAIRMAN MOORE: I vote yes. I
13 probably could have put in a voice
14 vote. Whether requested area variance
15 is substantial? Mr. Corwin?

16 MR. CORWIN: Yes.

17 CHAIRMAN MOORE: Ms. Gordon?

18 MS. GORDON: No.

19 CHAIRMAN MOORE: Ms. Neff?

20 MS. NEFF: No.

21 CHAIRMAN MOORE: Mr. Saladino?

22 MR. SALADINO: Yes.

23 CHAIRMAN MOORE: I vote no. That
24 passes. Whether the proposed variance
25 will have an adverse effect or impact

1 on the physical or environmental
2 conditions in the neighborhood or
3 district? Mr. Corwin?

4 MR. CORWIN: No.

5 CHAIRMAN MOORE: Ms. Gordon?

6 MS. GORDON: No.

7 CHAIRMAN MOORE: Ms. Neff?

8 MS. NEFF: No.

9 CHAIRMAN MOORE: Mr. Saladino?

10 MR. SALADINO: No.

11 CHAIRMAN MOORE: I vote no. That
12 passes. Whether the alleged difficulty
13 was self-created? This consideration
14 shall be relevant to the decision of
15 the Board of Appeals, but shall not
16 necessarily preclude the granting of an
17 area variance. Whether it was self
18 created, Mr. Corwin?

19 MR. CORWIN: Before I answer that
20 question, I'd just like to note and
21 probably ask the attorney, these votes
22 aren't really a question -- these
23 questions aren't really pass or fail,
24 these questions are just to show that
25 you're thinking about what's going on?

1 MR. PROKOP: Right. These are
2 really required considerations, they're
3 not pass or fail tests. It's kind of a
4 scoring system, it's just to show that
5 you considered these points of the
6 application.

7 CHAIRMAN MOORE: Just for
8 comparison, in a use variance the
9 questions must all meet the
10 requirements?

11 MR. PROKOP: Yes.

12 CHAIRMAN MOORE: It's different
13 for a use variance, they would apply.
14 Whether the alleged difficulty was
15 self-created, Mr. Corwin?

16 MR. CORWIN: Yes.

17 CHAIRMAN MOORE: Should I just do
18 a voice vote on this?

19 MS. GORDON: Yes.

20 MS. NEFF: Yes.

21 MR. SALADINO: Yes.

22 CHAIRMAN MOORE: Any opposed? No.
23 That's yes. And lastly, I assume we're
24 not -- if we should pass the motion
25 applying any additional conditions,

1 other than granting the variance? So
2 then I would make a motion that we
3 approve the variance for a five foot
4 side yard variance reducing the
5 currently required ten. So moved. And
6 a second?

7 MR. SALADINO: Second.

8 CHAIRMAN MOORE: Mr. Corwin?

9 MR. CORWIN: No.

10 CHAIRMAN MOORE: Ms. Gordon?

11 MS. GORDON: Yes.

12 CHAIRMAN MOORE: Ms. Neff?

13 MS. NEFF: Yes.

14 CHAIRMAN MOORE: Mr. Saladino?

15 MR. SALADINO: No.

16 CHAIRMAN MOORE: I would vote yes.
17 So the motion carries, and the variance
18 is approved.

19 So because we have already
20 adjourned the hearings for another
21 month, item number 5 and item number 6
22 will not be addressed tonight. And we
23 item number 7 I will just read, a
24 motion to table discussion and possible
25 action on the application of SAKD

1 Holdings, Daniel Pennessi, President,
2 pending completion of the forty-five
3 day comment period for a renewed
4 coordinated SEQRA review. The property
5 is located on the southeast corner of
6 Front Street and Third Street,
7 Greenport, New York, SCTM# 1001-5-4-5.
8 The property is located in the
9 Waterfront Commercial District, the
10 property is not located in the Historic
11 District. The applicant is proposing
12 to construct, as everyone knows, a
13 three-story mixed use building with a
14 hotel, restaurant, and retail space.
15 Based on our discussions, we need to
16 table this discussion, and I would make
17 that motion, and ask for a second?

18 MS. GORDON: Second.

19 CHAIRMAN MOORE: Oh, we did this.
20 My apologies. To allow Mr. Pennessi to
21 drive back to New York. We also did
22 number 8.

23 So here's one I need to read and
24 it's just a motion to adjourn further
25 action until further notice as

1 requested by the
2 representative/attorney, Patricia C.
3 Moore, Esq. in a letter dated September
4 7, 2016. The applicants are Milillo
5 Main Street, LLC, 912 Main Street in
6 Greenport, a/k/a Morning Glory Bed &
7 Breakfast, SCTM# 1001-2-2-1. The
8 property is located within the R-1
9 District and also within the Historic
10 Preservation District. The applicant
11 seeks --

12 MR. SALADINO: Before you go
13 further, I have a question of how this
14 got on the agenda? This application
15 was rejected last month.

16 CHAIRMAN MOORE: That's correct,
17 and it may have come back. It's a good
18 technical point, it's just that they
19 have notified us that they are not
20 reapplying until further notice, and we
21 would acknowledge that.

22 MS. MOORE: I wasn't aware it was
23 rejected. I think it was --

24 MR. SALADINO: It was rejected.

25 CHAIRMAN MOORE: The application

1 was not accepted.

2 MS. MOORE: Not accepted, not
3 rejected.

4 CHAIRMAN MOORE: Pending further
5 --

6 MS. MOORE: Exactly. I think
7 that's different that rejected.

8 CHAIRMAN MOORE: True. It just
9 wasn't accepted. This is just to
10 inform us --

11 MR. SALADINO: Have you applied?
12 Have you reapplied with a corrected
13 application?

14 CHAIRMAN MOORE: No.

15 MS. MOORE: We haven't done
16 anything.

17 CHAIRMAN MOORE: Let me just say
18 number 9 is acknowledging receipt of a
19 letter requesting that no application
20 is pending until further notice. I
21 think that informs everybody.

22 The next one here, this may take a
23 while to read, is a motion to accept an
24 application for area variances, public
25 notice and schedule a public hearing

1 for Eric Urban for the property located
2 at 440 First Street, Greenport, New
3 York, SCTM# 1001-4-7-1. The applicant
4 seeks to subdivide an existing lot with
5 an existing nonconforming house and a
6 nonconforming two story barn. The
7 property is located in the R-2 District
8 and is in the Historic District. I'd
9 just like to break here for a moment
10 and indicate something. I won't be
11 voting on this application, so maybe I
12 can feel free to speak. There's a
13 considerable amount of money involved
14 in this application because of the
15 number of variances, and you are aware
16 that once the application is accepted
17 that those funds are not refundable for
18 area variances. They are for
19 interpretations but not for area
20 variances, so I'm just asking you since
21 this is an aggressive complicated
22 application, do you still wish to
23 proceed?

24 MR. URBAN: Yes.

25 MS. MOORE: He has to get an

1 answer.

2 CHAIRMAN MOORE: I just wanted to
3 ask the question. This subdivision
4 will create two substandard lots: One
5 with the existing dwelling and one with
6 an existing barn, requiring area
7 variances as follows: Lot# 1, existing
8 house: The proposed site plan does not
9 indicate the two parking spaces
10 required by Section 150-12A of the
11 Village of Greenport code, which
12 requires a minimum of two off street
13 parking spaces. The rear yard has an
14 insufficient rear yard setback due to
15 the creation of parcel two.

16 Existing barn: The proposed
17 subdivision creates Lot# 2, which has a
18 lot size of 2,222 square feet where
19 section 150-12A of the Village of
20 Greenport code requires a minimum lot
21 size of 7,500 square feet requiring a
22 minimum lot size variance of 5,278
23 square feet or 70.4%. The proposed lot
24 depth is 50 feet where Section 150-12A
25 of the Greenport Village Code requires

1 a minimum lot depth of 100 feet
2 requiring a minimum lot depth variance
3 of 50 feet. The proposed lot width is
4 38 feet where Section 150-12A of the
5 Greenport Village code requires a
6 minimum lot width of 60 feet requiring
7 a minimum lot width variance of 22
8 feet. The proposed front yard setback
9 is 25.7 feet where 150-12A of the
10 Greenport Village code requires a
11 minimum front yard of 30 feet requiring
12 a minimum front yard variance of 4.3
13 feet. The existing barn is 2.1 feet
14 from the south property line where
15 section 150-12A of the Greenport
16 Village code requires a minimum 30 foot
17 rear yard setback requiring a 27.9 foot
18 rear yard setback variance. The
19 existing barn is 2.6 feet from the east
20 property line where section 150-12A of
21 the Greenport Village code requires a
22 minimum 10 feet side yard setback
23 requiring a 7.4 foot side yard setback
24 variance. The proposed combined side
25 yard setback is 12.8 feet where Section

1 150-12A of the Greenport Village code
2 requires a minimum 25 foot combined
3 side yard setback requiring a combined
4 side yard setback variance of 12.2
5 feet.

6 That is the proposed appeal, and I
7 have the documentation, which I have to
8 find here. The question tonight is
9 whether the information is sufficient
10 and complete to accept this application
11 for consideration. Are there any
12 questions from the Board as to whether
13 the proper information has been
14 supplied? I had the application, but
15 I'm not seeing it here. Oh, here it
16 is.

17 MR. PROKOP: I have a question
18 whenever you're ready.

19 CHAIRMAN MOORE: Yes.

20 MR. PROKOP: So this application
21 has the situation that I mentioned
22 before where there's an accessory
23 building -- accessory structure which
24 is accessory to a principal building,
25 and it's going to end up on another

1 lot. The applicant and -- the
2 applicant's attorney and I discussed
3 this previously, she mentioned that
4 that won't be a problem. The plan is
5 for the accessory structure, which is
6 the barn, to be used as a principal
7 structure on the new lot. But in
8 thinking about that, I think that
9 creates a problem. I'd like to just
10 mention to the building inspector that
11 she might review that because right now
12 the accessory structure barn is
13 nonconforming with setbacks that are
14 nonconforming with an accessory
15 structure, but if converted to a
16 principal structure, those setbacks
17 will no longer be grandfathered because
18 a principal structure has larger
19 setbacks that are required. Unless you
20 disagree with me, I just wanted to
21 mention that.

22 MS. WINGATE: That's fine. But
23 all of the calculations that are listed
24 are based on if the building were to be
25 in the right place. So the assumption

1 I make -- all these numbers are based
2 on a principal building anyway.

3 MR. PROKOP: For the barn?

4 MS. WINGATE: For the barn.

5 CHAIRMAN MOORE: In other words,
6 on the subdivision, if approved --

7 MS. WINGATE: I'm not basing them
8 on an accessory building, I'm basing
9 them on where the principal building
10 should be.

11 CHAIRMAN MOORE: Right. Another
12 issue too, which I don't know if it's
13 mentioned in the application, that it
14 will require a right of way. I don't
15 think the subdivision includes its own
16 driveway.

17 MS. MOORE: We have -- yes, the
18 way its been designed is with a right
19 of way, but it could be fee titled.

20 MS. NEFF: It could be what?

21 MS. MOORE: Oh, I'm sorry, it can
22 be ownership of the right of way. The
23 setback of the principal structure is
24 the same of the large house, it's the
25 same whether it's a right of way or

1 ownership. So that lot could be
2 designed either way. It's really a
3 matter of preference.

4 CHAIRMAN MOORE: You'd be adding a
5 driveway -- you would be adding a
6 driveway to lot number 2?

7 MS. MOORE: I don't know, which is
8 the big house.

9 CHAIRMAN MOORE: No, the little
10 house.

11 MS. MOORE: The little house is --
12 that 50 feet is the access for direct
13 access.

14 CHAIRMAN MOORE: But it's not part
15 of the parcel?

16 MS. MOORE: No, not at this point.
17 It could be, it's a matter of design.

18 CHAIRMAN MOORE: You could design
19 lot 2 to contain its on driveway, and
20 then you would have to also show
21 somehow parking, appropriate parking.

22 MS. MOORE: Because the larger
23 parcel is so large, there's alternative
24 either different access points. We
25 have this one being a common access

1 point, but it could certainly -- you
2 could have an access from a different
3 street for the main house from, you
4 know, a different driveway. So we have
5 both options.

6 CHAIRMAN MOORE: I think it would
7 be helpful if you decide, you know, I
8 don't know if you're requesting a
9 variance for no parking for the
10 existing --

11 MS. MOORE: No, no.

12 CHAIRMAN MOORE: So it might be
13 helpful if you depicted where the
14 parking is to be for both of these
15 parcel and --

16 MR. SALADINO: And the driveway
17 and the design.

18 CHAIRMAN MOORE: It just seems
19 like there's not enough information to
20 show that you can meet the requirement
21 for parking because you haven't
22 depicted it, and I'm sure you could
23 work it out, but it's not here.

24 MS. MOORE: Here's the -- we come
25 to you with this plan, but we had gone

1 to the Planning Board with a much more
2 even split of the two properties, and
3 because of the historic nature and the
4 preservation of the larger house and
5 the preservation of the carriage house,
6 we've worked this design, but we can
7 certainly -- there's no -- we can
8 provide parking here. Certainly the
9 larger property has parking anywhere
10 around the entire property. The second
11 parcel, parcel two could be parking
12 either within if we owned the 50 feet,
13 it can be right there as part of parcel
14 two, or it be run up and then parked on
15 parcel two. Either way, it would work.

16 CHAIRMAN MOORE: I don't want to
17 suggest what you should do because we
18 really don't try and negotiate to
19 reduce -- stipulate conditions, it's
20 usually to reduce the impact of the
21 variance so that I would prefer if you
22 could submit an application that shows
23 what you really are going to do. That
24 would have bearing on the application
25 overall as far as its acceptability. I

1 don't know if the Board is going to
2 accept what's presented with the
3 problems with parking that aren't
4 solutions here, you might have to ask
5 for variances for parking.

6 MR. CORWIN: I'd like to make some
7 comments.

8 CHAIRMAN MOORE: Mr. Corwin would
9 like to comment.

10 MR. CORWIN: I have no problem
11 with accepting this application maybe
12 in October, but to accept it tonight,
13 we still have -- this is a very
14 difficult application. The Planning
15 Board has not looked upon this
16 favorably. It takes Historic review,
17 it's Historic Zone. I don't want to
18 accept this tonight, and I would vote
19 no to accept it tonight because we have
20 these other difficult applications in
21 front of us, that is two Fifth Avenue
22 applications and the SAKD application,
23 so I would just assume this put away
24 for the time being.

25 CHAIRMAN MOORE: What I could do

1 is we can technically reject this and
2 request you to resubmit with all of the
3 required considerations for parking and
4 access.

5 MR. SALADINO: My contention is
6 this is incomplete.

7 CHAIRMAN MOORE: To me, if it
8 doesn't have parking depicted, and it
9 needs a variance, and you either have
10 to apply for a variance or --

11 MS. MOORE: No, I think it
12 eliminates --

13 CHAIRMAN MOORE: -- or revise the
14 application. So I don't know if you
15 wish to just withdraw it directly or we
16 should go through the formal --

17 MS. MOORE: Or I can go back to
18 the surveyor and ask the surveyor,
19 please, put the parking spaces on the
20 map.

21 CHAIRMAN MOORE: Then we will
22 technically have a motion to not accept
23 the application this evening, and that
24 will take care of that.

25 MS. MOORE: Okay.

1 CHAIRMAN MOORE: I would just say
2 based on the deficiencies in the
3 application that we pointed out, I
4 would make a motion that we do not
5 accept the application this evening.

6 MR. CORWIN: Second.

7 CHAIRMAN MOORE: All in favor?

8 MR. CORWIN: Aye.

9 MR. SALADINO: Aye.

10 MS. GORDON: Aye.

11 MS. NEFF: Aye.

12 CHAIRMAN MOORE: Motion carried.

13 MS. MOORE: Is there anything else
14 you would like to see, other than the
15 parking?

16 MR. SALADINO: A complete
17 application.

18 MS. WINGATE: It's only the larger
19 lot that doesn't have parking. The
20 smaller lot code allows you to park in
21 your driveway.

22 MR. SALADINO: But they said they
23 don't own that. Didn't you say you
24 don't know if this would be part of the
25 second --

1 MS. WINGATE: Within the 50 feet,
2 there is parking for two cars. It's
3 the larger lot that they haven't
4 delineated the parking spaces, and I
5 agree with you, that's why this
6 disapproval is written the way it is,
7 and I don't have to ask -- i just want
8 you, John, to -- I don't have to ask
9 for additional fees because I covered
10 it in the notice of disapproval.

11 MS. MOORE: We might be entitled
12 to money back. How is that?

13 MR. SALADINO: We don't get the
14 money.

15 MS. MOORE: Well, if you don't
16 have a variance to review, we get money
17 back.

18 CHAIRMAN MOORE: It's not accepted
19 yet, so you can reapply or you can
20 withdraw, you can do whatever you want.
21 It can be refunded at this point.

22 Number 11, motion accept the ZBA
23 minutes for the meeting held on August
24 16, 2016 with the notation that the
25 date of this meeting was incorrectly

1 stated as September 30th. So moved.

2 Second?

3 MR. SALADINO: Second.

4 CHAIRMAN MOORE: All in favor?

5 MR. CORWIN: Aye.

6 MR. SALADINO: Aye.

7 MS. GORDON: Aye.

8 MS. NEFF: Aye.

9 CHAIRMAN MOORE: And a motion to
10 approve the ZBA minutes of the meeting
11 held on July 19, 2016. So moved.

12 Second?

13 MR. SALADINO: Second.

14 CHAIRMAN MOORE: All in favor?

15 MR. SALADINO: Aye.

16 MS. GORDON: Aye.

17 MS. NEFF: Aye.

18 CHAIRMAN MOORE: Any opposed?

19 MR. CORWIN: I abstain.

20 CHAIRMAN MOORE: We need to
21 schedule a site visit for item number 8
22 and number 10 is not on the docket so
23 --

24 MS. WINGATE: 10 is out.

25 CHAIRMAN MOORE: 5:30 is

1 scheduled, and I'd say we do that.
2 Item number 8, the Caouette property on
3 447 Sixth Street. So we have that at
4 5:30, and number 10 is no.

5 And a motion for us to schedule
6 the next ZBA meeting for October 18,
7 2016 at 6:00 p.m. here in the
8 firehouse. As far as I know, that's
9 not an official holiday, but I have not
10 -- is that agreeable to everybody?

11 MR. SALADINO: Yes.

12 CHAIRMAN MOORE: So we will meet
13 then. I don't know if we need to do a
14 motion?

15 A motion to appoint an acting
16 chairperson for the October 18, 2016
17 ZBA meeting.

18 MS. WINGATE: We won't have to do
19 that.

20 CHAIRMAN MOORE: Barring the
21 appointment of a new chairperson. Do
22 we want to do that anyway pending the
23 Board not being able to --

24 MR. CORWIN: Let's do it anyway.
25 I make a motion to appoint John

1 Saladino as the acting chairman or the
2 Board appointed chairman for the
3 October meeting.

4 CHAIRMAN MOORE: I'll second that
5 motion. All in favor?

6 MR. CORWIN: Aye.

7 MR. SALADINO: Aye.

8 MS. GORDON: Aye.

9 MS. NEFF: Aye.

10 CHAIRMAN MOORE: Good luck, John.
11 And then finally, a motion to adjourn.

12 MS. NEFF: Before we do that,
13 Mr. Chairman, since this is the
14 retiring meeting of our chairman of
15 many, many, many years I would just
16 like to express my gratitude to your
17 work and my pleasure being serving on
18 this Board.

19 MR. SALADINO: I second that.

20 MS. GORDON: We're all in favor.

21 CHAIRMAN MOORE: I've enjoyed
22 being on the Board.

23 MR. PROKOP: I'd like to also
24 thank -- I'm sorry that we missed her
25 while she was here, but I'd like to

1 thank Mrs. Moore for letting you come
2 and play with us all these years.

3 CHAIRMAN MOORE: She appreciated
4 my absence.

5 MR. PROKOP: Thank you for your
6 you guidance and support.

7 MS. WINGATE: Also I would also
8 like you thank you, Doug, for all your
9 time and patience and guidance. It's
10 been a pleasure to work with you.

11 CHAIRMAN MOORE: I'll still stop
12 by.

13 MS. WINGATE: Yeah, that's what
14 they all say.

15 CHAIRMAN MOORE: So a motion to
16 adjourn?

17 MR. CORWIN: Second.

18 CHAIRMAN MOORE: All in favor?

19 MR. CORWIN: Aye.

20 MR. SALADINO: Aye.

21 MS. GORDON: Aye.

22 MS. NEFF: Aye.

23 (Whereupon the meeting was
24 adjourned at 10:12 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 September 20, 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 4th day of October, 2016.

Amy Bohleber

Amy Bohleber