

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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22  
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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 shoeorning 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*

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Amy Bohleber