

2 VILLAGE OF GREENPORT  
3 COUNTY OF SUFFOLK STATE OF NEW YORK  
4 -----x

5 ZONING BOARD OF APPEALS  
6 -----

7 Third Street Firehouse  
8 Greenport, New York  
9

10 August 16, 2016  
11 6:15 p.m.  
12

13 B E F O R E:

14 DOUGLAS MOORE - CHAIRMAN

15 DINI GORDON - MEMBER

16 JOHN SALADINO - MEMBER

17 DAVID CORWIN - MEMBER

18 ELLEN NEFF - MEMBER

19 PAUL PALLAS - VILLAGE ADMINISTRATOR

20 JOE PROKOP - VILLAGE ATTORNEY

21 EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

22

23

24

25

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2 CHAIRMAN MOORE: This is the  
3 regular meeting of the Greenport Zoning  
4 Board of Appeals, August 16, 2016.

5 It's just about 6:15.

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

12 Just to remind everybody, this is  
13 a process, so we're going to do it a  
14 step at a time. But in efforts to  
15 getting something accomplished, and we  
16 have a few returning applications  
17 besides a large number of new ones,  
18 we're going to have to limit the amount  
19 of testimony time tonight. That's not  
20 to say that testimonies will not be  
21 heard fully for everyone that wants to  
22 speak. I'm going to recommend that we  
23 spend an hour for the hearings tonight,  
24 which means that a number of hearings  
25 that are more complicated will be

2 carried over and kept open. They will  
3 be available for written comments and  
4 additional verbal comments.

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

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

22 There's another issue. We have a  
23 representative to Elmer Tuthill that's  
24 on a short timespan. She explained  
25 that she needs to leave by 7:00 p.m.

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5

MS. GIGLIO: 6:30 for a 7:00 p.m.

meeting in Riverhead.

CHAIRMAN MOORE: The first hearing

which is a continuation, Mr. Liakias

was not here but now is, but with your

permission --

DR. LIAKEAS: It's okay. We can

wait.

CHAIRMAN MOORE: -- take Item

Number 3 first, and I will read that.

This is a public hearing regarding

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

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

Section 150-7C 3A Permitted

Accessory Uses requires the edge of the

pool shall be kept a distance of not

less than 20 feet from all property

2 lines in the R-2 District.

3 The proposed swimming pool setback  
4 is 10 feet on the east property line,  
5 requiring an area variance of 10 feet.6 Section 150-7C 3B, if located  
7 within 50 feet of any property line,  
8 such pool shall be screened from the  
9 view of abutting properties.10 The plans submitted have not  
11 illustrated any screening from the view  
12 of the abutting properties.

13 Section 150-2 Definitions:

14 Swimming Pool, such body of water shall  
15 not be operated for gain and shall be  
16 located on a rear lot only as an  
17 accessory use to the dwellings thereon.18 The proposed swimming pool is  
19 proposed to be in the front and side  
20 yards requiring a variance.21 We did have a site visit this  
22 afternoon at 5:45 p.m.23 There will be some explanations of  
24 some details of the variances. I have  
25 the official notices. This was, by the

2 way, noticed in the Suffolk Times. I  
3 did not notice if the placard is posted  
4 at the property.

5 ATTORNEY PROKOP: It was.

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

8 MR. CORWIN: You might want to --

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

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

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

24 You don't have the printed list?

25 MS. WINGATE: I don't.

2 CHAIRMAN MOORE: And Joseph

3 Pantoliano.

4 MS. GIGLIO: I do.

5 MS. GORDON: Is that sufficient?

6 Is everybody satisfied that the notices  
7 were sent?

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

11 My opinion is that the hearing is  
12 properly noticed.

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

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

19 Two or three others.

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

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

2 applicant.

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

19 So this venture started about a  
20 year ago when Mr. Tuthill had the idea  
21 to put a pool in the backward for his  
22 grandkids; and it was a very long and  
23 frustrating year for the both of us.

24 As you know, Mr. Tuthill is quite a man  
25 and wanted everything yesterday, as you

2 know.

3 So we started with the New York  
4 State DEC, trying to get a  
5 non-jurisdiction letter which we did  
6 obtain; and I believe a copy of that is  
7 in the file.8 We also appeared before the  
9 Historic Board on July 11, and they  
10 approved the application.11 We did make application to the  
12 Conservation Advisory Board, and I  
13 believe that Eileen is going to be  
14 working on that decision and getting  
15 that to me tomorrow from the  
16 Conservation Advisory Committee.17 We did meet before the Trustees,  
18 so this is, in my opinion, the last  
19 stop in order to get this accomplished.20 The applicant is seeking a  
21 variance for a 10-foot side yard for a  
22 closed swimming pool. Village Code  
23 requires 20 feet and if there is not 50  
24 feet, there should be a screened  
25 planting.

2 The property is -- there's two  
3 parcels under the ownership and the  
4 control of the estate. The 10-foot,  
5 the distance 10-feet from the property  
6 line would not be desirable to put any  
7 planting in between the two lots  
8 because it defeats the purpose of both  
9 houses being able to use the pool.

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

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

25 As you can see by the survey that

2 is submitted, the adjoining property to  
3 the east is where any planting would  
4 have to go in order to screen this pool  
5 if so desired; and it's kind of awkward  
6 because I've heard from people across  
7 the street that it would block their  
8 view, so they don't want to see any  
9 planting in the front of the pool.

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

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

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

24 We do not believe that it will  
25 have any environmental impact, and we

2 don't believe that the hardship was  
3 self-created; so we are hoping that you  
4 accept this testimony and that you  
5 grant the application as presented.

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

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

15 MS. GIGLIO: Okay.

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

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

23 MS. GIGLIO: We tried to stay as  
24 far away as we could from the bulkhead  
25 and from the wetlands with the proposed

2 pool. It does have to maintain some  
3 distance from the garage in order to  
4 excavate and install the pool, but we  
5 were just trying to keep it as close as  
6 we could to the garage so that, you  
7 know, that would be our screening, the  
8 garage.

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

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

13 MR. CORWIN: Depth, how deep?

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

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

24 CHAIRMAN MOORE: I have one point  
25 to make to the public so that they

2 understand that this is somewhat of a  
3 unique situation because currently the  
4 adjoining property is under the same  
5 ownership.

6 MS. GIGLIO: Same control.

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

14 MS. GIGLIO: Yes.

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

21 CHAIRMAN MOORE: We can ask you  
22 questions probably at another meeting  
23 because you'll be leaving during actual  
24 deliberations when public input is  
25 completed, so you will have the

2 opportunity to talk some more about it.

3 MS. GIGLIO: Yes.

4 If you need more clarification on  
5 the application, I'm more than happy to  
6 re-appear.7 I don't think they're going to be  
8 installing the pool within the next  
9 month or so, they're just trying to get  
10 the approvals for it.

11 CHAIRMAN MOORE: Understood.

12 MS. GIGLIO: Thank you for your  
13 time.14 CHAIRMAN MOORE: Are you taking  
15 notes for marking up the agenda?

16 MR. SALADINO: I'll do it.

17 MS. WINGATE: I can.

18 CHAIRMAN MOORE: John's willing to  
19 do it.

20 MS. WINGATE: Okay.

21 Thank you, John.

22 CHAIRMAN MOORE: For those who may  
23 not know, because of the delay in  
24 getting minutes, usually within a few  
25 days, the marked up agenda appears on

2 the Village website which you can look  
3 at, and you can see the results of the  
4 different resolutions, but the details  
5 are not there, just abbreviated mark  
6 ups.

7 That's just for public  
8 information.

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

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

21 Thank you.

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

24 My name is Michael Solomon. I'm  
25 an attorney. I submitted a letter of

2 support --

3 MR. CORWIN: Could you spell your  
4 name so the reporter can --

5 MR. SOLOMON: Michael,

6 M-I-C-H-A-E-L, Solomon S-O-L-O-M-O-N.

7 I did submit a letter to the Board  
8 last week; I wasn't certain I would be  
9 able to be here this evening.10 I represent -- since I represent  
11 my wife, she owns the house, 135 Bay  
12 Avenue, I'm representing Jacki and  
13 George Sarkis, 144 Bay Avenue, and I'm  
14 representing Mr. Joseph Pantoliano  
15 (phonetic) 140 Bay Avenue, and we're  
16 probably all the properties that are  
17 most directly affected by this  
18 application.19 The biggest point I wanted to make  
20 is, anybody who knows this Tuthill clan  
21 knows how well they have maintained  
22 their residence, their house, and their  
23 property.24 I have had the pleasure of living  
25 nextdoor to them for going on 13 years,

2 and I couldn't ask for a better  
3 neighbor, more conconscious neighbor, a  
4 neighbor who maintains and does what's  
5 proper for their property at all given  
6 times.

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

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

15                  I would let the Board know that  
16 basically anywhere on the street and my  
17 property which is directly next to it,  
18 this pool is going to be fully screened  
19 out by the garage. If you look at the  
20 plan you have in front of you, it is  
21 directly behind the garage. This  
22 garage is not a small structure; this  
23 garage is a pretty substantial  
24 structure, so what we're pointing to  
25 here is, I believe, they're fully

1 screened.

2 The sensitivity here is we have a  
3 lot of people with water-view  
4 properties now, not only my property,  
5 but the properties across the street.

6 Many years ago when the Tuthill-huge  
7 tree fell down in one of the  
8 hurricanes, it opened up a view for  
9 everybody across the street into the  
10 water.

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

24  
25 MR. SALADINO: The screening is

2 not an issue from the street because  
3 the pool would be more than 50 feet  
4 from the property line. I don't think  
5 screening from the street -- and I  
6 would --

7 MR. SOLOMON: Well, you could --

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

10 MR. SOLOMON: -- if you look --

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

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

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

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

22 MR. SALADINO: Right.

23 MR. SOLOMON: But my point, if  
24 it's, the screening is behind the  
25 garage. It's not going to interfere

2 theoretically, but if any screening is  
3 gonna start heading towards the  
4 property lines, it's going to close the  
5 view which is wide open between the two  
6 structures right now other than some  
7 plantings. That's the view that the,  
8 especially the people across the  
9 street, that is their direct view  
10 between the two structures, so any  
11 screening that theoretically runs the  
12 length of the pool, along the length of  
13 the pool would just run along  
14 theoretically from, here's the garage  
15 (indicating), here's the pool  
16 (indicating), if it somehow runs behind  
17 the garage, it wouldn't matter; it  
18 would separate it off the adjoining  
19 parcel, but since they own, the same  
20 family owns the parcel, it's only  
21 screening against their own parcel  
22 so --

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

25 It's 50 feet from the property

2 line. The street, the fence is  
3 certainly more than 50 feet, it's not  
4 something we're going to require.

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

6 MR. SOLOMON: That's fine.

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

10 That's just a joke.

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

23 Screening is not specified as to  
24 how high, normally it's a matter of 5,  
25 6 feet, so it doesn't have to be

2 something that highly elevated.

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

6 MR. SOLOMON: Okay.

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

11 MR. SOLOMON: Yes, I am.

12 Thank you.

13 MR. SALADINO: The only other  
14 thing I might ask for as a condition is  
15 how the pool backwashes; how the pool  
16 is drained.17 MR. CORWIN: The draining of the  
18 pool and the backwashing of the filter,  
19 we always ask that they be hooked up to  
20 the sewer system, so that will probably  
21 be a condition.22 CHAIRMAN MOORE: Are there any  
23 other members of the public that would  
24 wish to speak?

25 MR. FOOTE: Good afternoon. Thank

2 you for hearing my application. My  
3 name is Walter Foote. My address is 22  
4 Broad Street, Greenport, New York, and  
5 this concerns my application for --

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

8 MR. FOOTE: Oh, sorry.

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

12 (No response.)

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

15 MR. CORWIN: I so move.

16 MS. NEFF: Second.

17 ATTORNEY PROKOP: What is the  
18 motion?

19 CHAIRMAN MOORE: To close the  
20 public hearing.

21 All in favor?

22 MS. GORDON: Aye.

23 MS. NEFF: Aye.

24 MR. CORWIN: Aye.

25 MR. SALADINO: Aye.

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CHAIRMAN MOORE: Any opposed?

(No response.)

Motion carries.

The public hearing is closed.

I can't guarantee we'll get to

this in our Regular Session tonight,

but we are willing try.

Next up, we'll move to number 1,

this is a continuation of a public

hearing regarding area variances sought

by George Liakeas, 610 Main Street,

Greenport, NY 11971, Suffolk County Tax

Map 1001-3-4-3.

The property is located within the

## Historic District.

The applicant seeks a Building

Permit for the construction of two

additional dwelling units in an

existing two-family house in the R-2,

## One- and Two-Family Residential

District.

Article 4, Section 150-8 In an R-2

## One- and Two-Family Residential

District, no building or premises shall

2 be used and no building or part of a  
3 building shall be erected or altered  
4 which is arranged, intended or designed  
5 to be used in whole or in part for any  
6 purpose except for the use as a one- or  
7 two-family dwelling.

8 The house has four  
9 separate-and-independent apartments as  
10 represented on existing floor plans as  
11 submitted dated 12/07/15.

12 Additionally, Article 4, Section  
13 150-8B 2, Conversion of an Existing  
14 Dwellings to a multi-family dwelling  
15 subject to the following standards and  
16 subject to Planning Board approval:

17 Said structure shall have not less  
18 than 1,000-square feet of livable floor  
19 area for each dwelling unit created,  
20 requiring a variance for each of the  
21 four units.

22 The lot on which such structure is  
23 located shall contain a minimum of  
24 15,000-square feet of lot area and  
25 shall contain at least 5,000-square

2 feet of lot area for each dwelling  
3 unit.

4 The lot size is 10,890-square feet  
5 with four units proposed requiring a  
6 lot size of 20,000-square feet thus  
7 requiring an area variance of  
8 9,110-square feet.

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

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

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

20 Just to recap, during our  
21 discussion of the variance application,  
22 it seemed the predominant focus of the  
23 applicant was the assertion that the  
24 property was already a four-family  
25 house or multi-family house before the

2 existence of the code concerning  
3 multi-family housing.

4 As best I can tell and there is  
5 limited archival information about the  
6 Village Code, even though the Village  
7 Code was established by the Village  
8 Board in 1949, there is a gap where I  
9 had not seen any documentation until  
10 1971 where the Greenport Board of  
11 Trustees officially established a much  
12 more detailed code which was again  
13 re-approved in 1975 in much the same  
14 format, but officially with the County.

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

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

23 (No response.)

24 The other issue is the delay from  
25 the time that the applicant became

2 aware in 1986 or --

3 MR. SALADINO: '80.

4 CHAIRMAN MOORE: '80, that the  
5 pre, I believe it's called CO was  
6 issued as two-family house.7 One thing that the applicant did  
8 not put in the record as an additional  
9 document where the Building Inspector  
10 promptly on request for a four-family  
11 approval gave a Notice of Disapproval  
12 because the house did not have any  
13 variances and required application for  
14 a zoning variance.15 Turning the clock from '98 until  
16 now, we now have the applicant seeking  
17 a variance with the additional  
18 information that there is some  
19 information being provided about the  
20 time in which the house may have been  
21 converted; and that's the crux of the  
22 issue at this point.23 MS. MOORE: Well, we have,  
24 actually, additional information --

25 MR. CORWIN: There was an e-mail,

2 would you read that, please?

3 CHAIRMAN MOORE: There is one  
4 e-mail of testimony since the hearing  
5 is still open, and it's an e-mail from  
6 Asha Elmforse (phonetic). No address  
7 is given. It's titled, The Illegal  
8 Multi-Family House at 610 Main Street.9 "This e-mail is to oppose  
10 legalizing the illegal apartments at  
11 610 Main Street. My name is Asha  
12 Elmforse and I own the house at 541  
13 Main Street, Greenport nearby."14 That is the one additional piece  
15 of information we have.

16 You have some additional --

17 MS. MOORE: Yes, I --

18 CHAIRMAN MOORE: -- documentary,  
19 but you have --

20 MS. MOORE: Well, I do --

21 MR. CORWIN: Please give your name  
22 and spell it for the recording  
23 secretary.24 MS. MOORE: Yes. Patricia Moore,  
25 51020 Main Road, Southold, attorney for

2 the applicant Dr. Liakeas.

3 The spelling of my name is

4 P-A-T-R-I-C-I-A M-O-O-R-E.

5 CHAIRMAN MOORE: To your  
6 knowledge, we are not related?7 MS. MOORE: No, we are not  
8 related. That was established last  
9 time.10 To begin with, we did give you  
11 some documentation last time, and I  
12 think it's important to put the two  
13 together.14 First of all, the pre-CO, the  
15 issue of getting a Notice of  
16 Disapproval, I think at the last  
17 hearing, Dr. Liakeas spoke at that  
18 hearing and said he was never served  
19 with it, never received it to his  
20 knowledge, never went anywhere; so if  
21 it was issued, it was only discovered  
22 at the hearing that the Board had in  
23 archive files, but as far as we know,  
24 there was no directive to go for a  
25 variance.

2 In addition, one of the issues, it  
3 seems to be oftentimes discussed --  
4 particularly, Mr. Corwin, you always  
5 are concerned about these things -- are  
6 permits that have defects on them as a  
7 matter of writing or law.

8 In this particular case, the  
9 pre-CO that was issued, one, we believe  
10 was issued without an inspection, and  
11 it was done, Mr. Lassard, at the time  
12 thought, "okay, I know it's got more  
13 than one-family and it's a two-family  
14 zone, so I'm gonna give it a pre-CO for  
15 a two-family." However, the document  
16 itself actually identifies the zoning  
17 district as M-2 which was not correct,  
18 it was an error. The two-family use  
19 was also an error. There was no  
20 inspection. My client was not called  
21 for an inspection, and there was nobody  
22 there at the time because the pre-CO  
23 was during the transition between Mrs.  
24 Buffomante (phonetic) who had just  
25 passed away, and my client who had just

2 gotten a full title and was able to go  
3 for financing to get financing to  
4 renovate in the simplest of terms,  
5 painting and buffing the floors and so  
6 on.

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

13 I also want to point out in the  
14 exhibits that I gave you, the Exhibit B  
15 was a Hampton Appraisal Services which  
16 was performed at the time. It was  
17 contemporaneous with the issuance of  
18 the pre-CO. That the pre-CO was issued  
19 July 14th of 1998. The appraisal that  
20 was done by an independent appraisal  
21 and it was provided for you as Exhibit  
22 B shows on it lists four units on the  
23 first page. On the back page, because  
24 they had to determine  
25 replacement-reserve value, on the back

2 page they actually listed the number of  
3 refrigerators as four refrigerators,  
4 four stoves, two water heaters, and one  
5 furnace because at the time and all  
6 throughout the heating utilities was  
7 included in the rental; but clearly  
8 there were four refrigerators and four  
9 stoves, you don't need that if you have  
10 a two-family.

11 MR. SALADINO: That was 1998.

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

24 CHAIRMAN MOORE: Okay.

25 Let me just say that I don't think

2 that we question the fact that in 1998  
3 the house had four units.

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

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

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

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

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

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

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

24 MR. SALADINO: Well, did you --

25 MS. MOORE: He's the applicant.

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

10 MR. CORWIN: Excuse me.

11 Anybody that gets up, you have  
12 give your name.

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

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

22 And I recall, now 25 years ago to  
23 the best of my knowledge, I was  
24 20-years old, that I called the Town or  
25 the Village of Greenport rather, and I

2 said, I need a CO, how do I get that?

3 And the response was, you do not need a  
4 CO, your house was built prior to this  
5 date, 1971 or 1865 or whatever it was,  
6 and you do not need a CO; and I said,  
7 Well, I guess that's wonderful, I need  
8 a piece of paper to show the bank; and  
9 they said, we'll send it to you; and a  
10 week later, I got this piece of paper.

11 It was, at the time, again,  
12 wonderful, the finance closed --

13 MR. SALADINO: What did the paper  
14 say?

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

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

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

24 Put it this way, the paper said --

25 MR. SALADINO: Can you read what

2 the paper says?

3 DR. LIAKEAS: Got it. All right.

4 This is not handwritten, I'll tell  
5 you which is handwritten:6 "The Village of Greenport  
7 established the authority for issuance  
8 of the Certificate of Occupancy in  
9 October of 1971; therefore, any  
10 building or use established or built on  
11 or after October of 1971 is required to  
12 make application for Certificate of  
13 Occupancy, prior to the above date, a  
14 per-Certificate of Occupancy is  
15 required."

16 The following, now in handwritten:

17 "A two-family wood family dwelling in  
18 an M-2 Zone with wrap-around porch was  
19 built prior to the 1971. Victor  
20 Lassard."21 And the reason this took 20 years  
22 to come to the surface is, as far as I  
23 was concerned, there was eight words  
24 that were actually written by  
25 Mr. Lassard in response to my request

2 without an inspection to which I was  
3 grateful that I was able to get the  
4 financing and the issue was closed.

5 After that, I was never --

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

9 DR. LIAKEAS: Again, this did  
10 not --

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

13 DR. LIAKEAS: This did not --

14 MR. SALADINO: He's telling you,  
15 you've got a two-family house and you  
16 believed you had a four-family house.

17 I'm just --

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

21 MS. NEFF: Excuse me.

22 Actually, what the paper says is  
23 it's a pre-CO, that you do not  
24 require -- so the mortgage company  
25 apparently at that time, 1998 --

2 DR. LIAKEAS: Left it at that.

3 MS. NEFF: -- looking for your CO,

4 accepted that it had the pre-CO.

5 DR. LIAKEAS: Correct.

6 The point is we are --

7 MS. NEFF: And it said that it was

8 a two-family and the applicant is

9 saying that he didn't --

10 You didn't receive this paper at

11 all or you --

12 DR. LIAKEAS: No.

13 I received this paper and sent it

14 on to the bank as you don't need a CO.

15 MS. NEFF: And the fact that it

16 said it was a two-family did not come

17 to your attention with any --

18 DR. LIAKEAS: You know,

19 interesting, I have to be honest with

20 you, it never really -- I was, I was

21 overwhelmed at the inheritance, getting

22 the mortgage, understanding my --

23 MS. MOORE: So the answer is no,

24 you didn't --

25 DR. LIAKEAS: The answer is no.

2 MR. SALADINO: Mr. Liakeas,  
3 doesn't that say that a two-family  
4 house was built before 1971; that  
5 document that you are reading?

6 MS. MOORE: Depends on how you  
7 read it.

8 That's the problem.

9 ATTORNEY PROKOP: Thank you very  
10 much.

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

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

18 MS. WINGATE: 1998.

19 There was a Notice of Disapproval  
20 in the file.

21 MS. MOORE: Yeah, the Notice of  
22 Disapproval would have been issued at  
23 some point by someone but without it  
24 going out to anybody, so whether or not  
25 it ultimately -- because that Notice of

2 Disapproval calls it a three-family, so  
3 the whole thing is big-confusing  
4 document as a document.

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

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

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

17 MS. MOORE: All right.

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

23 CHAIRMAN MOORE: That's what we're  
24 --

25 MS. MOORE: Exactly, that's why

2 we're here.

3 ATTORNEY PROKOP: I disagree with  
4 you because one of the things that can  
5 happen to a pre-existing use is that it  
6 can be abandoned.7 MS. MOORE: It could be, but in  
8 this case we're going to prove to you  
9 it was never abandoned, okay; so allow  
10 us to continue.

11 All right.

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

23 (Handing).

24 So she continued to live there.

25 We have affidavits that show that

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

6 CHAIRMAN MOORE: What tab is that  
7 under?

8 MS. MOORE: The affidavits are  
9 Exhibit D.

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

12 MR. CORWIN: Wait a minute.

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

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

21 MS. MOORE: M-2 is a Town of  
22 Southold marine designation R-2 is all  
23 --

24 CHAIRMAN MOORE: I have no idea.

25 MR. SALADINO: There's not a

2 possibility that this is a  
3 typographical error, M-2, R-2?

4 MS. MOORE: Anything is possible,  
5 but --

6 MR. SALADINO: Exactly.

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

11 MS. MOORE: I looked over that.

12 CHAIRMAN MOORE: There are  
13 mistakes that people --

14 MS. MOORE: I'm thinking technical  
15 mistakes.

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

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

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

24 Could you spell your name please  
25 on the record?

2 MS. ARIMBORGO: D-O-L-O-R-E-S

3 A-R-I-M-B-O-R-G-O.

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

6 Which property do you own?

7 MS. ARIMBORGO: 622 Carpenter  
8 Street.9 MS. MOORE: How long have you been  
10 there?11 MS. ARIMBORGO: I think I bought  
12 it in 1969.13 MS. MOORE: Another correction on  
14 the affidavit, my typo was 1979, but  
15 she's corrected on the record she  
16 bought it in 1969.17 CHAIRMAN MOORE: You're saying  
18 1969, this is being changed?

19 MS. MOORE: Yes.

20 How did you know Mrs. Buffomante?

21 MS. ARIMBORGO: She came over and  
22 introduced herself.

23 MS. MOORE: Okay.

24 So how do you know that that house  
25 had four units?

2 MS. ARIMBORGO: Because I was in  
3 there often.

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

6 Mr. Attorney, this seems to be  
7 some kind of trial or something here.

8 Is this the proper way to conduct  
9 a public hearing?

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

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

15 ATTORNEY PROKOP: Can you swear  
16 her in?

17 The stenographer will swear her  
18 in.

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

21 MS. MOORE: Maybe you can provide  
22 the explanation to the Board so it  
23 doesn't sound like a trial about how  
24 you know the property and how long you  
25 know that it has been rented.

2 MS. ARIMBORG: Well, it was  
3 rented all the time I've been there  
4 until the time she died.

5 CHAIRMAN MOORE: You are saying in  
6 1969 when you first lived on Carpenter  
7 Street?

8 MS. ARIMBORG: Yes.

9 CHAIRMAN MOORE: Would you say  
10 that during that time from 1969 to  
11 1971, you personally observed the house  
12 to be divided into multiple --

13 MS. ARIMBORG: Yes.

14 CHAIRMAN MOORE: Thank you.

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

17 MS. ARIMBORG: When I was living  
18 there.

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

21 MS. ARIMBORG: There were rentals  
22 as long as you could rent them. All  
23 the time, she was always looking for  
24 the income.

25 CHAIRMAN MOORE: Thank you.

2 I have two questions on the  
3 affidavit.

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

7 MS. MOORE: Yes.

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

15 CHAIRMAN MOORE: Because the only  
16 thing I noticed is there is a very  
17 repeated similarity in the way that you  
18 --

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

21 CHAIRMAN MOORE: I can understand  
22 that.

23 There is one affidavit which  
24 clarified by the person under oath,  
25 prior to the that date. All of the

2 other affidavits are helpful, but they  
3 are from periods such as 1999, another  
4 1999, and then recollecting back and in  
5 their opinion, architecturally speaking  
6 or whenever --

7 MS. MOORE: Well --

8 CHAIRMAN MOORE: Let me finish.  
9 -- it was most likely a  
10 multi-family house back before a  
11 certain date and there is no specific  
12 substantial testimony that says, I  
13 observed on so-and-so date the  
14 condition of the house before 1971.

15 MS. MOORE: Okay.

16 In part, I gave you affidavits by  
17 the present tense that were there  
18 because they were there. Really we  
19 only have two owners throughout the  
20 whole history of this property, you  
21 have Mrs. Buffomante from the '60s  
22 through zoning and until her death and  
23 then you have George who has been the  
24 owner since; so I wanted to give you a  
25 continuation and Dolores very kindly

2 came to clarify, and I think she's the  
3 icing on the cake because you're  
4 hearing directly from her that she was  
5 personally familiar with the property.

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

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

13 MS. MOORE: Mrs. Joan Tennant,  
14 she, according to her, she is both a  
15 history and architectural, has some  
16 specialty or just an avid, she studies  
17 historic architecture, and so she felt  
18 very strongly that she wanted to put in  
19 the design characteristics of the house  
20 because it was obvious from her and the  
21 way that the house is laid out, all of  
22 the fixtures as well as the molding and  
23 all the walls and so on, they have a  
24 time period that is clearly not  
25 anything current. Even '71, you know

2 architecturally when something has been  
3 done in the '70s. This predates.

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

7 MS. MOORE: Yes.

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

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

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

2 comments.

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

7 MS. MOORE: Okay.

8 CHAIRMAN MOORE: Unless there is  
9 some more documents, new documents or  
10 something marked for identification.11 MS. MOORE: No. You have what I  
12 provided last time which were the  
13 exhibits of the fact that this house  
14 was built in the 1800s from your own  
15 Village Historic Board listing.

16 CHAIRMAN MOORE: Okay.

17 MR. KEHL: Robert Kehl, 242 Fifth  
18 Avenue, Greenport.19 With respect to what's down there,  
20 that's a two-family house. It's a  
21 two-family house. You can rent a  
22 two-family house out as a four-family  
23 house and get away with it for 10, 20,  
24 30 years, it doesn't make it  
25 pre-existing conditions; it just means

2 somebody got away with it for that  
3 amount of time and that's all it is.

4 It's just one person's word against  
5 another on this, but if the inspector  
6 says two-family house, it's a  
7 two-family house.

8 Thank you.

9 MR. LIAKEAS: Well, it --

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

12 Do you want to hear from anymore  
13 public?

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

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

18 MS. POLLACK: Hi everybody. Karen  
19 Pollack, P-O-L-L-A-C-K, 630 First  
20 Street.

21 I just want to concur with Bob.  
22 The evidence that we have before us and  
23 I remember from the June meeting are  
24 personal recollections that date back  
25 50 years. What we have officially from

2 Village of Greenport is a pre-CO which  
3 is an official document, although not  
4 as proof of occupancy, that is stating  
5 the legal use of the house as a  
6 two-family. Inspection is not  
7 required. There could have been eight  
8 families in there, and it wouldn't  
9 matter if Mr. Lassard went to inspect  
10 it or not. What he's saying in that  
11 pre-CO is that this is a two-family  
12 house; and to further back that up,  
13 even whether or not the applicant  
14 received it, there is a letter  
15 indicating that additional apartments  
16 in the house were illegal and that  
17 variance would need to be obtained.

18 As far as the M-2 zoning, I call  
19 that a typographical error, and I don't  
20 feel that invalidates the document.

21 None of these conditions for a  
22 four-family house fit our code, the  
23 lot's too small, there's not enough  
24 parking, and I oppose this application.

25 Thank you.

2 CHAIRMAN MOORE: Any other members  
3 of the public want to speak?

4 (No response.)

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

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

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

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

25 MS. MOORE: There is no

2 document -- well let's --

3 MR. SALADINO: All we have is  
4 somebody who says we don't think he  
5 went in there.6 MS. MOORE: Well, there is no  
7 documentation in the file to  
8 acknowledge that an inspection was  
9 done.

10 MR. SALADINO: We have his report.

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

13 CHAIRMAN MOORE: There actually --

14 MS. MOORE: There's usually, what  
15 I've seen on other pro-COs is an  
16 inspection report, a Conditions of the  
17 Structure Report and on that condition,  
18 it would say something about how many  
19 bedrooms, how many, what are the  
20 conditions structurally, what would be  
21 required.22 MR. SALADINO: Is that boiler  
23 plate? Is that --24 MS. MOORE: I believe the Village  
25 uses the same form. I've seen the form

2 used, attached to pre-COs. It's not  
3 just a document, just the CO comes with  
4 the documentation.

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

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

16 MR. SALADINO: (Inaudible) --

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

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

22 CHAIRMAN MOORE: I think we're  
23 just -- to avoid too much back and  
24 forth comments, I just want to say,  
25 we're just trying to find out where we

2 are when we finish the public testimony  
3 to try and decide what we are going to  
4 do.

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

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

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

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

24 CHAIRMAN MOORE: The point is --

25 ATTORNEY PROKOP: Excuse me.

2 Can you not argue with the Board?

3 MS. MOORE: Sorry.

4 ATTORNEY PROKOP: Can I ask you a  
5 question?

6 MS. MOORE: Yes.

7 ATTORNEY PROKOP: You have put us  
8 through this now several times, this  
9 discussion about your non-conformity.10 Under the law, there is the five points  
11 that you are required to prove to  
12 obtain a variance.13 Which of those points is this  
14 relevant to? Did you mean instead that  
15 the Building Inspector is not correct  
16 in her Notice of Disapproval and you  
17 want an interpretation; is that what  
18 you're saying?19 MS. MOORE: What I said from day  
20 one on my application was that we  
21 disagreed, that we do not need a  
22 variance, that the building was a  
23 pre-existing four-family and it should  
24 be recognized as a four-family, that  
25 the -- we have provided floor plans and

2 it's clear from the floor plans, the  
3 second floor has no inter -- the  
4 apartment is --

5 ATTORNEY PROKOP: I'm just asking  
6 you --

7 MS. MOORE: -- elevated --

8 I'm explaining beyond your yes or  
9 no.

10 If you look at the floor plans,  
11 the second floor clearly has separate  
12 units that have no interrelationship,  
13 no walls, no access to the first floor.

14 The first floor had more of a  
15 connection and it used to have a door,  
16 or it has a door that it could be  
17 opened up, but clearly the second floor  
18 has no interrelationship whatsoever; so  
19 what we're saying is we've got proof  
20 both testimonial, the appraisal that  
21 shows what was in existence at the time  
22 the pre-CO was issued, your own  
23 documentation that is inconsistent and  
24 has errors. So right off the bat, we  
25 believe we have a pre-CO situation and

2 it should be, the Building Inspector's  
3 determination should be overturned.

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

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

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

3 MS. MOORE: Right.

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

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

12 CHAIRMAN MOORE: And we're dealing  
13 with that.

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

21 CHAIRMAN MOORE: That is part of  
22 the testimony

23 MS. MOORE: Right.

24 CHAIRMAN MOORE: Okay.

25 If we could, if there is no

2 substantial documents that are new  
3 information and not dialogue back and  
4 forth about it, we would like to move  
5 on; and if there is additional  
6 testimony from the gentleman standing  
7 in the back. He's a longtime Greenport  
8 resident, so maybe he'll shed some  
9 light on the subject.

10 MR. SWISKEY: William Swiskey, 184  
11 Fifth Street.

12 This property changed hands when?

13 MS. MOORE: Twice. '98. Once.

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

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

19 MR. CORWIN: Wait a minute.

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

22 Mr. Swiskey tell us what you have  
23 to say.

24 MR. SWISKEY: I understand that.

25 There was a deed and there was

2 something, something on the tax bill  
3 said what, and maybe she doesn't want  
4 to answer.

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

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

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

12 MR. SWISKEY: I mean --

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

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

18 CHAIRMAN MOORE: Mr. Swiskey --

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

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

25 MS. WINGATE: Do you have the

2 property card?

3 Oh, I have the property card.

4 CHAIRMAN MOORE: I have the  
5 property card.6 I don't know how much they  
7 describe --8 MS. WINGATE: It just describes  
9 the property. The Town of Southold  
10 does not keep track of our one- and  
11 two-family residences.12 CHAIRMAN McMAHON: It just  
13 describes the dimensions and the  
14 calculations, but --15 MR. SWISKEY: Usually when  
16 property changes hands, I understand a  
17 new CO is usually issued especially if  
18 there is a bank or will involved or  
19 something and it had to say something.20 CHAIRMAN MOORE: A pre-CO was  
21 issued.22 MR. SWISKEY: What's the  
23 difference between a pre-CO and a CO; I  
24 don't understand that?

25 CHAIRMAN MOORE: It's my

2 understanding unless Mr. Prokop --

3 ATTORNEY PROKOP: A pre-Co is  
4 given out for pre-existing structures,  
5 structures that pre-exist the zoning  
6 code.7 MR. SWISKEY: So if I'm to --  
8 exactly what did Mr. Lassard put; he  
9 put pre-CO two-family; am I right?

10 ATTORNEY PROKOP: Yes.

11 MR. SWISKEY: And I think there is  
12 a limit on how long you got to  
13 basically protest what the Building  
14 Inspector said, right?15 ATTORNEY PROKOP: There is a  
16 30-day statute of limitations. When a  
17 CO is issued, if it's believed to be  
18 incorrect, I think that there is a  
19 30-day statute of limitations to appeal  
20 it to the ZBA.21 MR. SWISKEY: If it's not  
22 appealed, than it's law basically.23 ATTORNEY PROKOP: It's not law,  
24 but it's in place.

25 MR. SWISKEY: It can't be

2 challenged, basically.

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

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

7 Thank you.

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

20 ATTORNEY PROKOP: I'm afraid to  
21 say anything else, but I have to point  
22 out to you and the Board that the  
23 problem, the uphill problem that you  
24 have is that documents were, several  
25 documents were issued over a period of

2 years that said the same thing, or  
3 similar things; and the only response  
4 that you have to that is that we didn't  
5 get it, we think there wasn't an  
6 inspection.

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

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

18 MS. MOORE: Yeah.

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

24 DR. LIAKEAS: Correct.

25 Just because I probably won't come

2 back to the meetings and these are my  
3 neighbors and I want them to  
4 understand.

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

12 MR. SALADINO: You have to address  
13 the Board.

14 DR. LIAKEAS: Right.

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

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

21 DR. LIAKEAS: They were there.  
22 These are three independent appraisers.

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

25 DR. LIAKEAS: No, I think --

2 MR. SALADINO: -- the documents  
3 that I have are, the testimony that  
4 you're neighbors gave --

5 DR. LIAKEAS: No, not the  
6 testimony.

7 MS. MOORE: He's pointing out in  
8 1998 --

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

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

23 My contention, so that everyone is  
24 clear, I'm very fond of the Village.  
25 This is the way I inherited the house.

2 What does the law say? How do I not  
3 have to do construction to undo what I  
4 inherited? If that is 1971, I have,  
5 including my mother who I didn't call  
6 to testify, people as far back as the  
7 mid-'70s who easily can contest nothing  
8 has been done to the house, we have  
9 testimony from 1969. In other words, I  
10 don't know what the roll or the law is  
11 for the grandfather clause, but I want  
12 to make it clear than any discussion  
13 that makes it seem that I am trying to  
14 squeeze by an apartment that I  
15 renovated to make Mr. Lassard's  
16 two-family house into a  
17 multiple-dwelling home is not accurate.

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

20 DR. LIAKEAS: We are saying, I am  
21 asking and it doesn't need to be  
22 answered, what does it require to prove  
23 that this is the way it was prior to  
24 1971. I hope that we have done that  
25 here tonight with the architect who is

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

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

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

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

22 DR. LIAKEAS: Well, no, I think  
23 many of my neighbors believe that Mr.  
24 Lassard said it's two and that  
25 something had been done to the house

2 since then; and I just want to make  
3 that clear. I'm sure he was a lovely  
4 guy, but I guarantee --

5 ATTORNEY PROKOP: Excuse me.

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

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

17 DR. LIAKEAS: It's also because  
18 I'm not a lawyer, but what I do know is  
19 --

20 MR. SALADINO: But you're a  
21 physician.

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

24 CHAIRMAN MOORE: We're getting  
25 away from --

2 DR. LIAKEAS: Lastly for the  
3 record, I want to make it clear that  
4 this house was inspected by Section 8  
5 for 15 years, and they were very well  
6 aware that there were multiple  
7 dwellings in the house; and the first  
8 time it came to the surface was last  
9 year; so just so we're clear, I was  
10 never trying to hide multiple  
11 dwellings.

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

14 CHAIRMAN MOORE: Very good. Thank  
15 you.

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

22 We appreciate you coming in  
23 personally, you're the first witness to  
24 document verbally the condition of the  
25 house in 1971, and that's what is

2 lacking from the record.

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

10                  MS. McENTEE: Mr. Moore.

11                  CHAIRMAN MOORE: Yes.

12                  MS. McENTEE: Can I say one small  
13 thing?14                  CHAIRMAN MOORE: If you are a  
15 member of the public, and would like to  
16 speak, you're welcome to come up.17                  MS. McENTEE: Joann McEntee, 242  
18 Fifth Avenue, Greenport.19                  Actually, I'm just looking at the  
20 Southold Town Code and there is an M-2  
21 code and could it be a reference that  
22 at that time, we were working closely  
23 with the Southold Town Code.24                  It is something worthwhile to look  
25 into because if we see that there is a

2 conflict with the M-2 here verses our  
3 R-2, let's look into.

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

6 CHAIRMAN MOORE: M-2 is described  
7 Marine 2?

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

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

13 CHAIRMAN MOORE: May I have a  
14 second?

15 MS. GORDON: Second.

16 CHAIRMAN MOORE: All in favor?

17 MR. SALADINO: Aye.

18 MS. NEFF: Aye.

19 MR. CORWIN: Aye.

20 MS. GORDON: Aye.

21 CHAIRMAN MOORE: Any opposed?

22 (No response.)

23 Motion carries.

24 We can move to the next step.

25 If there is anymore documentation

2 that you would like to provide, the  
3 focus is from your ownership to  
4 whatever existed in 1971; and that's  
5 the crux of the discussion.

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

8 CHAIRMAN MOORE: We do thank you  
9 for coming.

10 MS. MOORE: Thank you.

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

13 MS. WINGATE: Sorry.

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

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

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

24 The applicants seek area variances  
25 to obtain a Building Permit to

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

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

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

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

22 The proposed lot coverage is 34.28  
23 percent and it's requiring a lot  
24 coverage variance of 4.28 percent. The  
25 site is 3,954-square feet. The

2 existing building is already 32.67  
3 percent which the proposed porch being  
4 an increase of 1.6 percent of 64-square  
5 feet.

6 A site visit was conducted today  
7 at 5:30.

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

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

24 MR. FOOTE: Yes.

25 CHAIRMAN MOORE: And I'm not sure

2 we have -- we do have one letter. I'll  
3 read that quickly and then Mr. Foote  
4 can come up.

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

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

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

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

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

12 That's the only letter we have  
13 coming in.

14 Mr. Foote.

15 MR. FOOTE: My name is Walter  
16 Foote, W-A-L-T-E-R F-O-O-T-E. my  
17 residence is 22 Broad Street,  
18 Greenport, New York.

19 Thank you to the Board for hearing  
20 our application.

21 First of all, I want to apologize;  
22 I should have had the markers for the  
23 layout and frankly we had done this  
24 once before for my other house, and my  
25 architect laid it all out, and I

2 honestly didn't know we were supposed  
3 to do it, but it will be done; and  
4 again my apologies because I know it  
5 created some confusion in terms of  
6 where the porch is being built.

7 Another thing I wanted to point  
8 out is I think that the description of  
9 the porch is actually inaccurate in  
10 that we're seeking a porch with a depth  
11 of 6 feet, and that would be, as I  
12 understand it, the setback of the  
13 property line is 6.2 feet from the  
14 front of the house to the property  
15 line. There is additional space to the  
16 sidewalk, and what we would like to do  
17 is modify the plan so that the porch  
18 would be 6 feet in depth, rather than  
19 what it currently shows in the  
20 application, and I'm not sure if that  
21 is something that could be authorized  
22 today or whether we need to submit a  
23 modified plan as a result of that. I  
24 obviously don't want to spend a lot of  
25 time debating it, I just would like to

2 point that out and answer any questions  
3 you may have concerning it.

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

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

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

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

25 The truth is, we can't really tell

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

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

18 MR. FOOTE: Architecturally no.  
19 Functionally, it would be pretty tight  
20 to make it 5 feet, maybe 5 and --  
21 maybe, you know, if we got to  
22 5-and-a-half feet, maybe. I'd like 6  
23 feet, but I could work with up the  
24 5-and-a-half feet, I suppose.

25 At some point it just really

2 becomes, then it just becomes  
3 ornamental and you can't make it  
4 functional.

5 MR. CORWIN: Can I ask one more  
6 question?

7 MR. FOOTE: Yes.

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

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

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

22 It certainly is sufficient in  
23 terms of the size and the space. We  
24 are going to be doing the work along  
25 those lines.

2 MR. CORWIN: You're going to come  
3 back -- well, you're not going to come  
4 back to the ZBA because I don't think  
5 you're gonna need a variance for that.

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

12 MS. WINGATE: Three.

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

15 CHAIRMAN MOORE: That's the only  
16 complication.

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

19 MR. FOOTE: Yes.

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

23 MR. FOOTE: The truth is, I  
24 haven't decided, but my preference is  
25 to make it long-term rental for at

2 least one and hopefully both of the  
3 units. That is my objective.

4 MR. SALADINO: I have a different  
5 concern.

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

14 MR. FOOTE: No.

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

20 CHAIRMAN MOORE: I think as visual  
21 reference, the bluestone that's there  
22 currently has probably been there for a  
23 long time is about 15 inches by 18.

24 You indicated the porch might sit on  
25 part of the bluestone.

2 MR. FOOTE: Correct.

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

6 Thank you.

7 MR. FOOTE: Thank you very much.

8 CHAIRMAN MOORE: Members of the  
9 public who wish to comment on Mr.  
10 Foote's porch proposal.11 MS. POLLACK: Karen Pollack, 630  
12 First Street.13 I strongly object to this  
14 application. Our Village code requires  
15 ZBA to gradually reduce non-conformity,  
16 not add to it.17 This house is already  
18 non-conforming and the application --  
19 and, in fact, the applicant's most  
20 recent request is to practically build  
21 this porch right out to the sidewalk;  
22 and I just think that's not appropriate  
23 and unfair to everyone else who would  
24 like to expand their house out to the  
25 sidewalk.

2 I live on First Street, I could  
3 use a bigger house; can I have a  
4 variance too to build within 6 inches  
5 of the sidewalk? I don't think so.

6 That's my feeling about this.

7 Thank you.

8 CHAIRMAN MOORE: Thank you.

9 MR. KEHL: Robert Kehl, 242 Fifth  
10 Avenue.

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

18 MR. SWISKEY: William Swiskey, 184  
19 Fifth Street.

20 Perhaps somebody that was at the  
21 meeting, we all remember that, to  
22 refresh my memory, wasn't this house  
23 referred to as basically, I couldn't  
24 afford this house unless it's  
25 short-term rental, wasn't that --

2 didn't that come about this house, if I  
3 remember?

4 CHAIRMAN MOORE: This gentleman?

5 MR. SWISKEY: Yes.

6 CHAIRMAN MOORE: I'm not aware of  
7 that.

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

10 MR. SWISKEY: That was the one on  
11 Wiggins.

12 I thought I saw someplace --

13 All right.

14 Thank you.

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

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

19 MR. FOOTE: It's not -- the house  
20 is not in the Historic District. I  
21 applied for a landmark status, and by  
22 explaining the history of the house and  
23 it's historical significance, a  
24 landmark status was recommend by New  
25 York State, and in turn the Federal

2 Government has indicated it's pending  
3 approval. I don't know if it's quite  
4 official yet, but I received pending  
5 approval, it's being treated for  
6 landmark status.

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

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

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

20 Now, the porch is not -- it's very  
21 helpful, getting the improvements that  
22 I'm making to the house to qualify for  
23 the historical tax credit, so it would  
24 be significant for me for the porch to  
25 be approved. If it's not approved, I'm

2 not sure how it would effect my  
3 application for historic tax credit.

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

8 MR. CORWIN: Speak to the --

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

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

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

8 CHAIRMAN MOORE: Thank you.

9 Any other members of the public  
10 like to speak?

11 MS. McENTEE: Joann McEntee, 242  
12 Fifth Avenue.

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

20 Thank you.

21 CHAIRMAN MOORE: Okay.

22 Any other members of the public?  
23 (No response.)

24 MR. SALADINO: I make a motion to  
25 close the public hearing.

2 MS. NEFF: Second.

3 CHAIRMAN MOORE: All in favor?

4 MS. NEFF: Aye.

5 MR. CORWIN: Aye.

6 MS. GORDON: Aye.

7 MR. SALADINO: Aye.

8 CHAIRMAN MOORE: Opposed?

9 (No response.)

10 The hearing is closed.

11 Thank you.

12 The next item, Item Number Four.

13 Public hearing regarding area  
14 variances sought by Bryan Nicholson, a  
15 lot east of 217 Monsell Place, Suffolk  
16 County Tax Map 1001-2-2-29.17 The property is located in the R-1  
18 District.19 The applicant seeks an area  
20 variance to obtain a Building Permit to  
21 construct a new single family dwelling  
22 with a footprint approximately  
23 979-square feet including a covered  
24 entry porch.

25 Section 150-13E, existing small

2 lots. A lot owned individually and  
3 separately and separated in ownership  
4 from any adjoining tracts of land,  
5 which has a total lot area or lot width  
6 less than prescribed in this chapter  
7 may be used for a one-family residence,  
8 provided that such lot shall be  
9 developed in conformity with all  
10 applicable district regulations.

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

25 I don't know if we have the

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

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

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

10 MR. NICHOLSON: Yes.

11 Bryan Nicholson, B-R-Y-A-N  
12 N-I-C-H-O-L-S-O-N.

13 The house next door is only  
14 1-and-a-half feet from if property  
15 line, and the current codes requires a  
16 10-foot minimum, so I, in a sense,  
17 inherited a variance as most houses are  
18 at least 20-feet apart. Mine and my  
19 neighbor's house will be 11-and-a-half  
20 feet apart without the variance. I'm  
21 asking for an additional 5 feet.

22 Because it came up last time, if  
23 the parking lot ever gets developed and  
24 I don't get a variance, it would be a  
25 lopsided 20 feet on one side and

2 11-and-a-half feet on the other. If  
3 the variance is granted and the parking  
4 lot is developed, it would be a minimum  
5 of 15 feet on one side, parking lot  
6 side and 16-and-a-half feet on the  
7 other side, making it more even and  
8 consistent.

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

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

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

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

24 MR. NICHOLSON: Which notices?

25 CHAIRMAN MOORE: You indicate that

2 you made the proper public notices that  
3 you did send certified, registered  
4 letters.

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

8 ATTORNEY PROKOP: You were busy,  
9 right?

10 MR. NICHOLSON: I was very busy.

11 ATTORNEY PROKOP: Congratulations.

12 MS. WINGATE: Did you not notify  
13 your neighbors?

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

16 MS. WINGATE: They were notified?

17 MR. NICHOLSON: Not by mail.

18 MS. WINGATE: Certified mail.

19 MR. NICHOLSON: Not by Certified  
20 Mail.

21 AUDIENCE MEMBER: He did knock on  
22 our doors.

23 MS. WINGATE: That doesn't --

24 CHAIRMAN MOORE: Mr. Prokop,  
25 what --

2 ATTORNEY PROKOP: Well, I'm so  
3 sorry to say this, you know, we don't  
4 have a choice, if there was no mailing,  
5 we don't have jurisdiction, we have to  
6 put it over. Sorry.

7 MR. SALADINO: I have one other  
8 request --

9 MR. NICHOLSON: Yes.

10 MR. SALADINO: -- also with this  
11 application.

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

15 MR. NICHOLSON: Okay.

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

18 MR. NICHOLSON: Sure. Not a  
19 problem.

20 CHAIRMAN MOORE: What we will do  
21 also is, I would like to make a  
22 suggestion on your site plan that you  
23 indicate a footprint, you should  
24 probably revise that footage to the  
25 setbacks in the small-lot standard

2 because it gives the appearance of much  
3 more variance needed than is really  
4 needed in your case because it's a  
5 small lot.

6 MR. NICHOLSON: Okay.

7 CHAIRMAN MOORE: That is just for  
8 illustrating purposes.

9 At this point we are not taking  
10 any testimony.

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

18 MR. NICHOLSON: Yes.

19 ATTORNEY PROKOP: And it would be  
20 placarded again.

21 CHAIRMAN McMAHON: Keep the  
22 placard out.

23 MS. WINGATE: I'll change the  
24 dates.

25 CHAIRMAN MOORE: Technically, the

2 hearing is not really open tonight, I  
3 guess.

4 ATTORNEY PROKOP: No.

5 CHAIRMAN MOORE: So thank you.

6 We'll see you again.

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

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

16 AUDIENCE MEMBER: I'll come back.

17 CHAIRMAN MOORE: That is very  
18 noble. Thank you.

19 Next item, moving on to Number 5.

20 Public hearing regarding area  
21 variances sought by James Olinkiewicz,  
22 221 Fifth Avenue, Suffolk County Tax  
23 Map 1001-4-4-29.

24 This Property is not located  
25 within the Historic District.

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

8 Lot 1, the proposed subdivision  
9 creates lot 1 which is 6,587-square  
10 feet where section 150-12 A requires a  
11 minimum lot size of 7,500-square feet  
12 requiring a variance of 913-square  
13 feet.

14 The proposed lot width is 47.82  
15 feet where Section 150-12 A requires a  
16 minimum lot width of 60 feet requiring  
17 a variance of 12.18 feet.

18 The second lot, the proposed lot  
19 width is 52.35 feet where section  
20 150-12 A requires a, minimum lot width  
21 of 60 feet requiring a variance 7.65  
22 feet.

23 The proposed combined side yard is  
24 17.9 feet where section 150-12 A  
25 requires a combined yard setback of 25

2 feet requiring a variance of the 7.10  
3 feet.

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

9 A site visit was performed today  
10 at 4:30.

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

23 We will be limiting time tonight,  
24 we have to move along, but we're not  
25 going to be stopping public testimony;

2 we will hear everybody.

3 There are a couple of letters.

4 ATTORNEY PROKOP: I think we need  
5 to ask the stenographer if she needs a  
6 break because if we're going to go  
7 straight through this --8 CHAIRMAN MOORE: It's going to be  
9 awhile.10 ATTORNEY PROKOP: So she should  
11 probably get a break.12 CHAIRMAN MOORE: Ten minutes for  
13 everybody, returning at 8:00 p.m.

14 Do I have a second?

15 MR. SALADINO: Second.

16 CHAIRMAN MOORE: All in favor?

17 MR. SALADINO: Aye.

18 MR. CORWIN: Aye.

19 MS. GORDON: Aye.

20 MS. NEFF: Aye.

21 CHAIRMAN MOORE: Approved.

22 (Whereupon, a recess was taken at  
23 this time.)24 CHAIRMAN MOORE: I think we're  
25 ready to go again.

2 I was reminded by a member of the  
3 public that Board members should speak  
4 closer to the microphone for those who  
5 don't hear us. I advise the same if  
6 anybody speaks from there even though  
7 were not being broadcast tonight.

8 Can someone tell me where we are?

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

24 I think that the placard was  
25 placed on this property and just for

2 everybody's orientation, it is to the  
3 west side of the street.

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

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

11 MS. RAE: I am his attorney.

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

14 MS. RAE: Yes.

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

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

20 I'm actually mindful of your  
21 earlier suggestion and request that we  
22 be brief, and I'm going to be very  
23 brief. I'm just going to make some  
24 introductory comments and then I'd like  
25 to reserve the bulk of my comments as

2 rebuttal for comments that I realize  
3 are coming. Mr. Olinkiewicz's  
4 detractors are here in force tonight,  
5 so I'm sure I will have comments in  
6 response.

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

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

20 And one of the Board members asked  
21 about the driveway. There is really a  
22 proposed driveway for one of the lots,  
23 the lot upon which the existing house  
24 sits; that's actually lot number 2.  
25 That driveway would be included in our

2 plans and extend along the south side  
3 of the property from east to west, and  
4 as someone pointed out, there's a  
5 fairly wide alleyway there; so that is  
6 also proposed.

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

13 What I'd simply like to say here  
14 before we begin is that Mr.  
15 Olinkiewicz's work speaks for itself.  
16 His renovations in the Village are, in  
17 my opinion, beautiful. They honor the  
18 architectural detail of the old  
19 buildings. All of his work is code  
20 compliant. The interiors are  
21 beautiful. The exteriors are  
22 compatible with the original  
23 architectural designs and the new  
24 buildings that he has built throughout  
25 the neighborhood, particularly in the

2 CR 2 District are consistent with the  
3 other architectural patterns.

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

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

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

24 He also rents these buildings,  
25 this one in particular, in the manner

2 that's consistent with New York State  
3 Code. No more residents than there are  
4 bedrooms allowable reside in these  
5 buildings; and they all park offsite in  
6 the parking spots that have been  
7 allocated to them.

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

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

20 Thank you very much.

21 CHAIRMAN MOORE: Thank you.

22 I have two letters that I can read  
23 at any time, unless the people who are  
24 here will be speaking instead of the  
25 letter, but I can just keep track of

2 speakers, and we can read it at some  
3 time.

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

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

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

2 Fifth Avenue.

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

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

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

1 days.

2 Please consider the following,  
3 reference 221 Fifth Avenue subdivision:

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

9  
10 This has been noted by the Board  
11 members.

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

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

22 Our residence is not shown on the  
23 submitted survey, making it more  
24 difficult to picture our loss of  
25 privacy, light, and cross ventilation.

2 There are three parking spaces  
3 indicated for each of the proposed  
4 subdivisions. This would barely be  
5 sufficient for the current amount of  
6 vehicles already on site. Can an  
7 additional five or more vehicles fit on  
8 this property? Please see illustration  
9 of current and recent parking  
10 situations.

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

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

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

22 If these proposals were to pass,  
23 know that you will be adding ten  
24 vehicles at a minimum to our already  
25 over saturated street.

2 Please listen to the voices of the  
3 residents and neighbors of Fifth  
4 Avenue, and do not further degrade the  
5 quality of our Village and neighborhood  
6 for the sole purpose of enriching a  
7 developer.

8 Your neighbors, Jack Weiskott and  
9 Roberta Garris.

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

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

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

23 I have voiced in the past  
24 subdivisions of this kind that if  
25 approved, would create substandard lots

2 as per the Village of Greenport's  
3 Building Codes. It should be denied  
4 due to the negative impact that both  
5 will have on the community.

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

11 The ZBA should be declared lead  
12 agency in both these matters so that a  
13 SEQRA study can be performed. Once the  
14 pertinent questions are reviewed and  
15 asked of each ZBA member, you can only  
16 really reach the conclusion that the  
17 division of these both -- it says --  
18 221 Sixth Avenue and 238 Fifth Avenue  
19 on sub-standard lots would not meet  
20 adopted code and should be denied.

21 Several meetings ago, Mr. Saladino  
22 raised some very good points when  
23 coming to the difficult decisions of  
24 requests to the ZBA when it deals with  
25 matters that would result in such large

2 variances to the Zoning Codes.

3 Considerations for approval should not  
4 include whether the person requesting  
5 the variance is a native to the  
6 Village, North Fork or not; whether it  
7 would cause a financial hardship to the  
8 developer; whether the developer/owner  
9 felt they were offering a service such  
10 as providing workforce housing; all of  
11 which Mr. Olinkiewicz has used in the  
12 past to seek approval for these  
13 building projects. Please keep this in  
14 mind when reviewing the information  
15 that will be presented August 16th.

16 In the past, this developer has  
17 been suspiciously successful in  
18 building oversized residences on  
19 postage stamp-sized lots. This type of  
20 over-development in the Village of  
21 Greenport needs to stop. The Village  
22 of Greenport and Southold Town Boards  
23 of Trustees are the only entities that  
24 should be dealing with where workforce  
25 housing should be built or identify

2 areas/properties that would be  
3 considered to zoning to two-family  
4 residences.

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

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

23 Codes to help you in your decision  
24 have been put in place to prevent just  
25 these situations where there is a

2 disproportional percentage of lot size  
3 to house size.

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

10 Diane Peterson.

11 And obviously Sixth Avenue was a  
12 mis-spelling.

13 Okay.

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

18 How many people tonight on the  
19 first project?

20 Okay, one, two, three, four --

21 How about no more than three  
22 minutes, if possible.

23 MS. ALLAN: Even less than that.

24 Chatty Allan, 311 Fifth Avenue.

25 I wholeheartedly suggest you deny

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

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

2 I strongly suggest both  
3 applications get denied.

4 Thank you.

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

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

22 If Mr. Olinkiewicz, you know,  
23 indeed is trying to help with a problem  
24 because we do need housing, than my  
25 suggestion is look to the east, look to

1 the west, look to the south. I mean,  
2 Greenport Village is one-square mile,  
3 one-square mile. I think we're a bit  
4 saturated, and my opinion of all of it  
5 is I think that quality is more  
6 important than quantity, and I think  
7 that's what you all need to think  
8 about.

9  
10 Thank you.

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

16 It says:

17 My name is Robert E. White, I  
18 reside at 305 Fifth Avenue, Greenport.  
19 I object to any changes or amendments  
20 to the properties located at 221 and  
21 238 Fifth Avenue in the Village of  
22 Greenport. The street is crowded with  
23 housing now and traffic is out of  
24 control due to a lack of off-street  
25 parking.

2 Sincerely, Robert E. White.

3 Should I give this to you?

4 CHAIRMAN MOORE: Yes.

5 MS. WHITE-CORWIN: Thank you.

6 (Handing) .

7 CHAIRMAN MOORE: Also remind the

8 audience that if there is a document

9 that you would like to hand in, that

10 would be fine as well, for the record.

11 MS. McENTEE: Joann McEntee, 242

12 Fifth Avenue.

13 All the letters that are being

14 read tonight are, that are handed in

15 will be put into public record,

16 correct?

17 CHAIRMAN MOORE: Yes.

18 MS. McENTEE: Thank you.

19 I really was dissatisfied that 221

20 Fifth Avenue was not staked out as it

21 normally would have been. Last time

22 that we went through this, it was

23 staked out, so it kind of leaves it a

24 little bit open for us not to see what

25 it truly looks like. I believe that he

2 should have done that.

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

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

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

20                  MS. McENTEE: It can move forward,  
21                  right?

22                  ATTORNEY PROKOP: Yes.

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

25                  MS. WINGATE: Every one.

2 CHAIRMAN MOORE: Had the same  
3 because that was part of a template and  
4 says Wednesday six of five --

5 MS. WINGATE: It said six.

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

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

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

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

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

5 His proposal does not meet code.

6 Our Village Code 150.1 reads that the  
7 Village goal is to generally eliminate  
8 non-conforming uses. Our codes need to  
9 be followed by the Village officials  
10 and the Village Board members.

11 Street drainage and sewer lines:

12 It is my understanding that Fifth  
13 Avenue has one of the oldest clay pipe  
14 sewer drainage systems. We have had  
15 more than our share of drainage and  
16 repairs on this street in recent years.

17 Adding two homes consisting of three  
18 families would add stress to these old  
19 clay pipes. A full assessment of the  
20 old drainage system on Fifth Avenue is  
21 necessary before considering any  
22 subdivision.

23 Please refer to our Code 118-7.

24 The Board shall consider the impact of  
25 the subdivisions on public health,

2 safety, and welfare, the impact of the  
3 neighbors, community and adjacent  
4 properties, traffic, views, and other  
5 environmental consideration, the  
6 preservation of the esthetic assets of  
7 the Village, and the impact on the  
8 utilities and emergency and other  
9 services that are provided by the  
10 Village. Variances are more than  
11 excessive.

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

22 With this said, I strongly  
23 disagree with the subdivision and any  
24 other proposed subdivisions in the  
25 Village of Greenport and would ask that

2 the subdivision be denied tonight.

3 I also have attached to the papers  
4 that I will be giving you a copy of the  
5 2016 final assessment roll which you  
6 can see at 221 Fifth Avenue,

7 Mr. Olinkiewicz is paying for a  
8 one-family residence.

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

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

18 CHAIRMAN MOORE: Excuse me.

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

21 MS. McENTEE: It was to the  
22 Planning Board, and I did not see it in  
23 the ZBA minutes, so the ZBA package  
24 that I received -- I would like to  
25 re-read it.

2 CHAIRMAN MOORE: It is to Planning  
3 Board for their --

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

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

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

14 CHAIRMAN MOORE: How much time,  
15 short?

16 MS. McENTEE: Short.

17 CHAIRMAN MOORE: Read fast.

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

23 First, I thought we were through  
24 with Mr. Olinkiewicz after the  
25 neighborhood made it clear that we

don't want any additional single- or multi-family units on this block. We are the most saturated street in the Village of Greenport with multi-family units.

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

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

Sincerely, Carolyn Jagger-Tamin  
(phonetic).

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

Thank you.

CHAIRMAN MOORE: How many more

2 people? I mentioned before, we will  
3 not be closing the hearing tonight. In  
4 fact, we did note the lack of the stake  
5 outs of the empty lots and propose we  
6 request that while the hearing is open,  
7 the Zoning Board will return for a site  
8 visit, if anybody is agreeable, to see  
9 where the proposed houses would  
10 actually be.

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

13 MS. RAE: Mr. Moore, I apologize.  
14 That was not Mr. Olinkiewicz's  
15 omission, it was mine.

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

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

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

23 CHAIRMAN MOORE: We're trying to  
24 hear as many projects and proposals as  
25 possible. Those that can wait until

2 next month, I would ask that we return  
3 and continue the discussion, but we  
4 need to do some actual regular meeting  
5 as well.

6 We won't be here until midnight,  
7 but we will stay quite awhile longer.

8 Would you like to speak?

9 Briefly, Please.

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

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

17 CHAIRMAN MOORE: What is your  
18 address?

19 MS ZAENGLE: 222 Sixth Avenue.

20 MR. CORWIN: Spell your name,  
21 please.

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

23 I just want to bring up the same  
24 concerns that some of the others have  
25 in terms of quality of life.

2 I think having that many buildings  
3 in that small of a space, besides being  
4 too green and all the things mentioned,  
5 I really worry about fire. I have  
6 lived in other places where homes are  
7 very close to one another. My home is,  
8 the backyard is filled with  
9 hundred-year-old pine trees that I am  
10 sure one spark from a house fire would  
11 set them on fire when houses are that  
12 tightly put together.

13 That's my concern.

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

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

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

25 MS. WICKHAM: Garris.

2 My name or their name?

3 CHAIRMAN MOORE: Their names.

4 MS. WICKHAM: Garris, G-A-R-R-I-S

5 and Weiskott, W-E-I-S-K-O-T. You read

6 their letter at the beginning of the

7 hearing.

8 CHAIRMAN MOORE: The address?

9 MS. WICKHAM: The address is 229

10 Fifth Avenue, Greenport.

11 Very quickly, I'm not a detractor

12 and I don't believe the quality of

13 Mr. Olinkiewicz's work or the racial

14 characterization of his tenants is

15 relevant; but the number of cars and

16 the number of people and the impact on

17 this neighborhood is, and those are

18 factual.

19 This particular subdivision would

20 impinge greatly on the neighborhood

21 because of the very small size of lot

22 number one and the setbacks that are

23 proposed. The Zoning Board of Appeals

24 should not, in my opinion, grant a

25 substantial variance merely to enable a

2 subdivision that could not otherwise be  
3 accomplished. This is a variance  
4 merely to get a subdivision for  
5 undersized lots, and it was purchased  
6 as a merged parcel in its entirety with  
7 knowledge of the merger, so it is not a  
8 hardship situation this lot created.

9 Lot 1 with a proposed building  
10 envelope complies, it is not a matter  
11 on which you are voting. This is a  
12 problem because you are being asked to  
13 consider several variances today, but  
14 you are not necessarily having before  
15 you all of the variances that could end  
16 up on this property because on lot 1,  
17 the proposed building envelope shown as  
18 complying is not a matter on which you  
19 are voting; and he could come in after  
20 the subdivision and ask for a bigger  
21 house with smaller lot size and end up  
22 with more variances that you would be  
23 asked to consider. So I don't think we  
24 really know to what degree the property  
25 will even be at variance with the code

2 and this must be addressed before any  
3 action is taken by the Board.

4 I'd also like to address  
5 specifically what we do know about the  
6 property. It, first of all, creates  
7 too much intensity. I think the first  
8 clue of that is you can't even read the  
9 survey easily, there is so much on it.  
10 And that's not a disrespect to the  
11 surveyor, it's just very tight in  
12 there.

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

23 The impact of the having a second  
24 driveway, if you subdivide the property  
25 is that you lose a street parking

2 space, so there is more intensity of  
3 parking issues than would ordinarily  
4 appear.

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

10 Specific to lot 1 are four very  
11 mature holly trees that are located  
12 about 3 feet south of the northerly  
13 line, and with that setback of, I think  
14 12 feet is shown again as a proposal,  
15 and he can change that. They're not  
16 going to be able to remain there if  
17 they're going to be trimmed back,  
18 they'll be right up against the house.

19 I just noted on the survey, this  
20 was a map that was filed in 1875,  
21 things have changed. That was a  
22 different error, and there is a reason  
23 that you have the non-conforming  
24 prohibition or restriction in your  
25 codes to try and avoid things that

2 years ago were not a problem.

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

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

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

24 Thank you.

25 CHAIRMAN MOORE: I'd just like --

2 I'd just like one clarification from  
3 the Building Inspector.

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

7 MS. WINGATE: Yes.

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

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

24 The matter before us is whether  
25 the setback variance would be permitted

2 to allow the subdivision to go forward,  
3 so I just wanted to clear that up.

4 It's not an option for the applicant to  
5 suddenly the change the plan that's  
6 before us because it would be --

7 MS. WICKHAM: I'm speaking to lot  
8 1 where there is no building.

9 CHAIRMAN MOORE: Yes.

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

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

25 MS. WICKHAM: That's exactly

2 right.

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

6 MS. WICKHAM: Yes.

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

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

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

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

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

25 On lot 1 again, the proposed

2 reduction in lot width down to 47 feet  
3 is over 20 percent. That's big, that's  
4 a big reduction.

5 On lot 2, to proposed lot width is  
6 12.75 percent less than the minimum  
7 required. On the combined side yard  
8 he's requesting on lot 2 is 28.4  
9 percent of the deviation. That's a big  
10 number.

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

20 Thank you.

21 MS. POLLACK: Karen Pollack, 630  
22 First Street.

23 I just want to talk about the  
24 application. It was stated that there  
25 are numerous other non-conforming lots

2 on the block and indeed elsewhere in  
3 Greenport. That's completely  
4 immaterial. We're not supposed to be  
5 creating more.

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

12 The third thing I would like to  
13 bring up is that on August 21st of the  
14 year 2013, I was in this room when the  
15 very same subdivision was argued.  
16 There was considerable objection from  
17 the public and to my understanding, the  
18 application was withdrawn before a  
19 determination was made. I ask this  
20 Board to consider the impact of this  
21 type of practice on the neighbors and  
22 whether or not this is fair to the  
23 neighborhood. The neighbors have a had  
24 to, of course, watch their mail to be  
25 sure that they're notified, see what's

2 going on. They thought this was  
3 resolved, done, a dead issue and here  
4 it is again. I'd like to suggest that  
5 you don't get two bites at the apple  
6 for the same subdivision on the same  
7 parcel and that if you apply for a  
8 subdivision on a separate and distinct  
9 parcel of land, that it does go to a  
10 vote and is either granted or denied so  
11 that the public does not have to live  
12 in fear that their neighborhood is  
13 going to destroyed in the future.

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

22 Thank you.

23 CHAIRMAN MOORE: We're getting to  
24 the point where we do have another  
25 hearing that has not yet started.

2 Would the public -- could we ask others  
3 to hold their comments for the  
4 continuation next month because the  
5 hearing will be open, and we need to  
6 hear the next project as well.

7 AUDIENCE MEMBER: It's your job to  
8 hear the voices, correct?

9 CHAIRMAN MOORE: Pardon?

10 AUDIENCE MEMBER: Your job is to  
11 hear the voices, you're here to look  
12 out for the betterment of every  
13 neighborhood in the community, correct?

14 CHAIRMAN McMAHON: And serving the  
15 rest of the public as well.

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

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

24 MR. SWISKEY: You should be  
25 willing to stay here 'til midnight if

2 | you have to.

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

5 MR. SWISKEY: William Swiskey, 184  
6 Fifth Street.

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

11 People came to speak, they have rights.

12                   If this Board has to stay 'til  
13                   midnight, you took the job. I mean I  
14                   hear this from other boards all the  
15                   time, when --

16 AUDIENCE MEMBER: Let's move on.

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

19 Anyway --

20 CHAIRMAN MOORE: Let me just  
21 explain something. I am trying to  
22 complete an agenda to serve projects,  
23 some of which are already before us and  
24 some of which are just coming before  
25 us. I could predict to you that we

2 would not be finished by midnight  
3 tonight if we didn't meter out our  
4 public input.

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

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

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

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

19 MR. SWISKEY: No.

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

25 ATTORNEY PROKOP: I think based on

2 what the chairman just said, she would  
3 be requested to make her rebuttal at  
4 the continued public comment.

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

10 I feel that we're doing a  
11 disservice to other applicants by  
12 continuing this. I'm not trying to say  
13 that people are saying more than they  
14 should or that too many people are  
15 speaking, it's just we understand there  
16 are a lot of people who wish to speak.

17 I'll allow anyone who can't be here  
18 next month to speak tonight, but many  
19 of you are local and will certainly  
20 come, I know your dedication and I know  
21 your interest, so I'm not stifling the  
22 public comment, I'm trying to  
23 accommodate an entire agenda which we  
24 really don't have a choice of, you  
25 know, not putting them on the agenda.

2 I think once we accept applications, we  
3 have the responsibility to get moving  
4 with them.

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

8 AUDIENCE MEMBER: Can you just  
9 move on?

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

13 Anyway, getting to the application  
14 itself.

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

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

22 MR. SWISKEY: All right.

23 Then how does he plan to construct  
24 a conforming house when he needs all  
25 these variances? That first sentence

2 makes no sense to me.

3 CHAIRMAN MOORE: Is that the right  
4 term?

5 MR. SWISKEY: It's written here.

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

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

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

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

20 MR. SWISKEY: That's what it says  
21 here, it says conforming. To me  
22 conforming is conforming to Village  
23 Code, State Code, Fire Codes; so  
24 basically this new house would be  
25 non-conforming.

2 CHAIRMAN MOORE: It would meet the  
3 setbacks.

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

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

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

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

15 CHAIRMAN MOORE: Which is?

16 MS. WINGATE: Which is --

17 CHAIRMAN MOORE: Which house are  
18 you talking to?

19 MS. WINGATE: Which one are we --

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

25 MR. SWISKEY: If it requires

2 variances, it can't meet the code; so  
3 it can't be conforming, you need  
4 variances. I mean, maybe --

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

10 Wait a minute.

11 MR. SWISKEY: It says a minimum  
12 lot of 60 feet requiring a variance for  
13 12.18 feet, so there's no way that the  
14 lot's conforming.

15 CHAIRMAN MOORE: It's not  
16 conforming.

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

21 MR. SWISKEY: How does the  
22 house --

23 All right, if --

24 MS. WINGATE: The house is --

25 MR. SALADINO: Because the

1  
2 house --

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

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

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

16 MS. WINGATE: And it conforms.

17 MR. SWISKEY: This house is  
18 setback 30 feet?

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

25 MR. SWISKEY: And it conforms,

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Iran.

MS. WINGATE. SO the

4 CONFORMS, THE IOC IS SILENT.

( ) line.

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

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

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

16 That 's wrong.

17 MR. SWISKEY: What?

18 | MR. SALADINO: It's not against

19 Stuart's property.

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

23 MS NFFF: Yes

24 MR. SWISKEY: Who owns that

25 property on the north side?

2 South side, excuse me, south side.

3 MR. SALADINO: What lot are we

4 talking about?

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

9 MR. SALADINO: That's lot 2.

10 MR. SWISKEY: Yes, that would be  
11 to the south.12 All right, so all that green and  
13 the tree is going then.14 Now, in planning because I've read  
15 some things you're supposed to do in  
16 planning, it's like green, preserve,  
17 everything else, not overcrowd the  
18 neighborhood. Now, this is going to be  
19 a new house, it's gonna be a  
20 single-family house, right?

21 MS. WINGATE: Yes.

22 MR. SWISKEY: For the time being?

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

25 MR. SWISKEY: He can go and

2 request -- it's in a two-family zone,  
3 he can go and request a two-family  
4 house?

5 CHAIRMAN MOORE: That's a concern.

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

9 MS. WINGATE: 20-by-39.

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

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

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

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

25 It was a little bit insulting what

2 she said that we were going to attack  
3 Mr. Olinkiewicz. This is not about  
4 Mr. Olinkiewicz's quality of his, it's  
5 about the quality of life of these  
6 other people; and I think this Board  
7 has to consider it because we have  
8 nothing else.

9 Thank you.

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

12 I would hope that you would  
13 believe that this Board has that  
14 ability.

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

17 MR. SALADINO: I did. I was.

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

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

24 AUDIENCE MEMBER: That's why we're  
25 here.

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

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

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

21 What you said is right, you just  
22 heard these people, my neighbors; they  
23 have been here, they told you time and  
24 again. Four years have gone by, you  
25 know.

2 God bless you all, you all have a  
3 hard job, but what's right is right for  
4 the whole community, the whole  
5 neighborhood, not for one man. That's  
6 what it's coming down to.

7 Put yourself in our situation.

8 That place is unsafe, it's overcrowded,  
9 the sewer systems are adequate at best.

10 You don't believe me ask Kipper  
11 (phonetic) and Whitey (phonetic), they  
12 deal with it. From my corner or from  
13 Main Street to Johnny Gaden's  
14 (phonetic) which is Fifth Avenue South,  
15 I believe was 1920 to 1980 -- how do I  
16 know? Because Bobby (inaudible) father  
17 was in charge of all the sewage and I  
18 have a lot (inaudible). From Gaden's  
19 house to Dave Murrey's (phonetic),  
20 which I'm not sure on the logistics,  
21 that's brand new.

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

2 something that you're overbearing,  
3 overtaxing the sewer system that's just  
4 inadequate.

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

17 That's all I want to say.

18 Thank you very much.

19 CHAIRMAN MOORE: What did we think  
20 we should do?

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

23 CHAIRMAN MOORE: How many more  
24 people on Number 5 do we have that are  
25 willing to speak tonight and would any

2 of those individuals --

3 MS. GORDON: If there are no more  
4 ready to speak, maybe that's --5 CHAIRMAN MOORE: If there are no  
6 more that would like to speak tonight,  
7 we'll move on, and the hearing will be  
8 open for letters, open for more public  
9 testimony next month and hopefully the  
10 other people; is that okay?11 MR. SALADINO: My opinion is that  
12 I agree with Mike. These people waited  
13 a month for this hearing, some waited  
14 longer than that because we put it off.  
15 We kind of brought this on ourselves.16 Mr. Pennessi is waiting, you know, he  
17 wants his turn at bat. We kind of blew  
18 him off last month.19 It's 9 o'clock, I mean, we all  
20 stay up later than 9 o'clock, I think  
21 we should stick around.22 CHAIRMAN MOORE: What I'm going to  
23 suggest is that the second application,  
24 I think will have a different set of  
25 comments --

2 (Whereupon, several people spoke  
3 simultaneously.)

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

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

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

14 Is it proper term to adjourn the  
15 public hearing?

16 ATTORNEY PROKOP: It should be  
17 adjourned, yes.

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

20 So may I have a second?

21 MS. GORDON: Second.

22 MS. NEFF: Second.

23 CHAIRMAN MOORE: All in favor?

24 MS. NEFF: Aye.

25 MR. CORWIN: Aye.

2 MS. GORDON: Aye.

3 CHAIRMAN MOORE: Any opposed,

4 abstained?

5 You're free to say nay.

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

8 CHAIRMAN MOORE: Okay.

9 The hearing is adjourned.

10 Opened again next month, take  
11 notice and come back.12 Number 6, this is a public hearing  
13 regarding area variances sought by  
14 James Olinkiewicz, 238 Fifth Ave  
15 Greenport Incorporated, 238 Fifth  
16 Avenue, Suffolk County Tax Map number  
17 1001-4-8-3.18 This Property is not located  
19 within the Historic District.20 The applicant requests several  
21 area variances required to subdivide an  
22 existing lot and construct a  
23 non-conforming house.

24 This time not a conforming house.

25 This subdivision will create two

2 new substandard lots requiring area  
3 variance as follows:

4                   Lot Number 1: The proposed  
5 subdivision creates lot 1 which is  
6 5,389.5-square feet where Section  
7 150-12A requires a minimum lot size of  
8 7,500-square feet. The proposal  
9 requires an area variance of  
10 2,110.50-square feet.

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

15                  The proposed lot coverage is 37  
16 percent, 2,024-square feet, Section  
17 150-12A of the Village of Greenport  
18 Code requires a minimum of 35-percent  
19 lot coverage for a two-family house in  
20 the R-2 District requiring an area  
21 variance of 2 percent.

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

25                  Lot 2: The proposed subdivision

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

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

13 The proposed cottage is 15 feet  
14 from the front, west property line,  
15 where Section 150-12A of the Village of  
16 Greenport code requires a minimum  
17 30-foot yard setback. This will  
18 require a 15-foot front yard area  
19 variance.

20 The proposed cottage is 10 feet  
21 from the rear, east property line,  
22 where Section 150-12A of the Village of  
23 Greenport Code requires a minimum  
24 30-foot rear yard setback. This will  
25 require a 20-foot rear yard area

variance.

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

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

24 MS. RAE: Yes, it is.

25 CHAIRMAN MOORE: Okay. I thought

2 I remember a change.

3 MS. RAE: Right, we are seeking  
4 two variances for that, correct.5 MS. GORDON: Mr. Chairman, can we  
6 simply adjourn this hearing also and  
7 hope and expect that the neighbors will  
8 come next time to comment. They will  
9 probably be commenting on the first  
10 hearing and --11 CHAIRMAN MOORE: I'd like to leave  
12 it up to the Board to decide whether we  
13 wanted to stop now or continue to  
14 comments.15 MS. McENTEE: I think that's very  
16 unfair. Mr. Moore, you have missed  
17 several, several meetings. This has  
18 been delayed and due to you being out  
19 last month, this really causes a  
20 problem for us.

21 CHAIRMAN MOORE: Excuse me.

22 MS. McENTEE: We would like to  
23 move forward.24 CHAIRMAN MOORE: This was accepted  
25 last month, and we're hearing it

2 tonight.

3 MS. McENTEE: That's correct, and  
4 you want to leave.5 CHAIRMAN MOORE: I am asking if  
6 there is an interest in holding off or  
7 whether the public would like to make  
8 comments tonight.9 I assume they would, so why don't  
10 we hear some public comment.

11 MS. McENTEE: Yes.

12 CHAIRMAN MOORE: I'm not objecting  
13 to that. That was a suggestion from a  
14 member of the Board.15 Is that agreeable with the rest of  
16 you?17 MS. GORDON: My feeling was, my  
18 thought was people would be coming  
19 anyway for the previous hearing, and  
20 they would be ready --

21 CHAIRMAN MOORE: I understand.

22 MS. GORDON: -- it's fine.

23 CHAIRMAN MOORE: This is a  
24 different application. I understand  
25 your feeling.

2 So I would like to hear some  
3 comments. Obviously the representative  
4 might want to make a few brief  
5 comments. It's pretty clear there are  
6 a large number of variances on this  
7 proposal.

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

15 So I'm going to say simply that  
16 for those of you who walked the  
17 property -- and by the way, Mr. Moore,  
18 we will have that staked for the next  
19 meeting -- you would have noticed that  
20 what has been proposed here is taking  
21 down the part of the building that  
22 encroaches into the driveway presently,  
23 part of the kitchen; that's going to  
24 come out. The rest of the proposal  
25 would be to remove the garage apartment

2 that is in complete disrepair at this  
3 point, and to replace that --

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

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

9 CHAIRMAN MOORE: It's a  
10 delapidated garage.

11 MS. RAE: It is.

12 CHAIRMAN MOORE: I don't want  
13 to --

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

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

20 MS. RAE: Very well.

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

23 The alternative would have been to  
24 leave it up and have Mr. Olinkiewicz  
25 come in here and ask for that to be

2 permitted, to be renovated and used as  
3 an apartment.

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

20 So the variances that we seek  
21 speak for themselves.

22 I'm sure the public will have a  
23 good deal of comments for that. I'm  
24 going to go ahead and reserve, but I  
25 wanted to make it clear that his intent

2 is to simply make better use of the  
3 property that currently exists and then  
4 what existed as of the date that he  
5 bought it because what you see there  
6 now, in terms of the outbuildings is  
7 what he purchased.

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

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

18 So with that, I'll reserve my  
19 comments.

20 MR. REID: Mike Reid, 430 Front  
21 Street.

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

24 Ladies.

25 -- to do his due diligence and

2 have (inaudible) knowing that this has  
3 gone on -- gentleman, for how many  
4 years; ladies, how many years for this?

5 You know, what my father, God rest  
6 his sole, the old man used to tell me  
7 put lipstick on a pig, it's still a  
8 pig. He used to call it like it is.

9 I'm born and raised here in Greenport,  
10 I'll call a spade a spade, that's how  
11 it is.

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

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

25 That's all I'm gonna say.

2 Thank you.

3 MR. HOLLID: Joe Hollid, 415 South  
4 Street.5 MR. CORWIN: Can you spell the  
6 last name?

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

8 I live adjacent to the property in  
9 question, 238, and I believe everyone  
10 in this room and probably the Village  
11 would say enough is enough. The amount  
12 of properties that are getting, and all  
13 land getting used up is just getting  
14 crazy.15 The amount of variances that this  
16 guy wants, Mr. Olinkiewicz, is just  
17 beyond my imagination. We're not  
18 talking .5 or half-a-foot or more, we  
19 talking about feet. The is really  
20 downgrading our roads. Right behind  
21 me, even on South Street, all that  
22 traffic goes down there on Fifth Street  
23 and they -- especially the trucks,  
24 there's a lot of traffic going up and  
25 down, maybe not so much during the day,

2 but in the evening, you can't get by  
3 there without having another car coming  
4 to you, and you have the wait for them  
5 to go around you.

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

12 Thank you.

13 CHAIRMAN MOORE: Thank you.

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

16 MR. KEHL: Robert Kehl, 242 Fifth  
17 Avenue.

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

21 First, the existing house only has  
22 3 foot on the right-hand side of the  
23 house. It only has 8 feet in the very,  
24 in the front of the house. On the  
25 left-hand side of the house, I mean

2 they said the left-hand side of the  
3 house is 8 feet, the right-of-way they  
4 said they're gonna cut it off and it  
5 would be a 12-foot driveway, it's a  
6 right-of-way. A right-of-way is  
7 supposed to be 15 feet, that's for fire  
8 department access.

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

23 The traffic on the street is  
24 unbelievable, most of the ones that are  
25 racing up to the thing in those little

1 rice eaters are all the ones from Mr.  
2 Olinkiewicz's houses, and I'll take  
3 pictures and bring them in to show you  
4 as they go racing up at 60, 70  
5 miles-an-hour. We got some that go  
6 past the house, I swear to God, they  
7 must be doing 80 or 90 in the morning.

8  
9 It's just getting out of hand  
10 here. I mean this isn't gonna change.

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

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

24 I mean, there's some real problems  
25 here, not counting all of the other --

2 I mean, that's a lot of variances. I  
3 mean that's isn't even reasonable.

4 Thank you.

5 MR. SALADINO: I'm curious.

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

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

10 MR. SALADINO: Does it have to be  
11 15 feet?

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

15 I'll look into that.

16 MR. SALADINO: That would be --

17 MS. WINGATE: I will do my  
18 research.

19 MR. SWISKEY: William Swiskey,  
20 Fifth Street.

21 I have a question before I speak,  
22 all right.

23 On this, the paragraph says a  
24 single-family dwelling located in the  
25 R-2 District has got to be a thousand

2 square feet, right?

3 MR. SALADINO: Yes.

4 MR. SWISKEY: How can an  
5 eight-hundred-some-square foot house on  
6 the last parcel than be conforming; it  
7 can't, can it?8 MS. WINGATE: Because they're  
9 asking for a variance.10 MR. SALADINO: He's asking for a  
11 variance.12 MR. SWISKEY: No, not on that one,  
13 on the previous one.14 CHAIRMAN MOORE: It's a two-story  
15 house, the footprint was --16 (Whereupon, several people spoke  
17 simultaneously.)18 MR. SWISKEY: Oh, so we're taking  
19 the second floor, but not --20 CHAIRMAN MOORE: Livable floor  
21 space.22 MR. SWISKEY: All right. That's  
23 all right, so that I understand because  
24 a lot of jurisdictions including the  
25 people in the tax take the footprint

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

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

13 CHAIRMAN MOORE: There is a  
14 process.

15 MS. ALLAN: Chatty Allan, Fifth  
16 Avenue.

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

19 This one has even more variances,  
20 it goes back to the same thing, you're  
21 bringing down the quality of our life  
22 on Fifth Avenue. To me you're making  
23 it even more dangerous than it already  
24 is, putting a burden on everybody that  
25 has lived there; and I truly don't get

1 why this application -- I know you have  
2 to have your public hearing, like the  
3 first one. This application needs to  
4 be denied.

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

15 And I'm sorry there are a lot of  
16 homes in Greenport that are abandoned  
17 that can be renovated, that can be  
18 rented out. There are empty lots that  
19 he could build on, one of them is where  
20 the old Manson (phonetic) house stood.

21 It was a rooming house, that has been  
22 vacant since it burned back in the  
23 early '90s. There's other places he  
24 can build.

2 Please take into consideration the  
3 people that have to live with this  
4 decision, and make the right one for  
5 those of us that have to live with  
6 this.

7 Thank you.

8 MS. McENTEE: Joann McEntee, 242  
9 Fifth Avenue.

10 The letters that were written for  
11 221 Fifth Avenue, would they be brought  
12 into the public record for 238 Fifth  
13 Avenue?

14 CHAIRMAN MOORE: That's a good  
15 question.

16 I want to see if they address --

17 MS. McENTEE: They did.

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

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

24 CHAIRMAN MOORE: Surely.

25 MS. McENTEE: Okay.

2 Thank you.

3 ATTORNEY PROKOP: They don't  
4 automatically go in unless the  
5 occupant --6 MS. McENTEE: So do they have to  
7 be read?

8 CHAIRMAN MOORE: No.

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

11 CHAIRMAN MOORE: Yeah.

12 ATTORNEY PROKOP: It sounded like  
13 you're directing the Board. With all  
14 do respect, the Board should make a  
15 decision that they be included.16 I was going to mention that at the  
17 end. Thank you for bringing that up.18 It's my recommendation to the  
19 Board that there would be a cumulative  
20 impact for the two applications, any  
21 written documents be included in both  
22 records.

23 Thank you for bringing that up.

24 MS. McENTEE: I do have extra  
25 copies for this file.

2 Again, we talked about that the  
3 property was not staked out.

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

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

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

14 MS. WINGATE: It was the past  
15 application.

16 MS. McENTEE: When I received the  
17 ZBA packet from the Building Department  
18 --

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

21 CHAIRMAN MOORE: He lives next to  
22 238, so he would be the biggest person  
23 --

24 I'm not aware we have a letter  
25 from Mr. Wile.

2 MS. McENTEE: Okay. Here  
3 (handing).

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

6 CHAIRMAN MOORE: Yes.

7 MS. RAE: Thank you.

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

11 MS. RAE: Thank you.

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

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

17 ATTORNEY PROKOP: Can I make a  
18 recommendation?

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

23 MS. WINGATE: I have not seen a  
24 letter from Ian Wile on this  
25 application, Planning Board, Zoning

2 Board, or other. There was a letter  
3 from Ian in the previous application.

4 MS. McENTEE: Okay.

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

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

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

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

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

17 MS. McENTEE: It's not an issue.  
18 So again, the property at this --  
19 this property 238 was noticed Wednesday  
20 at 6:00 p.m. even though it stated  
21 Tuesday at August 16, 2016.

22 Mr. Olinkiewicz is creating his  
23 own problems. These lots are now, will  
24 now be substandard and non-conforming.  
25 The dynamics of the properties are

2 changing on both lots to conform to the  
3 current codes, including all  
4 newly-created setbacks. His proposal  
5 does not meet the code, it should be  
6 denied by the Zoning Board today.

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

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

19 Adding two homes consisting of  
20 three families, which I'm told, is now  
21 two-families, consisting of  
22 three-families or now two, would add  
23 more stress to our old clay pipes. An  
24 assessment of the old drainage system  
25 on Fifth Avenue is necessary before

2 considering any subdivision.

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

9 The porch removal and the kitchen.

10 I noticed that the Board did not go in  
11 to really take a look at what was being  
12 removed from the kitchen. I felt it  
13 was necessary and possibly when you do  
14 go to the next site visit, that you do  
15 see what is being removed in the  
16 kitchen as you will notice that the  
17 foundation will need to be rebuilt to  
18 support the new portion of the kitchen.

19 So I would read what I have here.

20 When the porch is removed  
21 approximately one-third of the kitchen  
22 will need to be removed for the  
23 right-of-way which is not stated on the  
24 subdivision proposal, thus changing an  
25 interior layout of the home in lot 1

2 and requiring a demolition and  
3 alteration permit as a foundation would  
4 need to be installed to support the end  
5 wall of the partial removal of the  
6 kitchen.

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

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

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

20 The property which is created by  
21 Mr. Olinkiewicz is created, again,  
22 we're trying to get away from this  
23 creation. He's creating his own  
24 problems. This would now restricts 242  
25 Fifth Avenue from improvements which

2 may not have required variances.

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

6 Please refer to our Code 118-1:

7 The Board shall consider the impact of  
8 the subdivisions on public health,  
9 safety and welfare, the impact on the  
10 neighbors, community and adjacent  
11 properties, traffic, views, and other  
12 environmental considerations, the  
13 preservations of the esthetic assets of  
14 the Village and impact on utilities and  
15 emergency and other services that are  
16 provided by the Village.

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

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

25 Why is this is reverse? This is my

2 | question. Why?

23 Our neighbors that you see here  
24 tonight do not come and go, but on  
25 Mr. Olinkiewicz's properties,

2 specifically speaking of this, they  
3 come and go. We don't know our  
4 neighbors, but I certainly know my  
5 neighbors here.

6 I strongly agree, I strongly  
7 disagree --

8 I put agree when I hand this to  
9 you.

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

15 8A, yes, it will increase traffic  
16 level.

17 So this is obviously incorrect.

18 Number 17, storm-water drainage  
19 discharge is created.

20 17A, water will flow to adjacent  
21 properties.

22 17B, water discharge system will  
23 need drywells.

24 Tom Spurge, who owns a lot at 216  
25 North Street proposed putting in a

2 two-family home in an R-2 Zone; village  
3 attorney Joe Prokop stated at the  
4 3/12/15 Planning Board meeting that a  
5 two-family was not allowed under code,  
6 so why would Mr. Olinkiewicz be allowed  
7 to have a two-family on a sub-standard  
8 lot or even a one-family on a  
9 sub-standard lot?

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

22 With this said, I strongly  
23 disagree with the subdivision and any  
24 other proposed subdivision in the  
25 Village of Greenport and would like to

1 ask that the subdivision be denied  
2 tonight.

3 I do have a few other comments.

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

13 And the driveway for the rear lot,  
14 if you look at your plans, the driveway  
15 for the rear lot is extremely close to  
16 Mr. Holoid's lot. You can't back up  
17 and do -- back up, you're gonna hit the  
18 fence. There is no way with the way  
19 that the property goes and slightly  
20 this way (indicating) where you're  
21 gonna get that parking space closest to  
22 the fence to get out of there properly.

23 There -- currently, there are three  
24 cars that will stay in the driveway as

2 a rule of thumb, the rest will stay out  
3 in the road, and they all have  
4 difficulty coming out of that driveway.  
5 Currently two park in the back, one  
6 parks in front of the non-conforming.

7 Thank you.

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

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

13 I am not an expert on any of this,  
14 setbacks and lot things and all that  
15 stuff; there is one thing I am an  
16 expert on because I was one once, is  
17 being a kid; and I just kind of feel  
18 bad for Mr. Olinkiewicz and his  
19 representation here because they don't  
20 understand that an empty piece of  
21 property is okay. That's where the  
22 kids that live in the front house go  
23 and play, so, you know, I don't  
24 understand why it's, oh my God, there's  
25 an empty piece of property, let's build

2 on it. You know, I do understand that  
3 there is a need for housing, but again,  
4 I'm going to say again, it does not  
5 have to be in one-square mile of  
6 Greenport Village; it can be in East  
7 Marion or in Southold; Shelter Island  
8 would be a nice place. That's all I'm  
9 saying.

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

13 CHAIRMAN MOORE: Sure.

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

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

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

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

25 MS. McENTEE: Yes, it has. This

2 was attached to the Planning Board.

3 CHAIRMAN MOORE: Okay, well  
4 it's --

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

7 CHAIRMAN MOORE: It would have  
8 been nice.

9 MS. ALLAN: I just have one  
10 real-quick question because Marilyn  
11 just bought up about yards.

12 Is there -- when you build, is  
13 there supposed to be a certain amount  
14 of a yard?

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

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

24 The 238, the one we're talking  
25 about, do they need a variance for a

2 yard as well because the way it's  
3 sounding, there's like, no yard with  
4 the two buildings?

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

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

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

12 MS. ALLAN: So basically you were  
13 going to have at least three units that  
14 more than likely will have children in  
15 them with cars, and see that's what  
16 scares me; you have children in these  
17 apartments and you now have cars  
18 pulling in between the two buildings.

19 That should also be taken in, that's a  
20 danger hazard right there. I have no  
21 backyard, and I literally crawl in one  
22 side to come around to back in so I'm  
23 not backing out into the road, and it's  
24 scares me every time because there's  
25 children that live in my apartment

2 building.

3 That should be a major reason to  
4 deny this application.

5 Thank you.

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

9 If so, I will make a motion we --

10 MR. SALADINO: If there is no one  
11 else, and the neighbors would know  
12 better than we do if in their mind,  
13 there is no one else that might have to  
14 add something different than they have  
15 to add.16 CHAIRMAN MOORE: I would like to  
17 see the lot staked out.18 I'm just going to make a motion to  
19 leave it up to Board that we adjourn  
20 the hearing, leaving it open until next  
21 month for further discussion and in the  
22 meantime, we will see the marked out  
23 house footprint as well as hopefully  
24 the parking areas, and we will do  
25 another site visit in between, so I'm

2 making that motion and ask for a  
3 second.

4 MR. CORWIN: Second.

5 CHAIRMAN MOORE: Discussion?

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

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

21 All in favor?

22 MR. CORWIN: Aye.

23 MS. GORDON: Aye.

24 CHAIRMAN MOORE: Any opposed?

25 MS. NEFF: Opposed.

2 MR. SALADINO: I'm gonna vote nay.

3 CHAIRMAN MOORE: We have two nays,

4 so motion passes anyway so we will talk  
5 about it again next time.6 Next, Item Number 7. This is a  
7 continued public hearing for area  
8 variances sought by Daniel Pennessi.

9 Do I have to read it?

10 ATTORNEY PROKOP: You don't have  
11 to read it. You can just ask her, the  
12 stenographer to put it in.13 CHAIRMAN MOORE: Okay. Are we  
14 ready to move on to number 7?15 Mr. Prokop indicated that I don't  
16 have to read the the full notice, but I  
17 would like to indicate that the  
18 remaining discussion, if there is  
19 anymore public comment is on the  
20 requested variances which have changed  
21 somewhat in number.22 There is still the lot-coverage  
23 issues for a small increase in the  
24 lot-coverage allowance.

25 There is a remaining variance for

2 21 parking spaces with the  
3 understanding that there are 11 parking  
4 places proposed.

5 The third is the requirement for  
6 an off-street loading berth which has  
7 changed from no berth to a berth that  
8 does not meet the space or size  
9 requirements.

10 Number 4 is the height variance  
11 regarding, first of all, the overall  
12 height which the 47 feet and requiring  
13 a variance of 12 feet.

14 And finally the height variance  
15 which is the issue of allowing a third  
16 story, which is remaining from the  
17 original application.

18 I assume you would like to refresh  
19 our memory on any items and then we'll  
20 take any public input that might remain  
21 tonight.

22 Our hope is to close the hearing  
23 tonight.

24 (Whereupon, the public hearing  
25 notice was added to the record by the

2 stenographer.)

3 Item number 7. Continued public  
4 hearing on area variance sought by SAKD  
5 Holdings LLC, Daniel Pennessi  
6 President.7 The property is located on the  
8 southeast corner of Front Street and  
9 Third Street, Greenport, New York  
10 11944, Suffolk County Tax Map  
11 1001-5-4-5.12 The property is located in the WC,  
13 Waterfront Commercial District. The  
14 property is not located in the  
15 Greenport Village Historic District.16 The Applicant proposes to  
17 construct a new, mixed-use, three-story  
18 building, having a 60-seat restaurant  
19 and 715-square feet of retail use on  
20 the ground floor and hotel uses for 16  
21 units on the second and third floors,  
22 as well as a roof deck.23 The proposed uses are conditional  
24 uses under Greenport Village Code  
25 Sections 150-11B 1, 2, and 3.

2 Requested Variances 1.

3 1. The proposed building

4 construction has lot coverage of

5 3681-square feet representing 41.7

6 percent of the site requiring an area

7 variance of 147.3-square feet or 1.6

8 percent of the total area of the lot,

9 8,834.2. Section 150-12B of the

10 Village of Greenport Code requires

11 maximum lot coverage of 40 percent,

12 3,533.7-square feet in the

13 WC-Waterfront Commercial District.

14 2. Variance of 21 spaces from

15 parking space requirement.

16 In the event that the Zoning Board

17 of Appeals determines in its

18 consideration of the interpretation of

19 the application of the off-street

20 parking requirement requested by the

21 applicant that the project is not

22 exempt from the off-street parking

23 requirement of Section 150-16A 1 of the

24 Greenport Village Code, then the

25 applicant requests a variance of the

2 off-street parking requirement of  
3 Section 150-16A 1 of the Greenport  
4 Village Code.

5 The proposed mixed-use building  
6 proposed 11 parking spaces. Section  
7 150-16A 1 of the Village of Greenport  
8 Code requires 32 parking space based on  
9 square footage calculations and  
10 requirements for hotel occupancy  
11 requiring a variance of 21 parking  
12 spaces of the parking space requirement  
13 of Section 150-16A 1 of the Greenport  
14 Village Code.

15 3. Variance from size requirement  
16 of the off-street loading berth. The  
17 applicant is requesting a variance of  
18 the size requirement for one off-street  
19 loading berth in that the proposed  
20 building has provided an off-street  
21 loading berth as required by Section  
22 150-16B E which requires one berth for  
23 each 25,000-square feet of floor area.

24 Loading berths are required to be  
25 12-feet wide and 33-feet in length. The

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proposed berth is 9-feet wide and 20-feet in length requiring a variance of 3 feet for the width and 13 feet for the length.

4. The applicant requests a height variance of 12 feet where Section 150-12B of the Greenport Village Code limits the height of buildings to two stories or 35 feet, and the proposed building height is 47 feet based on the height of the elevator bulkhead located on the roof, requiring a height variance of 12 feet.

5. Height variance for third story. A height variance for a three-story building where Section 150-12B of the Greenport Village Code limits the height of buildings to two stories or 35 feet, and the applicant proposes a three-story building in violation of Section 150-12B.

MR. PENNESSI: Dan Pennessi,  
P-E-N-N-E-S-S-I, on behalf of SAKD  
Holdings LLC, 567 Fifth Avenue, New

2 Rochelle, New York.

3 Apropos of Chairman Moore's  
4 comment at the beginning of the  
5 evening, optimism does prevail and I  
6 thank you for your commitment to the  
7 process of the agenda. I will keep it  
8 brief.9 We did revise the plans generally  
10 as described in tonight's agenda in  
11 response to some of the public comments  
12 that have been made.13 We've tried to limit the number of  
14 variances we are seeking, and we feel  
15 that these are the most important to  
16 the project to allow it to move  
17 forward.18 We have also considered all of the  
19 comments made by New York State DOT and  
20 as of a July 20th letter, they've  
21 accepted the revised site plan as it is  
22 in conformance with their comments; so  
23 we would request that the public  
24 hearing be closed and that resolutions  
25 for SEQRA, and for the variances that

2 we have been requesting are drafted for  
3 hopefully the next meeting.

4 Thank you.

5 CHAIRMAN MOORE: I would just like  
6 to point out, there was an additional  
7 letter which I guess was the follow up  
8 of the DOT you referred to, and it  
9 mostly had to do with the issues of the  
10 construction process and not the  
11 content of the plan.

12 MR. PENNESSI: Yes.

13 I think at the beginning paragraph  
14 it says that the revised site plan is  
15 acceptable subject to --

16 CHAIRMAN MOORE: Yes.

17 MR. PENNESSI: -- satisfying the  
18 conditions when construction begins.

19 CHAIRMAN MOORE: Thank you.

20 All right.

21 Members of the public, does anyone  
22 have any remaining comments regarding  
23 this proposal which is before us?

24 MR. SWISKEY: William Swiskey, 184  
25 Fifth Street.

2 A variance of 21 parking spaces,  
3 where does the applicant intend to park  
4 his guests? That would be the first  
5 question because I don't know if you  
6 have been down the street this summer,  
7 but there's nothing. I mean it's --

8 Trustee Phillips has a letter in  
9 the monthly report coming up for the  
10 Thursday Work Session about we really  
11 have to enforce the limited parking  
12 time in the IGA parking lot because the  
13 IGA is losing business because this  
14 very instance. These businesses have  
15 no parking. I mean this right then and  
16 there should kill it.

17 Plus it's on the corner of Third  
18 Street; have you been on that street  
19 lately when the ferry comes in. I mean  
20 the whole thing just like .

21 -- I understand we have to go  
22 through the process, this pig can't  
23 fly.

24 Have a good day.

25 CHAIRMAN MOORE: Thanks, Bill.

2 MS. ALLAN: Chatty Allan, Fifth  
3 Avenue.

4 Since day one when this  
5 application was done, yes they had  
6 tried to cut back on this variances,  
7 but there are still major ones. I  
8 think the hurdles are way too high.

9 And I agree with Bill Swiskey, I  
10 drive a big school bus, so I've used  
11 that corner on Third and Front on a  
12 daily basis. The traffic alone that it  
13 will cause and the hardship that it  
14 will cause people that have to use that  
15 corner.

16 It's a beautiful project. That  
17 lot is too small for what is being  
18 proposed. I wish I knew of another lot  
19 to put it on because it is a gorgeous  
20 project, but the amount of variances,  
21 and it's not -- yes they have come down  
22 a lot, but they're still major  
23 variances.

24 We just had someone who wants to  
25 extend their porch and people are

1 quibbling over how close it's gonna be  
2 to the sidewalk, that's for one house.  
3  
4 In a neighborhood where the neighbors  
5 don't have a problem with it; this is  
6 the corner lot that is extremely busy,  
7 and it's going to be butting almost up  
8 to the sidewalk. You will have cars  
9 trying to pull in, they are trying to  
10 get in where people are getting into a  
11 turning lane, so now you're going to  
12 have a traffic jam there. It's already  
13 crazy to begin with, and I don't know  
14 how it's being designed because I  
15 haven't seen the latest plans with the  
16 loading berth, but I would assume you  
17 would have to back a truck in there.  
18 Again, not the right area for this  
19 project.

20 Thank you.

21 CHAIRMAN MOORE: Any remaining  
22 public comments?

23 (No response.)

24 Okay.

25 I think I could ask for a motion

2 that we close the public hearing.

3 MS. GORDON: So moved.

4 MS. NEFF: Second.

5 CHAIRMAN MOORE: Second.

6 Ms. Neff.

7 Any further discussion?

8 (No response.)

9 All in favor?

10 MR. SALADINO: Aye.

11 MR. CORWIN: Aye.

12 MS. NEFF: Aye.

13 MS. GORDON: Aye.

14 CHAIRMAN MOORE: I didn't hear any  
15 opposed since they were all ayes, we  
16 close that public hearing.17 Now we are on to the regular  
18 meeting.19 We have closed the hearing for Mr.  
20 Liakeas. I believe he and his  
21 representative have left. We could  
22 talk about it tonight or catch up next  
23 month when I assume they will be here  
24 to talk about it.

25 Seems to me, the remaining

2 discussion really revolves around any  
3 further substantiation as to whether a  
4 multi-family occupancy pre-existed the  
5 1971 date. Lacking that, we would then  
6 proceed with the consideration of  
7 variance requests.

8 To me, the first one, if it could  
9 be resolved is simple, we haven't  
10 necessarily had enough information to  
11 know what our decision will be at this  
12 point, so I'm going to propose that we  
13 table further discussion until next  
14 month on Number 1, Liakeas.

15 In that case, I'll make that  
16 motion and ask for a second.

17 MR. SALADINO: Second.

18 CHAIRMAN MOORE: All in favor?

19 MR. CORWIN: Aye.

20 MR. SALADINO: Aye.

21 MS. NEFF: Aye.

22 MS. GORDON: Aye.

23 CHAIRMAN MOORE: Opposed.

24 (No response.)

25 Motion carries.

2 We will bring that up next month.

3 Just jumping down the agenda, to

4 item 4, it is on hold and 5 and 6

5 remain open and wait for closing of

6 those hearings to discuss them.

7 We could briefly talk about

8 Mr. Foote and Mr. Tuthill's plans or

9 would you like to have some discussions

10 about the SAKD?

11 MR. SALADINO: I think we should

12 address what we can. I think

13 Mr. Pennessi's application is going to

14 take more than a couple of minutes.

15 CHAIRMAN MOORE: Would you like to

16 have a brief discussion on that?

17 (Whereupon, several members of the

18 Board spoke simultaneously.)

19 MR. CORWIN: I've got a little

20 problem with the project. I think it's

21 to intense a use, parking --

22 AUDIENCE MEMBER: Excuse me. I

23 can't hear.

24 MR. CORWIN: What I just said was

25 I have a little problem with the

2 project. I think it's too intense a  
3 use. The parking is certainly a  
4 concern. The loading space is stuck in  
5 there after, asking for an  
6 interpretation because the loading  
7 space looks like it's going to be  
8 difficult to use. The traffic on that  
9 street when that ferry gets out is  
10 just, in July it's pretty intense. I  
11 think it's too intense a use.

12 CHAIRMAN MOORE: Another point  
13 that I'd like to make and Mr. Prokop  
14 pointed out that there may be a  
15 requirement to re-notice the  
16 coordinated review.

17 ATTORNEY PROKOP: Yes.

18 For that reason we have to keep it  
19 open. We can discuss it, but we have  
20 to keep it open.

21 CHAIRMAN MOORE: One point is that  
22 the SEQRA determination must be done  
23 before we take any actions. We're now  
24 on the clock, so we have to do that and  
25 we have 62 days to give you an answer,

2 so that has to be done anyway, but we  
3 don't have to complete that today  
4 before we can have substantive  
5 discussions and deliberations at this  
6 point. I think it would be beneficial  
7 to do similar to what Mr. Corwin said,  
8 to have our comments regarding the  
9 different variances, so that it would  
10 be more expeditious when they come up,  
11 it would be very clear how we should  
12 vote.

13 MR. PENNESSI: I would appreciate  
14 that opportunity tonight to discuss it.  
15 I did just want clarification on the  
16 SEQRA.

17 CHAIRMAN MOORE: Yes.

18 MR. PENNESSI: What triggers the  
19 additional time period for the  
20 coordinated review and how long that  
21 coordinated review will take?

22 ATTORNEY PROKOP: There's two  
23 things we have to do.

24 One is to re-notice the SEQRA  
25 review, it's another 45 days; and

2 second thing is we need to re-notice  
3 the County and that would be, that will  
4 have a quick turnaround.

5 MR. PENNESSI: And the 45 days  
6 runs from when you submit?

7 ATTORNEY PROKOP: Yes.

8 It will be done tomorrow.

9 MR. PENNESSI: It will be sent  
10 tomorrow?

11 ATTORNEY PROKOP: Yes.

12 So we closed the hearing tonight,  
13 so we have 62 days to make a decision  
14 and in that time, we're going to finish  
15 up the SEQRA process.

16 MR. PENNESSI: I would just  
17 request that as we get closer, perhaps  
18 at the next meeting, provided our  
19 discussions are continuing and we're  
20 seeing where SEQRA is going, maybe we  
21 can seek draft resolutions, but I will  
22 leave it up to you, Mr. Prokop, how we  
23 continue.

24 CHAIRMAN MOORE: The other point  
25 is that the SEQRA could go a number of

2 ways and one of them is to require -- I  
3 can't say that would happen -- require  
4 an Environmental Impact Statement which  
5 is, I don't know --

6 Was that the term, Mr. Prokop?

7 ATTORNEY PROKOP: Pardon?

8 CHAIRMAN MOORE: Is it  
9 Environmental Impact or long form?

10 ATTORNEY PROKOP: It's a long  
11 form. We do the -- the applicant has  
12 submitted part 1 long form and the  
13 Board does part 2 and part 3.

14 CHAIRMAN MOORE: That would be  
15 more on us than you.

16 ATTORNEY PROKOP: I'll get the  
17 copies around to the Board.

18 CHAIRMAN MOORE: It's been  
19 submitted, I believe at this point in  
20 time.

21 I'd just like -- unless you want  
22 to clarify anything further.

23 MR. PENNESSI: Do you need me for  
24 discussion?

25 CHAIRMAN MOORE: Other than you to

2 hear it, no. We could ask you  
3 questions, perhaps.

4 MR. SALADINO: Just so I'm on the  
5 same page with everybody else,  
6 apparently I'm not; why are we  
7 re-noticing the SEQRA?

8 ATTORNEY PROKOP: Because the  
9 application changed.

10 CHAIRMAN MOORE: Anyway, I don't  
11 know if I can attribute it to Mr.  
12 Saladino or this project, I believe at  
13 one time you said this is ambitious  
14 project. I think that might have been  
15 this time around, and it is. You know  
16 there are some very steep hurdles.

17 My impression, the lot coverage, I  
18 mean you reduced it, there is a little  
19 bit remaining, to me, not a big deal.  
20 You know, I would actually worry more  
21 about the loss of architectural design  
22 from some of the changes that are made  
23 than the small percentage that has to  
24 be approved.

25 The loading berth, I have a

1 problem with that. I joked that you  
2 mine as well put it on the roof because  
3 it's undersized, it's at the back of  
4 the lot, there are some encumbrances on  
5 it, and the parking is in front of it.  
6 I just don't see it as useful.

7 Which brings me to the parking,  
8 and the parking is a major obstacle.  
9 My impression is, if you had a way to  
10 provide parking off-site, most of your  
11 problems as far as site plan go away.  
12 You have ample room for a drop-off and  
13 pickup area, you have room for loading  
14 and handicap parking. That clarifies  
15 that, and I see the parking as a major  
16 hurdle. I know that the Planning Board  
17 could excuse a large number of parking  
18 places, but two-thirds of the parking  
19 places is required by code aren't being  
20 supplied, and you've heard many times  
21 people talking about the burden on  
22 parking. The people that come, if the  
23 excuses were generated, will still have  
24 to find a place to park; and that's a

2 problem even for customer satisfaction.

3 I see that as a problem, that's a real  
4 hot issue.

5 The height issues, I don't have a  
6 big problem for a third story occupied  
7 by hotel rooms. We've seen it down the  
8 street, and it's worked very well.

9 There are other more than two-story  
10 buildings in the Business District and  
11 next to the movie theater. I think  
12 it's very appropriate having seen the  
13 site plans and the drawings, it's very  
14 pleasing.

15 I do have a problem with the use  
16 of the roof which many times has been  
17 referred to as a fourth story. It's  
18 going to occupy, going to have  
19 customer, at least, public access. It  
20 adds to the variances needed for the  
21 roof. I mean if the roof were not  
22 occupied you wouldn't need an elevator  
23 going to the roof, you wouldn't need a  
24 lot of things, other than perhaps the  
25 mechanicals, which I don't know if you

1 have dimensions on the height of HVAC  
2 equipment and exhaust for a restaurant  
3 space; but they clearly aren't the  
4 height that's required to occupy; and I  
5 think just the other issues of noise  
6 and disturbing the neighborhood with  
7 this amount of outdoor space. I think,  
8 you know, it's something that you will  
9 have trouble with.

10  
11 I could see that there would be a  
12 chance a number of these variance  
13 issues would be granted, but I can see  
14 that a number of these wont, and as far  
15 as I'm concerned this is one that  
16 doesn't really meet the standard. It  
17 just adds to a fourth floor occupancy  
18 in my opinion.

19 The plans, I really like the  
20 plans. It is an intense, very intense  
21 use, you have three different things  
22 happening, but to some degree  
23 coordinate together.

24 I believe that it was a very good  
25 offer to not have outdoor dining. It

2 doesn't stop you from using that space  
3 transiently, as many other restaurants  
4 do as long as it's your property, but  
5 it could have impact on parking, so you  
6 have to be careful.

7 Overall, it's an intense plan that  
8 could, I think, have an opportunity for  
9 some approval, but right now, I'm not  
10 very optimistic that all the variances  
11 will be granted; and then you go to the  
12 Planning Board and they may have their  
13 own comments.

14 That my opinion.

15 MR. PENNESSI: If I may just  
16 respond.

17 I said that I generally agreed  
18 with how the agenda described the  
19 variances that we're seeking.

20 Where I disagree with what the  
21 agenda says is that we are not asking  
22 again for a clear 47-foot height  
23 variance. Specifically we're asking  
24 for a height of 36 feet 11 inches for  
25 the top of the mechanical equipment.

2 For the restaurant and retail uses,  
3 we're asking for a height of 42 feet 9  
4 inches to a proposed rooftop trellis  
5 which we're not necessarily committed  
6 to. It's an architectural feature that  
7 can stay or go. And the last piece 46  
8 feet 8 inch to the top of the bulkhead  
9 for the stairwell and the elevator.

10 Again, we are not requesting a clear  
11 47-foot height, we are asking for very  
12 specific variances for those very  
13 specific items at very specific  
14 locations on the roof.

15 The loading berth as part of site  
16 planning, we are open to talking about  
17 where the loading berth is located. If  
18 not in that left corner, perhaps closer  
19 to the road, and, of course, where it's  
20 located currently, we may have to  
21 relocate perhaps where the trash  
22 enclosures are located, but as far as  
23 site planning, we're open to doing  
24 that. The variance request is for a  
25 loading space in that area, having

2 those dimensions.

3                   And lastly, parking, we have been  
4                   very clear about what we have been  
5                   asking for in the interpretations and  
6                   disagreements with the Board's  
7                   discission in those matters.8                   Specifically, we have delivered parking  
9                   and traffic studies that show that this  
10                   use is not, in fact, an intensive use,  
11                   and we did analyze how people would be  
12                   traveling to the Village, whether they  
13                   would be by car or would be by rail.14                   We're getting a tremendous number of  
15                   people coming, according to our traffic  
16                   consultant, coming by rail to the  
17                   Village; and we would certainly  
18                   encourage that based on the number of  
19                   parking spaces we have on the site.20                   Of course I would love to say we  
21                   would go out and buy parking in the  
22                   Village, but people previously  
23                   commented that it is one-square mile,  
24                   it's not an easy proposition to go out  
25                   and find the property, particularly

2 when we've been in front of the Board  
3 since December 2015. It's not exactly  
4 an easy answer to just go find property  
5 for parking.

6 MR. SALADINO: I sympathize with  
7 your position. Like Mr. Moore,  
8 Chairman Moore said, the loading zone  
9 was always a big problem. I just can't  
10 imagine servicing a hotel and doing it  
11 from the street, especially that  
12 street, especially those two streets;  
13 so the loading zone is a big problem.  
14 I have no idea how you can resolve it.  
15 I don't have a problem with the  
16 dimensions of the loading zone. I have  
17 a problem with dumpsters in the middle  
18 of it, you know it's the drywell too.

19 Unlike Chairman Moore, I don't  
20 have a problem with the height. I  
21 don't have a problem with the third  
22 story. I don't love the idea of a  
23 rooftop deck; I think it would be crazy  
24 not to have a rooftop deck.

25 The lot coverage. There is a lot

2 of buildings there with more lot  
3 coverage than you are asking for.

4 And it brings us down to the  
5 parking. Again, I sympathize with your  
6 position. There's a building across  
7 the street from you because of the time  
8 that it was built, he doesn't have to  
9 worry about parking, doesn't have to  
10 worry about a lot of different things,  
11 unfortunately that's how our code was  
12 written. I wouldn't have problem with  
13 this application if it wasn't for the  
14 parking.

15 As far as suggesting, again,  
16 Mr. Pennessi, you're really an  
17 optimistic guy that you think all your  
18 customers are going to come by train.  
19 I mean, only a couple weeks ago, they  
20 even decided to run a train on the  
21 weekends.

22 CHAIRMAN MOORE: I'd just like to  
23 add one thing.

24 I'm sorry.

25 MR. SALADINO: So for any of us

2 here to believe having watched the  
3 tourist industry grow and grow and  
4 grow, for any one of us here to believe  
5 that the majority of the people that  
6 are coming to perhaps patronize your  
7 hotel or coming to Greenport just to  
8 experience Greenport are coming by  
9 public transportation is not realistic,  
10 not to me, Perhaps to my colleagues,  
11 but to me it's not. I don't see lines  
12 and jitneys lining up ferries, Long  
13 Island Railroad trains. In the old  
14 days, that was the way, but now  
15 everybody drives.

16 MR. PENNESSI: I do appreciate  
17 your sympathy. The code, while we are  
18 specifically requesting a 21-space  
19 variance, the code did provide for the  
20 Planning Board in circumstances to  
21 accept payment in lieu, as we've  
22 discussed, for up to 20 spaces so that  
23 there is, there was some consideration  
24 that there could be a project of this  
25 nature that would require an excess of

2 20 spaces, and there is a mechanism to  
3 do that in addition to asking for a  
4 variance. We've decided strategically  
5 to request a 21-space variance as  
6 opposed to a one-space variance and  
7 then hold our breath for perhaps  
8 another 275 days for the Planning Board  
9 to find out we have to come back for a  
10 20-space variance.

11 CHAIRMAN MOORE: We don't want to  
12 go back and forth.

13 One thing I'd like to comment on  
14 is, you mentioned sympathy, I think  
15 we're all sympathetic, but I don't know  
16 if we can allow ourselves the appearance  
17 of unfairness to generate sympathy to  
18 grant a variance that is really well  
19 documented in the code; and not do be  
20 coldhearted, but I think you have more  
21 chance, as you just said, to deal with  
22 the Planning Board, they can allow a  
23 certain amount of in-lieu-of spaces.

24 MR. PENNESSI: To be clear, I was  
25 not requesting sympathy, Mr. Saladino

2 simply referenced it, and I certainly  
3 appreciate it.

4 CHAIRMAN MOORE: We try to hide  
5 our sympathy.

6 MR. PENNESSI: Perhaps we decide  
7 to go forward with the Planning Board,  
8 you know, as one of a variety of  
9 options we have.

10 CHAIRMAN MOORE: The problem I  
11 have is that, you know, it's true,  
12 they're not all cars. I see more and  
13 more people trailing suitcases heading  
14 for the bus or the train, and that's  
15 certainly a possibility, but we're  
16 being faced with a lot of parking  
17 places, you know, you are taking care  
18 of a number that reduces it, but you  
19 still have a lot of parking you need,  
20 two-thirds of your needs are not being  
21 supplied. That's a really big hurdle,  
22 and I think we have to consider it, and  
23 when the vote comes, we'll see what  
24 happens; but to me, that's a major  
25 obstacle.

2 I think you can jockey a loading  
3 berth possibly around with some  
4 creativity. I have coffee frequently  
5 on mornings and I see the delivery  
6 trucks, full size tractor trailers  
7 backing down the street to come around  
8 the corners, they can't expect to park  
9 on the Third Street or Front Street, it  
10 just won't work, so they need to be  
11 off-street, and I'm not sure that you  
12 want to be a block away to deliver, so  
13 that is a very critical part of the  
14 operation.

15 Other Board members, I don't mean  
16 to stifle you.

17 MS. GORDON: Last winter when this  
18 issue began to be hot for us, I started  
19 paying some attention to the parking  
20 around the Village and in the center of  
21 town, and I was struck by how seasonal  
22 the parking problem is. I mean, really  
23 it's three months where it's intense,  
24 and you can take a nap in the middle of  
25 Front Street during January; so it's

1 very complicated. I recognize that,  
2 and I'm not as concerned about parking  
3 as everybody else, partly because I  
4 think you would find imaginative ways  
5 to respond to your customers.

6  
7 And I also disagree with John  
8 about the use of the train and the  
9 buses, particularly the train. The  
10 train used to have -- when I first  
11 moved to Greenport eight years ago, the  
12 train on the weekend had one car, one  
13 passenger car. This summer it has  
14 three, and you see people getting off  
15 those trains, it's as though something  
16 huge has changed, but if that will last  
17 or not, I don't know.

18 I guess I'm kind of skeptical  
19 about this concern about the parking,  
20 and especially because I watched the  
21 Harborfront parking most of the year  
22 and saw that there was lots of extra  
23 parking in there, and people who are  
24 not guests park in there all the time,  
25 so I sort of -- and I'm concerned that

parking should not become the sort of dominant rational that we apply in rejecting and deciding projects, so I'm not so concerned about the parking.

I'm also not concerned about the lot coverage, and it's going to be a small -- it's a small lot, I don't know what we could possibly fit on that lot that wouldn't have a lot coverage problem.

Like my colleagues, I am very concerned about the loading berth and how you make it truly off-street. I'm worried that if, in fact, that area is crowded and the trucks are coming in, they'll just rely on the street and then there will be a terrible mess, so that's one area where I'm quite very doubtful.

I'm not so concerned about the third story, but I don't want the roof to be a fourth story, and I take your comments about the mechanisms seriously; but I really wonder how

2 realistic it is to think that you can  
3 put all that mechanical stuff into a  
4 relatively, you know, not without  
5 changing the vertical picture of what  
6 the that third-story roof is like.

7 So I'd say the loading berth and  
8 roof area are the things that concern  
9 me, but I don't know how I would vote  
10 if a vote were taken right now. I'm  
11 glad we have a little more time.

12 MR. PENNESSI: The decision to  
13 even propose this project was not  
14 without a lot of consideration on A,  
15 what Greenport is and has to offer, but  
16 also who will be coming to the property  
17 and how they would be getting there,  
18 and thinking about the future of things  
19 like travel and how people get from  
20 where they're coming from and how  
21 they're going to get there.

22 In response to the height issue,  
23 there is sufficient room up there, even  
24 with the size of the roof deck that's  
25 being proposed to have those

2                   mechanicals up there.

3                   Just to be clear, we do have a  
4                   wall at the 35-foot height, so the  
5                   mechanicals are only just over a foot  
6                   above that, so there's plenty of room  
7                   up there on the roof from the flat roof  
8                   to (inaudible).9                   CHAIRMAN MOORE: I'd also like to  
10                  point out that these variances are  
11                  individually listed and would be voted  
12                  on one-by-one, so that obviously our  
13                  members have the opportunity to yea or  
14                  nay for whatever they like, and the  
15                  overall impact is you have to score a  
16                  hundred percent in your test to move  
17                  forward, so at least it's constructive,  
18                  or should I be pessimistic at this  
19                  point that you might not get all of  
20                  your variances, but at least it's a  
21                  direction.22                  MR. PENNESSI: We're still  
23                  optimistic.24                  MR. SALADINO: I would like to  
25                  make one more comment.

2 MR. PENNESSI: Yes.

3 MR. SALADINO: Just to clarify.

4 I believe like if you build it,

5 they will come, like with the train. I  
6 believe you can fill your hotel and not  
7 worry about parking if the Long Island  
8 Railroad ever decided to provide the  
9 service that Greenport needed.10 Unfortunately, having worked for the  
11 Long Island Railroad, sometimes they  
12 don't listen to us, so, again, if there  
13 was train service like there used to  
14 be, I don't think that would be a  
15 problem, but unfortunately, it's not, I  
16 think the railroad threw the Village a  
17 bone bringing back weekend service, and  
18 I'm not sure it's going to last, but  
19 that's just my opinion.20 MR. CORWIN: I'd like to mention  
21 one more thing, and that is the  
22 purchase of parking. That's not up to  
23 us, that's up to the Planning Board,  
24 but I would like to say how that came  
25 about.

2 That came about 35 years ago. I  
3 was on the Planning Board, and a dollar  
4 amount was put on the idea of  
5 purchasing parking. It reflected 35  
6 years ago what it would cost to build a  
7 parking place. That has probably  
8 multiplied by what? Ten, since 35  
9 years ago. It's entirely up to the  
10 Planning Board, it's no longer a  
11 realistic figure in terms of the value  
12 of the parking place.

13 MR. SALADINO: I think actually  
14 there was a code change proposal by the  
15 attorney or the Village Board to raise  
16 the price. I don't want to scare you,  
17 but I think it was about \$10,000 a  
18 space.

19 MR. PENNESSI: I would say,  
20 generally speaking, a surface space  
21 uncovered, not a garage space is still  
22 about \$2,500 worth; a garage space, the  
23 cost of it is more like --

24 MR. CORWIN: Is that due to the  
25 cost of the land?

2 MR. PENNESSI: Yeah, that's  
3 construction; cost of the land is  
4 notwithstanding. \$2,500 is still a  
5 good number for parking.

6 CHAIRMAN MOORE: Unfortunately,  
7 those spaces would be outside the  
8 one-square mile, so that's the problem.

9 What I'd like to do since we're  
10 waiting again on the SEQRA review is  
11 table this discussion for further  
12 discussion. I think we talked it out  
13 pretty well tonight, and the pot still  
14 has to turn and we have combined 62  
15 days, 45 days, and something is going  
16 to happen in October.

17 I'm make a motion to table this  
18 discussion for further discussion and  
19 ask for second.

20 MR. SALADINO: Second.

21 CHAIRMAN MOORE: All in favor?

22 MR. CORWIN: Aye.

23 MS. NEFF: Aye.

24 MS. GORDON: Aye.

25 MR. SALADINO: Aye.

2 CHAIRMAN MOORE: Opposed?

3 (No response.)

4 So that is tabled.

5 MR. PENNESSI: Thank you.

6 CHAIRMAN MOORE: Thank you again  
7 for coming a long way.8 Mr. Prokop, are we obliged to  
9 accept Items Number 8 and 9 in motion  
10 to variance applications?11 My point is that I doubt that we  
12 even get to them next month, the  
13 schedule we've already arranged for  
14 ourself to try and resolve --15 ATTORNEY PROKOP: No, you're not  
16 obliged.17 CHAIRMAN MOORE: So are we obliged  
18 to move on this?19 I'm gonna, first of all, suggest  
20 that we make a motion that we table the  
21 acceptance of the these applications,  
22 number 8 and 9 for another meeting; and  
23 in the meantime, there were some  
24 comments about number 9 as far as the  
25 suitability of the application. I

2 think that time will allow it to be  
3 worked out, so I'll make a motion to --

4 Is it table accepting these --

5 ATTORNEY PROKOP: Yes.

6 CHAIRMAN MOORE: -- for another  
7 meeting and --

8 MR. SALADINO: What would be the  
9 difference between tabling and not  
10 accepting?

11 ATTORNEY PROKOP: Not accepting  
12 means it goes back to the applicant.

13 MR. CHARTERS: I have a question  
14 on one of those items that I wanted to  
15 speak about accepting the application.

16 CHAIRMAN MOORE: It's not public  
17 input at this time.

18 ATTORNEY PROKOP: The person is  
19 Gary Charters.

20 MR. CHARTERS: Gary Charters  
21 C-H-A-R-T-E-R-S.

22 I wasn't questioning --

23 CHAIRMAN MOORE: You have a  
24 technical question, I take it?

25 MR. CHARTERS: Yes.

2 CHAIRMAN MOORE: It's not public  
3 testimony, but --

4 MR. CHARTERS: Absolutely not.

5 MR. SWISKEY: The man was here for  
6 four hours.

7 MR. CHARTERS: Gary Charters,  
8 Greenport, C-H-A-R-T-E-R-S.

9 Unfortunately, I'm not like  
10 Mr. Saladino, around 8:30, 9:15, I've  
11 fallen asleep three times already in  
12 the chair and woke myself up snoring,  
13 so I'm usually home snoring by now; and  
14 I'm hungry.

15 My question is: If you make a  
16 motion to accept these applications,  
17 are they accepted on fact or are they  
18 accepted on principle?

19 CHAIRMAN MOORE: They're accepted  
20 on format and content, but the  
21 application --

22 MR. CHARTERS: Because I actually  
23 had an opportunity to look at the plans  
24 that were submitted. No dimensions, I  
25 sat with Ms. Wingate, she measured with

2 her, one of her magical rulers, the  
3 parking spaces did not even comply to  
4 Village Code, the setbacks or whatever,  
5 so I'm wondering why you would even  
6 accept it if doesn't have dimensions or  
7 it doesn't apply to present code?

8 CHAIRMAN MOORE: We haven't got  
9 there because because we're actually  
10 tabling them 'til --

11 MR. CHARTERS: I see that, but I  
12 waited all night to --

13 It's a technical question that why  
14 would you even consider it if it's not  
15 factual to begin with?

16 MR. SALADINO: What I was going to  
17 say before Gary decided he wanted to  
18 speak was that I feel that as of this  
19 moment, the application is incorrect  
20 and incomplete.

21 CHAIRMAN MOORE: Okay.

22 So let's do it this way --

23 MR. SALADINO: So I would rather  
24 reject the application and not, as  
25 opposed to table it and what

2 deficiencies are in the application can  
3 be worked out later; that would be my

4 --

5 CHAIRMAN MOORE: Okay.

6 MR. SALADINO: That would be my --

7 MR. CHARTERS: That would be my  
8 point.

9 Thank you very much.

10 CHAIRMAN MOORE: Let me just do it  
11 this way. We haven't voted yet, so  
12 Item Number 8, I will make a motion to  
13 table that application for  
14 consideration to accept next month, and  
15 that's the Ralph and Maureen Caouette,  
16 447 Sixth Street, the carport addition.

17 Could I have a second?

18 MR. SALADINO: Second.

19 CHAIRMAN MOORE: All in favor?

20 MR. CORWIN: Aye.

21 MS. GORDON: Aye.

22 MR. SALADINO: Aye.

23 MS. NEFF: Aye.

24 CHAIRMAN MOORE: Opposed?

25 (No response.)

2 Motion carries.

3 That's tabled.

4 Now, if there are a number of  
5 deficiencies, I did see some  
6 correspondence back and forth about  
7 some deficiencies, some of which I  
8 think were cleared up, but I would go  
9 at this time to make a motion to accept  
10 an application for an area variance  
11 from Robert Brown, Agent for Milillo  
12 Main Street LLC, 912 Main Street for a  
13 bed and breakfast expansion, so I'm  
14 making a motion to accept it.

15 Can I have a second?

16 MR. SALADINO: Second.

17 CHAIRMAN MOORE: All in favor?

18 MS. GORDON: Mr. Chairman, can we  
19 have some discussion?20 CHAIRMAN MOORE: We will discuss  
21 it.22 MS. GORDON: I'd like to know why  
23 John said -- it was you who said it was  
24 incomplete, I'd like to know why.

25 MR. SALADINO: Well, the first

2 thing I have is that there is a problem  
3 with the authorization.

4 Again, it's a Planning Board form;  
5 it's not a Zoning Board form. "To  
6 apply for variances on my behalf under  
7 Greenport Village Planning Board,"  
8 we're not the Planning Board.

9 Plus, it's not notarized, so  
10 Milillo Main Street LLC really doesn't  
11 have the authority to authorize Robert  
12 Brown to make this application, number  
13 one.

14 Number two, I have more than a few  
15 problems with the EAF. Some of the  
16 questions are just out-and-out wrong.

17 I also have a problem with the  
18 site plan. On the site plan that I  
19 received, there's only five bedrooms  
20 shown, and their variance is to ask to  
21 increase the number of their rental  
22 rooms to five; so we all know that B&B  
23 has to be owner-occupied, and I don't  
24 see an owner's bedroom.

25 CHAIRMAN MOORE: Okay.

2 MS. GORDON: Can you explain to me  
3 why isn't this authorization with  
4 notary's signature?

5 MR. SALADINO: Perhaps I have a  
6 different form.

7 CHAIRMAN MOORE: That's the actual  
8 variance description. That's the  
9 application, it's not the authorization  
10 that Mr. Saladino --

11 MS. GORDON: Okay.

12 CHAIRMAN MOORE: What was done is  
13 the Planning Board form was used and  
14 wasn't corrected to the Zoning Board,  
15 and I think the suggestion is that  
16 there should be a form that has both  
17 and the people can circle or cross  
18 out --

19 MR. SALADINO: I would be willing  
20 to concede that for future  
21 applications, but also this -- unless  
22 you have a different form than me.

23 CHAIRMAN MOORE: No.

24 MR. SALADINO: This one is not  
25 notarized, so the reality is --

2 MS. GORDON: It has a notary, but  
3 no seal.

4 MR. SALADINO: I don't even know  
5 if I -- this is the form that I'm  
6 talking about.

7 CHAIRMAN MOORE: Why don't we go  
8 ahead and point out some of the issues,  
9 and let's vote it.

10 ATTORNEY PROKOP: Excuse me for a  
11 second.

12 Why is there a motion to accept it  
13 if we don't think it's --

14 CHAIRMAN MOORE: Because the vote  
15 will tell us whether we're accepting it  
16 on not.

17 That's how I think it would be.

18 So we have a second, I think.

19 Yes.

20 MR. CORWIN: Before we vote on  
21 this, I think we have to try to line up  
22 all the things we're objecting to  
23 because I have my own objection.

24 CHAIRMAN MOORE: Okay. So the  
25 objections thus far are the site plan

2 as for as bedrooms, the other objection  
3 is notarization, no authorization and  
4 identification under the ZBA. There  
5 is -- what else?

6 MR. CORWIN: There is a question  
7 of the size of the parking places.

8 CHAIRMAN MOORE: Parking layout.  
9 I understand that was revised, but I  
10 haven't had a chance to review it, it  
11 only came in very recently. There may  
12 be a revision in the parking.

13 ATTORNEY PROKOP: We just had an  
14 application two months ago where we  
15 required the person to come back with  
16 an architects -- the dimensions of the  
17 rooms are not indicated correctly?

18 CHAIRMAN MOORE: Yeah, but  
19 that's --

20 ATTORNEY PROKOP: That's something  
21 we forced somebody else to come back  
22 with an architects measuring of the  
23 rooms.

24 MR. SALADINO: The spaces have to  
25 be designated, for B&B, they do.

2 Parking for B&B spaces have to be  
3 designated, they should also have the  
4 size, you know, you can't just say here  
5 is a parking space.

6 CHAIRMAN MOORE: Now, the  
7 understanding that we have is that the  
8 current bed and breakfast was a  
9 three-room bed and breakfast with owner  
10 quarters, and the plans, although they  
11 are more or less overlapping additions  
12 to the existing house, it depicted two  
13 new bedrooms; so doing the math, I  
14 would assume there are six bedrooms.

15 Why don't we ask for a complete  
16 drawing that shows all the rooms?

17 MR. SALADINO: I have -- because I  
18 would just like to resolve it; not  
19 resolve it, but at least explain my  
20 position now.

21 I have the architect's rendition,  
22 if somebody can point it out to me  
23 where the owner's bedroom is, I'll  
24 withdraw my objection.

25 CHAIRMAN MOORE: Why don't we let

2 that be resolved if this is returned  
3 next agenda?

4 MR. SALADINO: I see an existing  
5 bedroom, that's one; a new bedroom is  
6 two; an existing bedroom is three; an  
7 existing bedroom is four; and a new  
8 bedroom is five. I don't see an  
9 owner's bedroom.

10 CHAIRMAN MOORE: That would be a  
11 point to resolve.

12 We have those items. Do we have  
13 sufficient information to make a vote  
14 on accepting this application's.

15 MR. CORWIN: I suggest also that  
16 the notary wasn't done correctly,  
17 apparently that was followed up on, but  
18 it wasn't given to us a week before.

19 CHAIRMAN MOORE: No. It was  
20 restamped on the request.

21 MR. CORWIN: I haven't had a  
22 chance to look at it again.

23 There was no letter from Karen  
24 Sycotsa (phonetic) as anyone's agent,  
25 but she's on the form.

2 CHAIRMAN MOORE: Well, my  
3 understanding is that she is an  
4 employee of the Mr. Brown's practice,  
5 and he indicates his, you know, the  
6 authorization for him and his  
7 assistants, so apparently that's  
8 resolved because she works for him  
9 anyway.

10 MR. SALADINO: The other question  
11 I have for the attorney is: On the new  
12 application that they submitted that I  
13 really didn't have a chance to go  
14 through, they have a corporation as  
15 owner, and they have the list of people  
16 named in that corporation or LLC as  
17 owner with their interest in the  
18 business. Now we all know that a bed  
19 and breakfast has to be owner occupied.  
20 You know, there's one, two, three, four  
21 owners, 45 percent 45 percent, 5  
22 percent, 5 percent interest.

23 So my question is: Who is going  
24 to live there?

25 CHAIRMAN MOORE: Somebody does.

2 There is a resident in the house.

3 MR. SALADINO: Can a corporation

4 be --

5 CHAIRMAN MOORE: A B&B is  
6 accessory to the primary use as an  
7 occupied business, so someone has to be  
8 an occupant in the house.

9 We can find that out.

10 Anyway, I did make a motion to  
11 accept the application.

12 MR. SALADINO: I second it.

13 CHAIRMAN MOORE: And you second.  
14 Keep in mind that accepting the  
15 application is ignoring the concerns,  
16 so a yes vote is going forward and a no  
17 vote is send it back.

18 My I have roll call, please?

19 Mr. Corwin?

20 MR. CORWIN: No.

21 CHAIRMAN MOORE: Mr. Saladino?

22 MR. SALADINO: No.

23 CHAIRMAN MOORE: Ms. Gordon?

24 MS. GORDON: No.

25 CHAIRMAN MOORE: Ms. Neff?

2 MS. NEFF: No.

3 CHAIRMAN McMAHON: And I say no,

4 so it's going back.

5 That not accepted, and we can move  
6 on.

7 Let's take a few minutes.

8 (Whereupon, a recess was taken at  
9 this time.)10 CHAIRMAN MOORE: Just a point of  
11 information, the application of Steven  
12 Bull for an improvement of a house on  
13 24 Sandy Beach Road has been withdrawn,  
14 so we're not going to be proceeding  
15 with it.16 We could now have the discussion  
17 on Walter Foote's application, and we  
18 presumably can move forward with it.19 There was some discussion as to  
20 the size of the porch and whether it  
21 would be four-and-a-half feet as  
22 proposed or 6 feet as requested and it  
23 seems like the best thing to do is just  
24 talk about what's acceptable to the  
25 Board.

2 MS. GORDON: Is there any rational  
3 for any other number than the 6-feet  
4 proposed? Is there a rational for 4  
5 feet? For example, does it make it  
6 further away from the sidewalk, you  
7 know, I'd like some standard.

8 MR. SALADINO: You know the deal  
9 with us, there's a difference in need  
10 and desire, you know, it's what is the  
11 need, and what does he want.

12 I got to be honest with you, the  
13 only problem I have with this is that  
14 we don't have a drawing of what he  
15 wants. You know we have the applicant  
16 standing at the podium saying, well, I  
17 could make it 6 feet or I can make it  
18 6-and-a-half feet, and it would be 7  
19 feet from the sidewalk. We would just  
20 kind of like it in front of us, so  
21 everybody signs off on it.

22 MS. GORDON: Well, I think this is  
23 a historical gift to the Village to  
24 have the building renovated with a  
25 handsome front porch that will remind

2 us of what porches looked like a  
3 hundred years ago.

4 You know, I would like to have a  
5 better idea of why it should be 6 feet  
6 or 4 feet, but we don't have that and  
7 maybe we would need to get it if we  
8 asked you to do some research about  
9 these buildings, so I'm sort of  
10 inclined to say let's embrace the  
11 historical -- as I said, I feel it's a  
12 historic gift to the Village and  
13 appreciate and acknowledge that.

14 MR. SALADINO: Are you saying that  
15 you want to know between 4 or 6 feet  
16 from a historical perspective or from  
17 like a --

18 MS. GORDON: There are two --  
19 presumably, there's an esthetic  
20 consideration and there's a functional  
21 consideration, maybe it was you who  
22 asked about that, and I'm sorry, I  
23 don't remember your wife's name, but  
24 she said we would like it to be large  
25 enough so we could put a chair out

2 there and move around, so maybe that's  
3 the difference between 4 and 6, but I  
4 don't know, you know. We haven't been  
5 given enough information, I think, to  
6 make a judgment about that, and maybe  
7 it doesn't matter a lot.

8 CHAIRMAN MOORE: Would you come to  
9 the mic.

10 We had a discussion about, that  
11 the original request was 4-and-a-half  
12 feet which limits, by your claim, some  
13 mobility, and you were thinking perhaps  
14 6 feet would be more appropriate.

15 MR. FOOTE: And it's, you know,  
16 looking at the photograph, I don't  
17 think you can tell what the depth was,  
18 you know, there wasn't a measurements.

19 It does appear to be very close to  
20 what seemed to be the sidewalk back  
21 then, but I don't know if it's the same  
22 sidewalk as exists now, so I'm really  
23 reverting back to just functionality  
24 and, you know, observing for myself  
25 other porches in the area, and it just

2 seems like 4-and-a-half is awfully  
3 narrow and 6 feet is more reasonable.

4 Bearing in mind also that I'm  
5 already taking -- when it's built, the  
6 measurement is to the exterior of the  
7 porch, right away, I'm gonna lose about  
8 8 inches because of the posts and  
9 railing.

10 CHAIRMAN MOORE: And the steps  
11 onto the porch are contained within the  
12 porch, the stoop, it doesn't stick out,  
13 does it?

14 MR. FOOTE: The steps, if we're  
15 gonna take it to 6 feet, since the  
16 boundary is 6.2 feet, the step,  
17 although it would be on top of that  
18 granite slab, I guess technically, it  
19 would be outside the property boundary.

20 CHAIRMAN MOORE: That's something  
21 I don't think --

22 MR. SALADINO: We can't give you  
23 permission to build on Village  
24 property.

25 MR. FOOTE: Than the way to

2 address that is to just simply have the  
3 step, an insert step.

4 CHAIRMAN MOORE: That's  
5 historically correct and it's amenable,  
6 than the porch is a porch and you don't  
7 have to worry about that.

8 MR. FOOTE: Right. That way we  
9 wouldn't have that issue.

10 MR. SALADINO: That's why it would  
11 be nice to have plans.

12 MR. FOOTE: I know.

13 Well, we did, but it, I didn't  
14 review the way he drew it before it was  
15 submitted, and I should have been  
16 looking at it more carefully.

17 CHAIRMAN MOORE: And the drawing  
18 is really just a box at this point. I  
19 know you have artic renditions.

20 MR. SALADINO: Would it be easier  
21 for us or would it be easier for you to  
22 say, the outside limits of the porch  
23 will come within X amount of inches or  
24 feet from the sidewalk?

25 MR. FOOTE: Yeah. That would be

1 fine.

2  
3 MR. SALADINO: I'm not sure if  
4 it's fine with us.

5 MR. FOOTE: That would be fine  
6 with me as long as it's, I agree with  
7 the number.

8 MR. SALADINO: What do you think,  
9 David?

10 MR. CORWIN: I thought this was  
11 going to be the only one we got solved  
12 tonight.

13 Since the dimensions have changed,  
14 it's very hard to --

15 What I was thinking of is going  
16 down the street and measuring a couple  
17 porches and find out what the narrowest  
18 you can make it.

19 CHAIRMAN MOORE: Your schedule for  
20 construction is continuing, I assume  
21 without relying on --

22 MR. FOOTE: I'm not going to build  
23 it until I get it approved.

24 CHAIRMAN MOORE: Okay.

25 MR. FOOTE: We're trying to

2 complete construction by the beginning  
3 of October, and I have -- all the subs  
4 are in the process of finishing up the  
5 rough work.

6 CHAIRMAN MOORE: What I'd like to  
7 suggest is that with those things we  
8 mentioned in mind that you consider  
9 providing a drawing with the dimensions  
10 you would like, and where the front  
11 step, including the step down would be,  
12 whether it's internal, external,  
13 whatever your preference is and just  
14 come back.

15 I think you have a favorable view  
16 of the porch overall, but the details,  
17 to be politically correct, should be  
18 there and then we can vote on it.

19 MR. FOOTE: That's fine.

20 CHAIRMAN MOORE: That would be in  
21 September.

22 MR. FOOTE: Okay.

23 CHAIRMAN MOORE: So that works for  
24 you, so would the Board --

25 MS. NEFF: Can I add one piece of

2 information?

3 CHAIRMAN MOORE: Yes.

4 MS. NEFF: I don't know if you're  
5 familiar with the Sanborn Maps of  
6 Greenport of different dates, including  
7 1890, 1900, they would show dimensions  
8 of this porch. They may not be exactly  
9 the way your architect or you want to  
10 build it, but those maps show exact  
11 materials and dimensions.12 In other words, the photograph  
13 that you have is probably from the  
14 period 1890 or something plus or minus  
15 ten years of that, and there are such  
16 maps, Eileen could help you find them.  
17 They're Sanborn insurance maps, they  
18 show very detailed what the roof was  
19 made of -- yes, they are very detailed.

20 MR. FOOTE: Thank you.

21 MR. SALADINO: So what I'll do is  
22 make a motion that we again table our  
23 discussions pending resubmission of the  
24 dimensions, drawings for the front  
25 porch. And we will consider it next

2 month.

3 I'll make a motion we table this  
4 'til next month.

5 MS. GORDON: Second.

6 CHAIRMAN MOORE: All in favor?

7 MR. SALADINO: Aye.

8 MS. NEFF: Aye.

9 MR. CORWIN: Aye.

10 MS. GORDON: Aye.

11 CHAIRMAN MOORE: Opposed?

12 Motion carries.

13 We can talk about Mr. Tuthill's  
14 proposal if you'd like, and we can  
15 finish that up.16 I had a concern that even though  
17 the garage or the guest house, whatever  
18 it is, fully screens the pool, if you  
19 stand at the point where the pool would  
20 meet and look toward the street, there  
21 is no problem seeing the street, so I  
22 would think that the screen down the  
23 front portion of the pool toward the  
24 street might be of some benefit, just  
25 along the pool fence.

2 MR. SALADINO: But the code says  
3 the only time you have to provide  
4 screening is if the pool is within 50  
5 feet of the boundary.

6 CHAIRMAN MOORE: The boundary is  
7 to the right, that could be --

8 MR. SALADINO: Or the street, and  
9 it's further than 50 feet from the  
10 street.

11 CHAIRMAN MOORE: Definitely, but  
12 not from the property line. The  
13 property line is true property line  
14 because they are two independent  
15 parcels.

16 MR. SALADINO: To the Mitchell  
17 property.

18 CHAIRMAN MOORE: To the Mitchell  
19 property, which is under their  
20 ownership, but it's still a separate  
21 parcel.

22 That could be a condition on the  
23 event of sale.

24 MR. SALADINO: I agree. I agree  
25 with that. I just didn't think we had

2 to concern ourselves with screening  
3 from the street.

4 CHAIRMAN MOORE: But in the  
5 future, if no directive is in place,  
6 the new owner adjacent would have to  
7 protect themselves from the pool by  
8 adding a screening at their expense; so  
9 I would think it would be on the  
10 current applicant to have some  
11 responsibility to the future owners.

12 I imagine we could put that in as  
13 a condition should the property be sold  
14 to a third party or second party,  
15 whatever it would be, that the  
16 screening would then be installed at  
17 the cost of the owner.

18 MR. SALADINO: Can we say that?

19 MS. NEFF: Yes.

20 CHAIRMAN MOORE: I think so, yes,  
21 we can say that.

22 MS. GORDON: And, in fact, the  
23 young woman who was here sort of agreed  
24 with that, accepted it.

25 CHAIRMAN MOORE: Mr. Prokop, can

2 we put --

ATTORNEY PROKOP: I think that's  
yes.

CHAIRMAN MOORE: So what is, if you're ready to move ahead on this, Board, so we can accomplish --

8 ATTORNEY PROKOP: The problem with  
9 this application, and this was  
10 mentioned before, we don't have an  
11 applicant right now.

12 CHAIRMAN MOORE: We have estate,  
13 yes. Is that --

14 ATTORNEY PROKOP: We don't have  
15 estate, there is no estate. There is  
16 a -- I'm sorry, but we don't --

17 CHAIRMAN MOORE: Is the applicant  
18 a corporation or an individual?

19 MR. CORWIN: It was Jerry Tuthill.

20 CHAIRMAN MOORE: It was Mr.  
21 Tuthill.

22 So where does that put the  
23 applicant process at this point.

24 MR. SALADINO: Didn't the  
25 attorney, didn't Mrs. Giglio say she

2 had something for you from the estate?

3 ATTORNEY PROKOP: She's not an  
4 attorney, and she said she would have  
5 something by the next meeting, yes.6 MR. SALADINO: She's not an  
7 attorney?

8 ATTORNEY PROKOP: No.

9 CHAIRMAN MOORE: She can certainly  
10 get a document.11 Is that than a requirement we wait  
12 pending receipt of disposition of the  
13 property or something else?14 ATTORNEY PROKOP: Yes. There is  
15 no applicant. For all we know someone  
16 is going to show up next time and say  
17 they want something else.

18 CHAIRMAN MOORE: Okay.

19 I guess we have to table.

20 ATTORNEY PROKOP: I'm sorry.

21 CHAIRMAN MOORE: I appreciate it,  
22 that's a very good technical point.23 So then I would have to purpose  
24 that we table this application pending  
25 clarification of an applicant who is

2 currently deceased, so I make that  
3 motion.

4 MR. SALADINO: Second.

5 CHAIRMAN MOORE: Any discussion  
6 further?

7 (No response.)

8 All in favor?

9 MR. SALADINO: Aye.

10 MS. NEFF: Aye.

11 MR. CORWIN: Aye.

12 MS. GORDON: Aye.

13 CHAIRMAN MOORE: That is tabled  
14 pending clarification of the applicant.

15 We have left a lot of things open,  
16 but we also haven't accepted any new  
17 things.

18 I would just like to move to Item  
19 Number 11, this is to approve the  
20 minutes from the June 14, 2016 ZBA  
21 meeting.

22 MS. McENTEE: May I ask a question

23 --

24 CHAIRMAN MOORE: Yes.

25 MS. McENTEE: -- on 5 and 6.

2 CHAIRMAN MOORE: Let me look.

3 Okay. The hearing is open in both  
4 cases.5 MS. McENTEE: But my understanding  
6 is that there, you're going to do  
7 another site visit; so is a time and  
8 date planned; does it have to be 10  
9 days set in advance, and --10 CHAIRMAN MOORE: It could be the  
11 day of the meeting as we customarily  
12 do. I would suggest the --

13 MS. McENTEE: Do you set a time?

14 CHAIRMAN MOORE: Um hum.

15 MS. McENTEE: Okay.

16 Because I haven't heard that yet.

17 And also, are you on 238, Item  
18 Number 6, will you be visiting the  
19 interior to follow through the kitchen.20 CHAIRMAN MOORE: I have a note  
21 that we should look at the part to be  
22 demolished and there is also a question  
23 about the right-of-ways width  
24 requirement which is going to be  
25 checked by the Building Inspector, and

2 I can't guarantee we are allowed access  
3 interiorly to that building because  
4 it's an existing two-family, but we'll  
5 talk about it, it's a consideration.

6 MS. McENTEE: Why would you not, I  
7 mean, you've gone into other  
8 properties, so why would you not if  
9 they're having -- if they're demoing  
10 part of a home, a portion of it, you've  
11 had access.

12 CHAIRMAN MOORE: I guess on the  
13 basis it might create an illegal space,  
14 that might be a contention, but I would  
15 ask the Building Inspector on that.

16 I believe the owner has the option  
17 to create a kitchen of his choice, so  
18 that's a point you made that has  
19 bearing on the house, but I don't know  
20 that it's something we're going to  
21 immediately jump on and --

22 MR. SALADINO: The Building  
23 Inspector would handle the demolition  
24 of a building permit, that's outside  
25 our --

2 MS. McENTEE: I completely  
3 understand, but like would there be a  
4 process of that being done before say  
5 the back portion would be done?

6 MR. SALADINO: Are you saying,  
7 would the Building Permit, a Demolition  
8 Permit have to be approved and issued?

9 MS. McENTEE: Before the  
10 subdivision is completed because  
11 suppose they never do it, suppose they  
12 never follow through with moving that  
13 portion.

14 MR. SALADINO: That's an  
15 enforcement issue.

16 MS. McENTEE: Okay.

17 MR. CORWIN: They don't get a  
18 Certificate of Occupancy.

19 CHAIRMAN MOORE: I have, have a  
20 note for the site visits which we will  
21 discuss in a minute.

22 Number 11, motion to approve the  
23 minutes from the June 14, 2016 ZBA  
24 meeting.

25 So moved.

2 MS. NEFF: Second.

3 CHAIRMAN MOORE: All in favor?

4 MR. SALADINO: Aye.

5 MS. NEFF: Aye.

6 MR. CORWIN: Aye.

7 MS. GORDON: Aye.

8 CHAIRMAN MOORE: Motion carries.

9 I skipped one, Number 10. It is  
10 the motion the accept the minutes from  
11 the July 19th ZBA meeting. I make that  
12 motion but abstain from voting.

13 Second, please.

14 MS. NEFF: Second.

15 CHAIRMAN MOORE: All in favor?

16 MS. NEFF: Aye.

17 MR. SALADINO: Aye.

18 MR. CORWIN: Aye.

19 MS. GORDON: Aye.

20 CHAIRMAN MOORE: Motion carries.

21 I abstain since I wasn't present.

22 Now the ZBA to schedule site visit  
23 times for items 5 and 6, I would  
24 propose we go to 221 Fifth Avenue at  
25 5:30 and 238 at 5:45, and this is

2 mostly to see the marked out sites and  
3 the parking spaces.

4 Is that agreeable to everybody,  
5 221 First and 238 second, at 5:30, 5:45  
6 prior to our meeting and the date is  
7 September 20th, Tuesday; is that  
8 amenable to everybody?

9 MS. GORDON: Fine.

10 MR. CORWIN: Does he have to make  
11 any consideration for the Monsell  
12 Place --

13 CHAIRMAN MOORE: He has to finish  
14 his notification. The hearing hasn't  
15 opened yet, so we could ask --

16 MR. CORWIN: No. I said to that  
17 gentleman when he walked out the door a  
18 month or two months ago, I said stake  
19 it out.

20 CHAIRMAN MOORE: We could -- if we  
21 had accepted, we have accepted the  
22 application. Yes, we have, we haven't  
23 started the hearing, so we might be  
24 able to do a site visit up there.

25 MR. CORWIN: We mine as well.

2 CHAIRMAN MOORE: Nicholson on  
3 Monsell would be 5:15, and it's east of  
4 217.

5 MS. GORDON: Why are we doing it  
6 again?

7 CHAIRMAN MOORE: He hasn't staked  
8 it out, so we're doing it with the  
9 stake outs.

10 And just before motion to  
11 adjourn --

12 We need to schedule the next ZBA  
13 meeting for Tuesday, September 30, 2016  
14 at 6:00 p.m. and the Third Street Fire  
15 Station conference room, so I make that  
16 motion and ask for a second.

17 MS. GORDON: Second.

18 CHAIRMAN MOORE: All in favor?

19 MR. SALADINO: Aye.

20 MS. NEFF: Aye.

21 MR. CORWIN: Aye.

22 MS. GORDON: Aye.

23 CHAIRMAN MOORE: Just one  
24 announcement is that I am resigning my  
25 position for the end of September,

2 which means next will be my last  
3 meeting. I sent the notice to Mayor  
4 Hubbard in June indicating that I would  
5 be leaving, and I am; so this will be  
6 my second-to-last meeting.

7 MR. SALADINO: When's the party?

8 MS. NEFF: Chairman Moore, that's  
9 not because the meetings are too long,  
10 is it?

11 CHAIRMAN MOORE: I've decided it's  
12 way past my bedtime.

13 With that, I would make a motion  
14 to adjourn.

15 MS. GORDON: Second.

16 CHAIRMAN MOORE: All in favor?

17 MR. SALADINO: Aye.

18 MS. NEFF: Aye.

19 MR. CORWIN: Aye.

20 MS. GORDON: Aye.

21 CHAIRMAN MOORE: Thank you  
22 everybody.

23 (Time noted: 10:50 p.m.)

## C E R T I F I C A T E

I, STEPHANIE O'KEEFFE, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on .

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set

my hand this 16th day of August, 2016.

Stephanie O'Keeffe

STEPHANIE O'KEEFFE

<p><b>ATTORNEY PROKOP: [64]</b> 7/4 8/7 25/16 42/8 43/4 43/10 44/2 48/9 48/14 60/24 61/3 61/6 62/4 68/2 68/9 68/14 68/22 69/2 69/19 70/14 75/4 92/16 93/6 100/7 100/10 100/25 102/18 103/3 103/6 106/3 106/9 126/15 126/21 143/15 149/24 153/3 164/15 185/2 185/11 187/16 188/7 203/9 217/16 218/21 219/6 219/10 220/6 220/9 220/15 221/7 241/14 242/4 242/10 242/17 249/9 250/12 250/19 267/2 267/7 267/13 268/2 268/7 268/13 268/19</p> <p><b>AUDIENCE MEMBER: [11]</b> 100/20 103/15 147/6 147/9 147/15 148/15 151/7 159/14 159/17 159/23 216/21</p> <p><b>CHAIRMAN McMAHON: [5]</b> 67/11 74/9 102/20 147/13 255/2</p> <p><b>CHAIRMAN MOORE: [316]</b></p> <p><b>DR. LIAKEAS: [28]</b> 5/7 36/21 36/25 37/12 38/14 38/19 39/2 40/8 40/12 40/17 40/25 41/4 41/11 41/17 41/24 42/15 70/23 71/13 71/20 71/24 72/4 72/8 73/19 74/13 74/21 75/16 75/21 75/25</p> <p><b>MR. CHARTERS: [8]</b> 242/12 242/19 242/24 243/3 243/6 243/21 244/10 245/6</p> <p><b>MR. CORWIN: [56]</b> 7/7 14/8 14/12 18/2 24/16 25/14 25/23 30/24 31/20 37/9 45/11 48/3 65/18 78/9 78/18 85/3 86/12 87/4 87/7 87/25 88/16 88/19 94/7 96/4 106/17 134/19 148/2 164/24 176/4 202/3 202/21 214/10 215/18 216/18 216/23 238/19 239/23 240/21 245/19 249/19 250/5 252/14 252/20 254/19 261/9 264/8 267/18 269/10 272/16 273/5 273/17 274/9 274/15 274/24 275/20 276/18</p> <p><b>MR. FOOTE: [30]</b> 24/24 25/7 81/23 83/14 85/7 85/22 86/17 87/6 87/9 88/12 88/18 88/22 89/13 89/25 90/6 92/18 93/8 94/8 258/14 259/13 259/24 260/7 260/11 260/24 261/4 261/21 261/24 262/18 262/21 263/19</p> <p><b>MR. HOLLID: [2]</b> 176/2 176/6</p> <p><b>MR. KEHL: [3]</b> 54/16 91/8 177/15</p> <p><b>MR. LIAKEAS: [1]</b> 55/8</p> <p><b>MR. NICHOLSON: [11]</b> 98/9 99/23 100/9 100/13 100/16 100/18 101/8 101/14 101/17 102/5 102/17</p> <p><b>MR. PENNESSI: [19]</b> 208/22 210/11 210/16 218/12 218/17 219/4 219/8 219/15 220/22 225/14 230/15 231/23 232/5 236/11 237/21 237/25 239/18 239/25 241/4</p> <p><b>MR. REID: [2]</b> 160/15 174/19</p> <p><b>MR. SALADINO: [125]</b> 13/7 13/18 16/15 20/24 21/7 21/16 21/21 22/22 24/12 25/5 25/24 30/2 35/10 36/23 38/12 38/17 38/24 40/5 40/10 40/13 41/25 45/24 46/5 55/13 57/21 58/2 58/9 58/21 59/4 59/15 59/18 66/22 71/11 71/18 71/22 71/25 73/17 75/5 75/19 78/16 89/3 95/23 96/6 101/6 101/9 101/15 106/14 106/16 154/16 154/24 155/4 156/14 156/17 157/2 157/8 159/9 159/16 159/19 163/10 165/5 180/4 180/9 180/15 181/2 181/9 186/18 201/9 202/25 214/9 215/16 215/19 216/10 221/3 228/5 229/24 237/23 238/2 239/12 240/19 240/24 242/7 244/15 244/22 245/5 245/17 245/21 246/15 246/24 248/4 248/18 248/23 249/3 250/23 251/16 252/3 253/9 254/2 254/11 254/21 256/7 257/13 259/21 260/9 260/19 261/2 261/7 263/20 264/6 264/25 265/7 265/15 265/23 266/17 267/23 268/5 269/3 269/8 271/21 272/5 272/13 273/3 273/16 275/18 276/6 276/16</p> <p><b>MR. SOLOMON: [10]</b> 17/21 18/4 21/6 21/9 21/12 21/18 21/22 23/5 24/5 24/10</p> <p><b>MR. SWISKEY: [53]</b> 65/9 65/13 65/23 66/6 66/11 66/14 66/18 67/14 67/21 68/6 68/10 68/20 68/24 69/4 91/17 92/4 92/9 147/23 148/4 148/16 149/11 149/18 151/4 151/9 151/21 152/4 152/19 153/24 154/10 154/20 155/2 155/6 155/10 155/16 155/24 156/4</p>	<p>156/16 156/19 156/23 157/4 157/9 157/21 157/24 158/5 158/9 158/16 180/18 181/3 181/11 181/17 181/21 210/23 243/4</p> <p><b>MS. ZAENGLE: [3]</b> 134/9 134/18 134/21</p> <p><b>MS. ALLAN: [8]</b> 92/7 121/22 182/14 199/8 199/17 200/7 200/11 211/25</p> <p><b>MS. ARIMBORGO: [10]</b> 46/25 47/6 47/10 47/20 47/25 48/25 49/7 49/12 49/16 49/20</p> <p><b>MS. GIGLIO: [13]</b> 4/25 8/3 8/21 13/14 13/22 14/10 14/13 15/5 15/13 16/2 16/11 17/8 21/10</p> <p><b>MS. GORDON: [42]</b> 8/4 25/21 78/14 78/19 96/5 106/18 162/20 163/2 164/20 164/25 169/4 170/16 170/21 202/5 202/22 214/2 214/12 215/21 233</p>
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