VILLAGE OF GREENPORT

COUNTY OF SUFFOLK : STATE OF NEW YORK

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ZONING BOARD OF APPEALS

REGULAR SESSION

---x

Station One Firehouse

3rd & South Streets

Greenport, NY, 11944

November 16, 2021

6:00 p.m.

B E F O R E:

JOHN SALADINO - CHAIRMAN

DINNI GORDON - MEMBER

SETH KAUFMAN - MEMBER

JACK REARDON- MEMBER

****

ALSO IN ATTENDANCE:

PAUL PALLAS - VILLAGE ADMINISTRATOR

ROBERT CONNELLY - ZONING BOARD ATTORNEY

AMANDA AURICHIO - SECRETARY TO THE BOARD

****

ABSENT:

CONNIE SOLOMON - MEMBER

1   (The meeting was called to order

2   at 6:03 p.m.)

3   CHAIRMAN SALADINO: This is the

4   Zoning Board of Appeals Regular

5   Meeting.

6   Item Number 1 is a motion to

7   accept the minutes of the September 21,

8   2021 Zoning Board of Appeals meeting.

9   So moved.

10   MS. GORDON: Second.

11   CHAIRMAN SALADINO: All in favor?

12   MR. REARDON: Aye.

13   MR. KAUFMAN: Aye.

14   CHAIRMAN SALADINO: And I'll vote

15   aye.

16   Item Number 2 is the motion to

17   approve the minutes of the August 17,

18   2021 Zoning Board of Appeals meeting.

19   So moved.

20   MR. KAUFMAN: Second.

21   CHAIRMAN SALADINO: All in favor?

22   MR. REARDON: Aye.

23   MS. GORDON: Aye.

24   CHAIRMAN SALADINO: And I'll vote

25   aye.

 1   Item Number 3 is a motion to

 2   schedule the next Zoning Board of

 3   Appeals meeting for December 21, 2021

 4   at 6:00 p.m. at the Station One

 5   Firehouse, Third and South Street,

 6   Greenport, New York 11944. So moved.

 7   MR. REARDON: Second.

 8   CHAIRMAN SALADINO: All in favor?

 9   MR. KAUFMAN: Aye.

10   MS. GORDON: Aye.

11   CHAIRMAN SALADINO: And I'll vote

12   aye.

13   Also, I apologize, we're one

14   member short tonight. Connie Solomon

15   had some health things going on, so it

16   will just be the four of us tonight.

17   Item Number 4 is 148 Bay Avenue.

18   It's a motion to accept the

19   application, schedule a public hearing,

20   and arrange a site visit for the

21   application of Bridget and Eric Elkin

22   for the property located at 148 Bay

23   Avenue, Greenport, New York 11944.

24   This property is located in the R-2,

25   One and Two Family District, and it is

1   located in the Historic District. This

2   property requires area variances. The

3   Suffolk County Tax Map Number is

4   1001-5-2-15. Is the applicant here?

5   MR. ELKIN: Yes.

6   CHAIRMAN SALADINO: Would you like

7   to tell us about your application?

8   MR. ELKIN: Sure, I'd be happy to.

9   So the application is really to take

10   the -- we've owned the home for -- my

11   name is Eric Elkin, 148 Bay Avenue.

12   I'm there with my wife and two kids,

13   and we've been in the property for

14   almost two years. When we bought it it

15   had been converted into essentially a

16   two family. I'm not sure how that

17   process went to get it to that point,

18   but we started by removing some of the

19   elements to make it more comfortable as

20   a one family environment, and close to

21   a year into it we realized it was a

22   challenging property to meet the needs

23   of our family. So we solicited the

24   help of a local architecture firm and

25   went about trying to reconfigure it to

1   meet the needs. And the application

2   really was focused on two things,

3   bringing more light into the space, you

4   know, that stretch of homes are quite

5   close together, it has kind of a row

6   house feel almost, and then from a

7   community and neighborhood prospective

8   we wanted to preserve the architectural

9   integrity of the home and we wanted to

10   restrain our plans so that they didn't

11   infringe further on existing setbacks.

12   So we are asking for a bit more lot

13   coverage, and we are extending certain

14   exterior walls to meet where existing

15   walls already are, but in general we

16   hope you guys find it to be a pretty

17   nonintrusive and thoughtful proposed

18   change.

19   CHAIRMAN SALADINO: Okay. Before

20   I ask the members -- I'll ask the

21   members, do you have any questions for

22   the applicant?

23   MR. REARDON: The only thing I

24   noticed by looking at the plans was

25   that the architect had marked your

1 north elevation your south elevation

2 and had mixed up those two elevations,

3 so you might just pass that on, but

4 otherwise I don't have any questions

5 about the plans.

6   MR. ELKIN: Yes. Thank you.

7   MS. GORDON: You have not yet been

8 before the Historic Preservation

9 Commission?

10   MR. ELKIN: Correct.

11   MS. GORDON: You will do that

12 after this part of the process?

13   MR. ELKIN: Correct. And in the

14 proposed changes I would just note that

15 the facade itself will not be changing

16 in any meaningful way. That's not to

17 undermine the fact that we're going to

18 be in front of the Historic Board, but

19 yeah.

20   CHAIRMAN SALADINO: I just have a

21 couple of procedural questions with the

22 EAF. On your EAF you -- one of the

23 questions is does the proposed action

24 require a permit from any other

25 government agency? And actually you

1   say no, but then you list Building

2   Department, Historic Preservation, and

3   Zoning Board should be there also.

4   We're not going to hold the application

5   up for these things, just maybe just do

6   a new EAF. The other one is is the

7   proposed action permitted under the

8   zoning regulations? You answered yes.

9   You wouldn't be here if it were.

10   MR. ELKIN: Yes.

11   CHAIRMAN SALADINO: And the last

12   one has to do with storm water

13   discharge, will storm water discharge

14   be directed -- it says will the

15   proposed action create storm water

16   discharge? You answered yes, which --

17   and then it says to answer question B,

18   which is will storm water discharge be

19   directed to established conveyance

20   system, runoff, and storm drains, and

21   you replied yes, storm draining and

22   gutters will be installed and connected

23   to the structures, existing storm water

24   runoff drainage system. I looked on

25   the plans, I didn't see any dry wells.

1   MR. ELKIN: There's, of course,

2   wells in the street. As far as dry

3   wells for the property, I have to get

4   back to you on that.

5   CHAIRMAN SALADINO: And the

6   Building Department will explain this

7   to you, the problem is that you can't

8   -- you have to contain your storm

9   water. You can't say well, it goes

10   into the street.

11   MR. ELKIN: There are existing dry

12   wells currently on the property, I

13   believe, but I'll get back to you.

14   CHAIRMAN SALADINO: I didn't see

15   them on the plans, but that's fine.

16   We're not going to hold it up for that.

17   Anybody else? Anything?

18   MR. REARDON: No.

19   MS. GORDON: No.

20   CHAIRMAN SALADINO: I'm going to

21   make a motion we accept this

22   application. So moved.

23   MS. GORDON: Second.

24   CHAIRMAN SALADINO: All in favor?

25   MR. KAUFMAN: Aye.

1   MR. REARDON: Aye.

2   CHAIRMAN SALADINO: There's just

3   one more little bit of business. We're

4   going to set a public hearing for 6:00

5   on December 21st.

6   MR. REARDON: 5:30.

7   MS. GORDON: The site visit we

8   should make at 5:00. I mean, it's the

9   shortest day of the year.

10   CHAIRMAN SALADINO: Let's do this,

11   let's set the public hearing first, and

12   then we'll decide what time to have the

13   site visit. We're going to set the

14   public hearing for 6:00 on December

15   21st. We set them all at 6:00. And

16   we're going to have to do a site visit,

17   and I'm guessing we want to do a site

18   visit?

19   MR. KAUFMAN: Yeah.

20   CHAIRMAN SALADINO: And it gets

21   dark.

22   MR. ELKIN: We're flexible.

23   MS. GORDON: 4:30 is the latest.

24   MR. KAUFMAN: I would do it at

25   4:00.

1   MS. GORDON: Is that okay with

2   others?

3   MR. REARDON: I'll make myself

4   available.

5   CHAIRMAN SALADINO: We'll do the

6   site visit at 4:00.

7   MR. ELKIN: Same day, the 21st?

8   CHAIRMAN SALADINO: Same day. The

9   only thing we would ask you to do, or

10   the architect, or the contractor, is

11   just to stake out the proposed area,

12   the variance.

13   MR. ELKIN: Sure.

14   MS. GORDON: The third story,

15   you're turning two and a half stories

16   into three stories; is that what you

17   want to do?

18   MR. ELKIN: The actual roof line

19   wouldn't change on the third story. So

20   it's currently --

21   MS. GORDON: So there's nothing to

22   mark out?

23   MR. ELKIN: Exactly. For the

24   third floor there would be nothing to

25   mark out. For the second story, that

1   line would be shifted. We can make a

2   note of how that would change.

3   CHAIRMAN SALADINO: That will be a

4   Building Department issue, the amount

5   of square feet.

6   MR. KAUFMAN: It's bumping out to

7   a uniform plan, right, if you stake

8   the --

9   MR. ELKIN: Exactly. That's not a

10   problem. There's an existing wall,

11   which will help. There's a small bump

12   out back as well.

13   CHAIRMAN SALADINO: That's it.

14   Thank you.

15   MR. ELKIN: Thank you.

16   CHAIRMAN SALADINO: Item Number 5

17   is 220 Fifth Avenue. This will be a

18   continuation of the public hearing

19   regarding the area variances applied

20   for by Ian Crowley and Angelo

21   Stepnoski. The applicants propose to

22   subdivide the property located at 220

23   Fifth Avenue, Greenport, New York

24   11944. The proposed subdivision would

25   allow for the construction of a

1   two-story dwelling on the parcel known

2   as Suffolk County Tax Map Number

3   1001-4-8-7. This property is located

4   in the R-2 One and Two Family District

5   and is not located in the Historic

6   District. The variances that are

7   required are listed on the agenda. So

8   we're going to reopen the public

9   hearing. Is there anyone from the

10   public that would like to speak?

11   MS. WINGATE: Hi. Eileen Wingate,

12   Quiet Man Studio. September's meeting

13   was left open so that we would do a

14   little bit more research. In the

15   meantime, we asked -- we're back here

16   because I have submitted amended plans.

17   We sat in September and listened to

18   some folks complain about parking.

19   While there always was enough parking

20   for a single family house on the site,

21   we stepped back and took a look at it

22   and realized that the existing house

23   had very limited parking. So in the

24   amended plan you'll see that the

25   existing house and the new house would

1   share a driveway. By relocating the

2   driveway, we're providing more parking

3   for the existing house, sharing a

4   driveway, providing enough parking for

5   the new house, and we're repairing a

6   fairly bad situation that exists at the

7   sidewalk level. So once upon a time

8   exactly where we'd like to put this

9   curb cut there was a big old tree, and

10   in putting in the new curb cut for the

11   shared parking for four or five cars we

12   would be repairing village sidewalks

13   and taking care of that little

14   situation there.

15   Further, other than the parking,

16   we heard a lot about sewer and all that

17   kind of stuff. I put in a FOIL request

18   to the Village Clerk. I was told that

19   since 2010 there hasn't been a single

20   complaint or repair or any work done on

21   the sewer on Fifth Avenue, so we're

22   pretty sure that the sewer on Fifth

23   Avenue is fine and ready for another

24   single family house. And those are

25   really the only changes that we've

1   made.

2   CHAIRMAN SALADINO: I have one --

3   I have one problem with the new -- and

4   I apologize, I kind of missed it at the

5   last public hearing that you attended,

6   and our code doesn't allow for three

7   cars in a row in a driveway.

8   MS. WINGATE: There's no three

9   cars, there's two.

10   CHAIRMAN SALADINO: The old house,

11   the existing house.

12   MS. WINGATE: The existing house

13   only has parking for one car right now.

14   CHAIRMAN SALADINO: But the new

15   plan shows a driveway, a 10 foot wide

16   driveway, 60 feet long, and you're

17   proposing to put three cars there to

18   satisfy the off street parking.

19   MS. WINGATE: Two cars. We can

20   get five cars. We can get more if we

21   start making it bigger. I don't know

22   where the code says that, John.

23   CHAIRMAN SALADINO: I'm going to

24   read it to you.

25   MS. WINGATE: Good. Thank you.

 1   CHAIRMAN SALADINO: I'm going to

 2   read it. Areas computed as parking

 3   spaces, areas which may be computed as

 4   open or enclosed off street parking

 5   spaces include any private garage,

 6   carport, or other area available for

 7   parking, other than a street or a

 8   driveway. However, a driveway within a

 9   required front yard for a one or two

10   family residence may count as one

11   parking space. So the two cars that

12   you have behind the western most car

13   are going to need designated spots.

14   Also about access, unobstructed access

15   to and from the street shall be

16   provided. Such access shall consist of

17   at least 10 feet wide parking lane for

18   a space, areas less than 20 spaces. So

19   that's going to have to be addressed at

20   some point.

21   MS. WINGATE: Okay. But we're

22   doubling the existing parking for the

23   existing house now, and we're providing

24   adequate parking for the new house.

25   CHAIRMAN SALADINO: But, well, the

  1   second car at the new house is not

  2   permitted either. The eastern most car

  3   at the new house wouldn't be permitted

  4   either because you can't park the car

  5   in the driveway, only one car in the

  6   driveway.

  7   MS. WINGATE: What about one car

  8   in the garage and one car in the

  9   driveway? I can't even -- that's mind

 10   boggling. I have to digest that.

 11   CHAIRMAN SALADINO: Eileen, it's

 12   not that I'm making it up.

 13   MS. WINGATE: I understand.

 14   You've read it to me, now I'd like to

 15   read it and ponder it.

 16   CHAIRMAN SALADINO: All I'm saying

 17   is that's something that's going to

 18   have to be addressed.

 19   MS. WINGATE: We will address.

 20   Okay.

 21   CHAIRMAN SALADINO: That's as far

 22   as the parking and whatever, the sewer,

 23   that's all I have right now.

 24   MS. WINGATE: Any other questions?

 25   CHAIRMAN SALADINO: Any other

1   members have any questions?

2   MS. GORDON: No.

3   CHAIRMAN SALADINO: Thank you. Is

4   there anyone else from the public that

5   would like to speak?

6   MS. HOEG: Yes, hi, good evening.

7   Karen Hoeg. I am here on behalf of the

8   applicants, Twomey, Latham, Shea. And

9   I just wanted to go over a little bit

10   of the history since this has been

11   kicking around a little bit since June.

12   On June 30, 2021 there was a notice of

13   disapproval, which was initially based

14   upon two variances that were needed for

15   this newly created parcel that was

16   being proposed. It was for a lot width

17   variance of 11 feet, and a minimum lot

18   area requirement of 2,152.61 square

19   feet. The first hearing on the

20   application was August 17th. The

21   public hearing was held open. An

22   ajournment was requested by the

23   applicant who wanted to amend the

24   application to address comments at the

25   August meeting. The ajournment request

1   was ignored or denied by the Board, and

2   the public hearing went on without them

3   being present on September 21st. And I

4   have to say with all my years of

5   experience in real estate and land use

6   before municipal boards, I've never had

7   a Board proceed to an application

8   without the applicant being present

9   after requesting an ajornment.

10   CHAIRMAN SALADINO: All those

11   times, was all those times that you

12   haven't experienced this, was the

13   Zoning Board or any statutory board

14   given ample notice?

15   MS. HOEG: Yes. And my

16   understanding is that the Board did

17   have ample notice, and the request was

18   -- we don't need to go into that now.

19   CHAIRMAN SALADINO: But we

20   mentioned it. You mentioned it, we

21   should address it.

22   MS. HOEG: Sure. So my

23   understanding is that the Board did

24   have ample notice. I've actually

25   appeared before boards the night of the

1   hearing and said look, I apologize, I

2   need some more time, and I've been

3   given the ajournment.

4   CHAIRMAN SALADINO: Well, in

5   defense of this Board, in defense of

6   this Board and our decision, we've had

7   neighbors come to us and tell us that

8   they've made arrangements to be there

9   that night. The meeting -- our

10   compromise was that the meeting would

11   be held open so there would be no harm,

12   no foul to the applicant. It was

13   videotaped. There are minutes to

14   review. I'm not sure -- it's a public

15   hearing for everyone from the public.

16   MS. HOEG: Understood. I think

17   that -- so I understand what you're

18   saying. So we've submitted the revised

19   application. Ms. Wingate has discussed

20   that. One of the things that I noticed

21   in the new notice of disapproval is

22   that there were additional five

23   variances that were added to the notice

24   of disapproval all relating to the

25   preexisting nonconforming house and

1   shed. These structures are not to be

2   touched in any way. We have no

3   intentions of touching them, they're

4   going to remain as is. So I did want

5   to point that out to the Board.

6   That being said, I wanted to

7   address some of the area variance

8   standards set forth in Village Code

9   150.26 as they relate to the

10   application. The property is located

11   in an R-2 zone where one and two family

12   residences are permitted. The property

13   contains preexisting structures, which

14   I said are not going to be disturbed.

15   The existing house is set back 16.4

16   feet from the street and the shed is in

17   a preexisting nonconforming location.

18   Existing coverage is 26.2% and the

19   proposed lots when divided will have

20   coverage of roughly 21.5% percent.

21   This is all in the application, and

22   this is all well below the allowable

23   30% for a one family dwelling.

24   Turning to the variance standards,

25   the ZBA has the power upon which to

 1   grant variances taking into

 2   considerations the benefits of the

 3   application if the variances were

 4   granted and weighed against the

 5   detriments to the health, safety,

 6   welfare of the community and the

 7   neighborhood. And here the benefits to

 8   the applicant outweighs any detriment

 9   to the community. The requested

10   variances are to divide the lot into

11   two, part of a subdivision. Current

12   lot size is 10,700 square feet and the

13   proposal is to divide the lot into two

14   equally sized lots. The majority of

15   homes have lot widths of 50 feet on

16   Fifth Avenue and in the Village. An

17   inventory of the immediate neighborhood

18   was attached to the application,

19   including photographs, and reflects

20   that over 58% or 34 properties of the

21   properties in the neighborhood have

22   nonconforming lot sizes, and 100% of

23   the homes on Fifth Avenue itself have

24   nonconforming front and side yard

25   setbacks. This analysis confirms that

1   there are many substandard lots in the

2   Village. An undesirable change in the

3   neighborhood will not be created by

4   granting the area variances. As of

5   right now, the applicant can tear down

6   the existing structures and build a

7   house of 3,200 square feet, which would

8   be out of character for the

9   neighborhood and loom over neighboring

10   parcels. And pursuant to Village Code

11   Section 150.13(d)(3), we would also be

12   able to move a house of 3,200 square

13   feet closer to the road, maybe even as

14   close as 20 feet. Ms. Wingate has

15   submitted the photographs, and the

16   photographs also show the distances to

17   the street on various properties. Due

18   to lot constraints and the preexisting

19   structures on the lot, there's no other

20   method feasible for the applicant to

21   pursue, other than the area variances.

22   The proposed house was designed to meet

23   front, rear, and side setbacks creating

24   only two variances for the proposed lot

25   4, which relate to lot size and lot

1   width. These variances are not

2   substantial. The proposed house is

3   consistent with height, roof pitch, and

4   general size of those within the

5   neighborhood, and lot coverage is also

6   proposed to be in compliance. It's our

7   position that --

8   CHAIRMAN SALADINO: I'm sorry, I

9   didn't hear that last part.

10   MS. HOEG: Sure. Lot coverage is

11   in compliance. There will be no

12   adverse effect or impact on the

13   physical and environmental conditions

14   in the neighborhood. The existing lot

15   has 100 foot of frontage and is the

16   largest frontage on Fifth Avenue, and

17   the applicant has taken great care in

18   proposing a house on the lot in

19   conformity with the character of the

20   neighborhood. Traffic and parking

21   concerns were raised at a prior public

22   hearing and will be discussed at a

23   future time also with the Planning

24   Board should the ZBA grant these

25   variances. And as I said, the

1   applicant has presented a thoughtful

2   application creating two equally sized

3   lots and has proposed a house and lots

4   in keeping with the character of the

5   neighborhood. We're available to

6   answer any questions that the Board may

7   have, and I'm assuming that there are

8   people from the public who also wish to

9   speak.

10   CHAIRMAN SALADINO: Do you have

11   the date of the previous public

12   hearing?

13   MS. HOEG: I do. The date of the

14   prior public hearing was September

15   21st, and the date prior to that was

16   August 17th.

17   CHAIRMAN SALADINO: Okay. Thank

18   you.

19   MS. HOEG: You're welcome.

20   CHAIRMAN SALADINO: Is there

21   anyone else from the public that would

22   like to speak?

23   MS. KEHL: Joanne Kehl, 242 Fifth

24   Avenue.

25   I do have a question in reference

 1   to -- first of all, I'd like to thank

 2   Paul Pallas in reference to reviewing

 3   the Village Code, 150-21 for the

 4   nonconforming building with conforming

 5   uses. In turn, the entire subdivision

 6   of both lots are included, not just the

 7   vacant lot. This generated a new

 8   Building Department notice of

 9   disapproval and created eight total

10   variances. One of the things I'd like

11   to talk about is today's meeting is

12   called a continuation of a public

13   hearing. I do not understand why this

14   is not a new hearing as the application

15   and the site plans have been greatly

16   revised, a new notice of disapproval

17   was issued by the Building Department,

18   the neighbors were sent registered

19   mail, and the hearing was again placed

20   in the legal notices for the Suffolk

21   Times. The legal notice does not state

22   that it is a continuation, revision,

23   update, or correction. Don't get me

24   wrong, I don't think anyone wants to

25   repeat what was stated at the last two

1   hearings of 220 Fifth Avenue

2   subdivision. I am double checking that

3   this continuation is the process and

4   will not be rejected at any point due

5   to this the change.

6   CHAIRMAN SALADINO: Let's ask the

7   attorney.

8   ATTORNEY CONNELLY: It's a

9   continuation. The public hearing is

10   already open. At the last public

11   hearing it was determined that

12   additional variances were needed. The

13   additional variances were noticed. As

14   you stated, the letters were sent to

15   the neighbors. Just for economy of

16   time, go forward as a continuation.

17   You don't need to start the whole

18   process over.

19   MS. KEHL: I totally agree. I was

20   concerned because if it was not -- you

21   know, it was separated I would request

22   that the minutes from the last two

23   hearings be added in, but if we're all

24   good and there's no issue, but I would

25   normally have requested that the

1   minutes of the August 17, 2021 and the

2   September 21st minutes for the 220

3   Fifth Avenue subdivision be entered

4   into the record for this hearing, but I

5   think we're good.

6   I would also like to add this is a

7   subdivision. This is originally on the

8   first hearing it was here and -- this

9   is off the top of my head, sorry. It

10   was all about just the one lot. So

11   when I requested an interpretation for

12   the 150-21 because I felt that there

13   was and we determined that there should

14   have been a subdivision. A subdivision

15   is not just one lot of one piece of

16   property of the lot, it's a

17   subdivision. We're including every

18   piece of property that's included in a

19   subdivision, the existing house and the

20   lot. So therefore that's the reason of

21   the interpretation, and when we're only

22   focusing in on just the house, the

23   separate lot, that's not what this

24   hearing is all about. This is about a

25   subdivision. I want to make that

1   clear. I mean, I know you all know, I

2   just want to make sure that we're all

3   talking about the subdivision.

4   I would also like to add Chief

5   Miller is not -- ex-Chief Miller,

6   excuse me, fire chief is not here

7   tonight, but I would like to enter into

8   record some past due minutes. I would

9   like to ask that the ZBA minutes to be

10   entered into this hearing from the 221

11   and 238 Fifth Avenue subdivisions of

12   September 20, 2016, October 18, 2016,

13   February 21, 2017, and March 21, 2017.

14   Basically in short, Fire Chief Miller

15   at the time, and he's now an ex-fire

16   chief, at the time testified that there

17   was -- there is congestion and

18   additional cars parked on the street

19   that the ladder truck that needs about

20   20 feet to operate to get the

21   outriggers out to stabilize the truck.

22   The area is cluttered and it's not a

23   safe area. He testified that he would

24   not want to have to send his men in to

25   fight a blaze, not to mention all the

1   surrounding houses that could go up at

2   the same time. Putting a lot on men --

3   putting a lot of men's life in danger,

4   the possibility of losing one

5   structure, but possibly two or three.

6   Overcrowding the Village is not a good

7   thing. He states he sees a real

8   problem with fighting fire and even

9   rescue calls. Houses are on top of

10   each other on Fifth Avenue. He further

11   states that you just got to start

12   thinking about the life and the

13   property and the safety of this

14   community. He has responded to calls

15   on Fifth Avenue numerous time, had to

16   wait for cars, almost sideswiped a car

17   with his mirror. It's definitely a

18   public safety issue. He spoke about

19   trying to get a truck into the back and

20   cars being in the way and in the

21   driveway. He spoke of carrying the

22   five inch supply from the trucks, that

23   is nothing small and needs room to

24   work. He stated health and safety

25   issues, spoke of 20 to 30 mile an hour

1   winds, the house burning, the embers

2   start, this can catch other houses on

3   fire. Chief expressed to not create

4   more area problems or additional risks.

5   He had great concerns for life and the

6   safety of our community. In addition

7   to the safety concerns from our

8   community members, these are large

9   safety issues that are expressed by our

10   Fire Chief. I encourage everyone and

11   all the ZBA members to read the minutes

12   of the previous Fifth Avenue

13   subdivisions. The properties may be

14   different, but the same problems remain

15   and have gotten worse. I'd like for

16   you to please hear our concerns as

17   neighbors and the community around us

18   and deny this subdivision, the eight

19   variances for this entire subdivision

20   is excessive. Thank you.

21   CHAIRMAN SALADINO: Thank you.

22   Before I ask anybody else to come up,

23   we have a letter from a neighbor that

24   we should have asked before -- we

25   should have read before the public

1   started to come up. Unless there's a

2   neighbor that would like to read the

3   letter from their neighbor, if not, we

4   have to do it.

5   MS. GORDON: I do have a question.

6   The letter from Diane Peterson, has

7   that already been read?

8   MS. PETERSON: No, I am here, so I

9   wouldn't mind reading it.

10   MS. GORDON: Should we have her

11   read her own letter?

12   CHAIRMAN SALADINO: Why don't we

13   do the letter for the person that's not

14   here.

15   MS. GORDON: All right. This is a

16   letter from Ian Wile.

17   Mr. Saladino and the members of

18   the ZBA, I understand that there is a

19   revised proposal for the application at

20   220 Fifth Avenue. While I am pleased

21   that there is some consideration

22   regarding the nonconforming parking

23   spaces at the current unit and future

24   expansion, most of my objections remain

25   the same. Principally we adopted

1   building and zoning codes on purpose.

2   There was a reason we were trying to

3   leave behind the crammed in narrow

4   nature of the existing ad-hoc

5   development. Meeting the nature of the

6   neighborhood via building beyond

7   maximum sizes on minimum lots is not a

8   way forward. Part of my neighbor's

9   building site is on my property.

10   Following the nature of the existing

11   structures, would this be an acceptable

12   proposal?

13   Our zoning codes help point us in

14   a direction where the houses have

15   adequate light penetration,

16   ventilation, and open space for outdoor

17   use. Do not as a matter of course

18   override the complex and thorough

19   process by which these were

20   established.

21   We see plenty of attempts to

22   continue to shoehorn an oversized

23   project into a small space but very

24   little attention spent on trying to

25   reduce the project size to make it fit

 1   better. This is a problem of the

 2   applicant's creation, not a fault of

 3   the code, nor should it be a surprise

 4   or hardship as is often stated.

 5   In terms of the parking/driveway

 6   solution presented, this solves one

 7   problem while making new ones. A

 8   reduction in open/non-hardscaped spaces

 9   for children and recreation as

10   specified, it is not clear if the

11   existing curb cut would be closed.

12   Also what provisions are made for the

13   day when a fence between the properties

14   is desired? In sharing a common line

15   and curb cut with zero setback, this is

16   not representative of a plan forward.

17   I ask you again to let the code do

18   the work, and if it should be revised

19   for comprehensive changes then let's

20   get to work on that. Until then, it is

21   the guide by which we are intended to

22   make our decisions. People need to

23   know that that means something.

24   As there are more applications for

25   this street coming down the pipeline,

1   it seems worth reminding.

2   I respectfully request that this

3   letter be read and entered officially

4   into the minutes of the meeting

5   11/16/21. Respectfully, Ian Wile.

6   CHAIRMAN SALADINO: Thank you,

7   Dinni.

8   Is there anyone else from the

9   public that would like to speak?

10   MS. PETERSON: Thank you. I did

11   e-mail the letter because I wasn't sure

12   if I was going to be here in time.

13   Diane Peterson, 228 Sixth Avenue. This

14   e-mail is submitted to state my

15   objections to the granting of any

16   variances in regards to this item for

17   public hearing, which is Number 5, 220

18   Fifth Avenue, where the result allow

19   for the subdivision of the property on

20   220 Fifth Avenue into two substandard

21   nonconforming lots.

22   The variances requested are

23   numerous and extensive in nature, none

24   of which adhere to the Zoning Codes for

25   the Village of Greenport, codes

 1   specifically put in place to prevent

 2   the overdevelopment of properties

 3   within the Village limits and to

 4   preserve the nature of our Village.

 5   As stated in previous meetings,

 6   the list of concerns is long and has

 7   been covered by several members of the

 8   Fifth Avenue/Sixth Avenue block of

 9   residences. These include but are not

10   limited to overpopulation of the

11   street, increased and continued strain

12   on our utilities, unsafe driving and

13   parking on Fifth Avenue, quality of

14   life issues for the current residents

15   of the street.

16   Most importantly, if the variances

17   are granted for this project to move

18   forward, neither lot would be in

19   conformity to the Zoning Code already

20   on the books. Therefore they should

21   not be considered, and they should not

22   be granted.

23   And just a note about the

24   utilities, the sewer, and the street,

25   and the water, those of us who have

1   lived in this area for 35 or 40 years

2   know that the condition is not great.

3   And they may not have had anything

4   recently, a problem with anything

5   recently there, but there is an issue

6   with what's going on in the street. My

7   father-in-law worked for the Village in

8   the Sewer Department 40 years ago,

9   retired 35 years ago and has since

10   passed on, but even in that time

11   nothing substantial has been done to

12   any of the infrastructure in the

13   streets as far as water and sewer.

14   They were not good then, they're not

15   good now. We know that. So just

16   wanted to make a note of that. It

17   wasn't necessarily ready for another

18   housing project.

19   CHAIRMAN SALADINO: Thank you. Is

20   there anyone else from the public that

21   would like to speak?

22   MR. WEISKOTT: Jack Weiskott, 229

23   Fifth Avenue.

24   I just had a couple of things to

25   address. You guys heard pretty much

1   everything that we've had to say about

2   this. I would just like to say that

3   there are nonconforming houses on Fifth

4   Avenue as there are in the entire

5   Village of Greenport because they were

6   all built before there were any Zoning

7   Codes, some as far as back as the early

8   1800's. Our house is a late 1800's

9   house, there were no Zoning Codes then.

10   That's why --

11   MS. GORDON: Can you speak a

12   little louder so that the people in the

13   back can hear you?

14   MR. WEISKOTT: I'd like to say

15   that the result or the cause of so many

16   houses that exist already in the

17   Village and on Fifth Avenue to be

18   nonconforming to the code is because

19   they were built before there was any

20   code. The code was created in order to

21   prevent the overcrowding of our

22   Village. And that's I think a very

23   strong reason that we're trying to save

24   our street. To say that any

25   subdivisions on our street wouldn't

 1   have an adverse effect is strictly an

 2   opinion. In the opinion of the people

 3   that live on the street, it would have

 4   a very adverse effect. It would be

 5   deleterious. We're already overcrowded

 6   on our street. We already can hardly

 7   drive down the street without having to

 8   pull off to the side to let someone

 9   pass us, which happens all the time.

10   As far as sewage and drainage goes, if

11   we get more than an inch of rain

12   there's a lake across the street until

13   it drains. So that's not perfect

14   either. And furthermore, the granting

15   of substantial variances such as this

16   would create a precedent to lead to

17   more projects with substantial

18   variances. The minimum lot width

19   variance on this is 17%, a reduction in

20   17%. The combined side yard setback is

21   a reduction of 25% of the requirement.

22   The front yard setback is 45% more than

23   the variance allows. And the square

24   footage that is required in the code,

25   the square footage that's being

1   requested is 25% of what's allowed in

2   the code, which to me those are big

3   numbers. I feel like the Zoning Board

4   is created to help bridge some of the

5   gaps and some of the small intricacies

6   that can happen when someone is trying

7   to do a project and maybe they need a

8   foot here or a foot there, or a couple

9   of square feet or a hundred square

10   feet, but not two thousand square feet.

11   I feel it's excessive, and that's our

12   street's opinion. Thank you for your

13   time.

14   CHAIRMAN SALADINO: Thank you.

15   MS. ALLEN: Chatty Allen, Third

16   street.

17   It's been spoken about tonight

18   about how Fifth Avenue and the Village,

19   like he just said, have nonconforming

20   lots, and the code was changed, and

21   I've been at many a hearing where it's

22   been brought up that the Village is

23   trying to avoid more nonconforming

24   lots. I'm not against people putting

25   in more housing, but you're going to

1   take a property which has a dwelling on

2   it, which is conforming, you're going

3   to break it and you're now going to

4   have not one but two nonconforming

5   lots. The Village has been trying to

6   get away from doing that. As far as

7   parking, as someone who has lived in a

8   place where there's more than one

9   family living there, I'm like actually

10   laughing going okay, you're going to

11   have two two family homes, this one

12   works night shift, this one works

13   mornings, who parks where, and then who

14   has to get up out of their sleep to

15   move their car to let somebody else

16   back out? I think that's the reasoning

17   behind not using a single driveway

18   unless there were allotted slots,

19   unless you're pulling in and there's

20   actual slots for each car to be able to

21   get in and out of. To me, that's a

22   huge hazard. If there's children that

23   are on the property as well you have

24   multiple cars between two homes, this

25   has been brought up on other places

 1   where they've tried to do this, that's

 2   another safety issue. We went through

 3   -- Joanne gave the dates of when we had

 4   these other hearings. There were two

 5   separate properties on Fifth Avenue,

 6   all of this has been batted around, my

 7   major one is the fire safety. Every

 8   time I come into this building and I

 9   look, I remember that night. I

10   remember it like it was yesterday, and

11   it was 1977. But to me, that was like

12   yesterday. And I don't ever want to

13   see something put up that puts any of

14   our men and women in harm's way. That

15   road is -- I'm a school bus driver. If

16   I have to go Fifth Avenue I'm like oh,

17   my God, no, please, and my bus isn't as

18   big as the truck. So you have to think

19   of safety, not just a conforming lot or

20   a nonconforming lot. There are major

21   issues on that road to begin with.

22   It's all been rehashed, you can go back

23   through all the other public hearings,

24   and I wish something different could be

25   done, but to me I don't feel this

1   should be passed. Like I said, don't

2   go from a conforming building to two

3   nonconforming buildings. Two other

4   ones on Fifth Avenue have been denied

5   for this. I don't want to see what's

6   going to happen if this gets approved

7   and that one doesn't. It's a major

8   safety issue especially in that section

9   of Fifth Avenue. Thank you.

10   CHAIRMAN SALADINO: Thank you. Is

11   there anyone else from the public that

12   would like to speak?

13   MS. KEHL: Joanne Kehl, 242 Fifth

14   Avenue.

15   My apologies for not mentioning

16   before, the sewer repair there have

17   been several repairs on Fifth Avenue.

18   If you drive down Fifth Avenue you'll

19   see the cuts down there. I have been

20   here I think about 11 years on Fifth

21   Avenue, so I know of at least five

22   repairs that had been done. The

23   homeowner had taken on the

24   responsibility, it was up to

25   Mr. Skrezick (phonetic) to notify the

 1   Village, and why it was said tonight

 2   there are no records of it, that has to

 3   be semi or all untrue because in order

 4   for you to cut through, the Village has

 5   to be aware of it, so I'm not sure

 6   where the data came from. And then --

 7   but also when Mr. Skrezick (phonetic)

 8   also went to these properties to repair

 9   them and he's also mentioned that there

10   had been several issues, the sewer

11   lines are damaged and are very, very

12   bad. We actually have people here

13   tonight that have sewer issues. So I

14   know that there is -- there are issues

15   with the sewer. Thank you.

16   CHAIRMAN SALADINO: Thank you.

17   MS. HOEG: I just wanted to make a

18   point -- hi, Karen Hoeg again. I hear

19   what the neighbors are saying. They're

20   concerned about the sewer and the

21   utilities. I mean, these are areas

22   where the Planning Board, should the

23   Board vote to approve these variances,

24   that the Planning Board will get into,

25   the Engineering Department will get

1   referrals as part of the subdivision

2   process. I think it's a little unfair

3   of people to talk about, you know,

4   issues with sewers needing repairs, who

5   needed what done without the

6   information or any kind of factual

7   documents to support that. I just

8   wanted to bring that to the Board's

9   attention. I hope they keep that in

10   mind as part of the presentation.

11   CHAIRMAN SALADINO: I would ask

12   you, you keep alluding to that process

13   should be in front of the Planning

14   Board. You don't think the Zoning

15   Board should consider increased

16   density?

17   MS. HOEG: No, I think it's part

18   and parcel. I think the Zoning Board

19   has certain jurisdiction within the

20   Village Code as well as the Planning

21   Board. I do also think the Planning

22   Board will also have another public

23   hearing and they have a review process

24   as well, internal referrals to fire

25   safety, as well as the Engineering

1   Department where some of these issues

2   would come out as well. My point was

3   just that, you know, we're talking

4   about we FOILed the information

5   regarding the sewers needing repairs,

6   none were done in a certain period of

7   time. If there were complaints, we

8   couldn't find anything. So when people

9   talk about that there were repairs and,

10   you know, their neighbor had to have

11   this done or that done, I think that

12   there needs to be some type of factual

13   documentation to support that.

14   CHAIRMAN SALADINO: Well, we have

15   unsolicited testimony from the

16   neighbors.

17   MS. HOEG: Understood. Just

18   wanted to make a point of it.

19   CHAIRMAN SALADINO: Is there

20   anyone else from the neighborhood that

21   would like to speak?

22   MR. STEPNOSKI: Angelo Stepnoski,

23   I'm one of the applicants.

24   I just want to point out a couple

25   of things. We are going to do

1   something, absolutely. If we can't get

2   a small single family house, we will

3   apply for what we're allowed to do,

4   maybe take the two family house and

5   expand it, and it's going to create the

6   same absolute thing we have or even

7   intensity it.

8   The other thing I wanted to bring

9   up is this whole thing is all not us,

10   we don't want Jimmy Olinkiewicz to have

11   it. I'll say the name, the elephant in

12   the room is Jimmy Olinkiewicz.

13   Everybody -- they don't want us to get

14   it because they're afraid he'll get it.

15   I just wanted to put that on the public

16   record and also say that we will do

17   something. We'll make a giant storage

18   building, but that piece of property is

19   going to be available.

20   CHAIRMAN SALADINO: I'm sure if

21   you square it away with the Building

22   Department, whatever your intentions

23   are, it doesn't have to be tonight --

24   MR. STEPNOSKI: I just want to let

25   all the people here know that something

1   is going to happen. They may deny the

2   single family dwelling, which is going

3   to be least obtrusive thing we could

4   possibly do.

5   CHAIRMAN SALADINO: Well, then if

6   you decide to do that I guess you'll

7   see them all at the Planning Board

8   meeting for that public hearing.

9   MR. STEPNOSKI: Just letting you

10   know. Thank you.

11   CHAIRMAN SALADINO: Is there

12   anyone else from the public that would

13   like to speak? I'm going to make a

14   motion we close this public hearing.

15   So moved.

16   MR. REARDON: Second.

17   CHAIRMAN SALADINO: All in favor?

18   MR. KAUFMAN: Aye.

19   MS. GORDON: Aye.

20   CHAIRMAN SALADINO: And I'll vote

21   Aye.

22   As is our custom, what I think

23   we'll do, if it's okay with the

24   members, we'll go through the five

25   questions, the balancing test before we

1   vote on them. We'll discuss each

2   question and that could be our

3   narrative for anyone that wants to --

4   perhaps for someone that wants to --

5   ATTORNEY CONNELLY: I think you

6   might want to ask the applicant if they

7   want you to vote on it since there's

8   only four members here.

9   CHAIRMAN SALADINO: I understand

10   that, but without getting into the

11   other member's business, the other

12   member had health issues in California,

13   and it was explained to me secondhand

14   by a neighbor who was contacted by

15   Connie that she definitely wouldn't be

16   here tonight and perhaps not next month

17   or the month after. So if we're

18   looking for a five member vote, the

19   applicant should understand that it

20   might not be for a while. We're going

21   to give the applicant the courtesy of

22   making that decision.

23   MS. HOEG: We would like the

24   opportunity to have a five member

25   board.

1   CHAIRMAN SALADINO: Okay. I'll

2   ask the attorney --

3   ATTORNEY CONNELLY: That's their

4   right. If it's a two-two vote, that's

5   a denial. So they have the right to

6   have a five member vote.

7   CHAIRMAN SALADINO: So let me ask

8   you this, do we keep the public hearing

9   open or do we close the public hearing

10   and with permission --

11   MS. GORDON: We already voted.

12   CHAIRMAN SALADINO: We could

13   reopen it. We could vote to reopen the

14   public hearing and keep it open, or we

15   can allow it to remain closed and with

16   permission -- which you would be

17   foolish not to give it to us, to extend

18   the time limit past the 62 days, if

19   needed.

20   MS. HOEG: I think that would be

21   fine. If the Board needs an additional

22   62 days from the date of tonight's

23   closed hearing, I think the applicant

24   would be willing to grant that to have

25   the five member board.

1   CHAIRMAN SALADINO: What are we

2   thinking here?

3   MR. REARDON: I think we go with

4   what the applicant is looking for. I

5   would reopen the meeting and table the

6   issue until we have five members.

7   CHAIRMAN SALADINO: We have 62

8   days. We don't even have to do that.

9   We have 62 days to make a decision. We

10 can put this decision off for at least

11 62 days, for at least two meetings, and

12 then if we need more time, the

13 applicant can request it, and I don't

14 see any reason why not to give it to

15 them until the member is here, until

16 Connie shows up again. Am I getting

17 that right?

18   ATTORNEY CONNELLY: Yes.

19   CHAIRMAN SALADINO: Seth, what are

20 we doing?

21   MR. KAUFMAN: I think that's what

22 we need to do.

23   MS. GORDON: Yes.

24   CHAIRMAN SALADINO: I have another

25 question for the attorney. Does --

1   since the public hearing is closed and

2   we agreed that we wouldn't vote until

3   the fifth member is present; is that

4   what we agreed to?

5   MR. REARDON: Yes.

6   AUDIENCE MEMBER: We agreed to 62

7   days unless we ask for more.

8   MS. HOEG: They have 62 days to --

9   CHAIRMAN SALADINO: 62 days is --

10   AUDIENCE MEMBER: 62 unless we ask

11   for more?

12   CHAIRMAN SALADINO: It would be

13   crazy not to ask for more.

14   AUDIENCE MEMBER: Right. Just to

15   be clear.

16   CHAIRMAN SALADINO: No, what I was

17   going to ask -- thanks for reminding

18   me, but what I was going to ask is

19   since we did close the public hearing

20   and we agreed not to vote until the

21   fifth member was present, does that

22   preclude -- does that stop us from

23   having any discussion on the

24   application?

25   ATTORNEY CONNELLY: Yes.

 1   CHAIRMAN SALADINO: Okay. So

 2   having said all that, Item Number 6 is

 3   moot. Discussion and possible motion

 4   on the area variances.

 5   Item Number 7 on our agenda is any

 6   other Zoning Board of Appeals business

 7   that might properly come before this

 8   Board. Here is your chance, folks.

 9   Any questions? No. Mr. Kehl has a

10   question.

11   MR. KEHL: Bob Kehl, 242 Fifth

12   Avenue.

13   How is the public going to know

14   when you're going to have the vote? If

15   she shows up next one, we'll have to

16   come to the next meeting just to see if

17   you're going to vote or if it's going

18   to be 62 days.

19   CHAIRMAN SALADINO: Well, the

20   public has no say so in the vote.

21   MR. KEHL: No, but we might like

22   to be here for the vote.

23   ATTORNEY CONNELLY: It will be on

24   the agenda.

25   CHAIRMAN SALADINO: It will be on

1   the agenda. Why? Do you think you're

2   going to be, like, angry with us and

3   throw stuff in the audience if you

4   don't like the way we vote?

5   MR. KEHL: No, I'd just like to be

6   here.

7   CHAIRMAN SALADINO: It will be on

8   the agenda and at least 10 days or so

9   before the meeting we should know one

10   way or the other at least 10 days

11   before whatever meeting. And again,

12   just to remind the public, it's the

13   Board's time for discussion, so we like

14   it that you come, we like it that

15   you're interested.

16   But having said that, Item Number

17   8 is a motion to adjourn. So moved.

18   MR. KAUFMAN: Second.

19   CHAIRMAN SALADINO: All in favor?

20   MS. GORDON: Aye.

21   MR. REARDON: Aye.

22   CHAIRMAN SALADINO: And I'll vote

23   aye. Roll the credits.

24   (Whereupon the meeting was

25   adjourned at 7:02 p.m.)

1   C E R T I F I C A T E

2

3   I, AMY THOMAS, a Court Reporter and Notary

4   Public, for and within the State of New York,

5   do hereby certify:

6   THAT the above and foregoing contains a

7   true and correct transcription of the

8   proceedings held on November 16, 2021, and

9   were reported by me.

10   I further certify that I am not related to

11   any of the parties to this action by blood or

12   by marriage and that I am in no way

13   interested in the outcome of this matter

14   IN WITNESS WHEREOF, I have hereunto set my

15   hand this 17th day of November, 2021.

16

17   _____

18   AMY THOMAS

19

20

21

22

23

24

25

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