

VILLAGE OF GREENPORT

COUNTY OF SUFFOLK : STATE OF NEW YORK

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ZONING BOARD OF APPEALS

REGULAR SESSION

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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 adjournment was requested by the
23 applicant who wanted to amend the
24 application to address comments at the
25 August meeting. The adjournment 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 adjournment.

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. STEP NOSKI: 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. STEP NOSKI: 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. STEP NOSKI: 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.)

C E R T I F I C A T E

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I, AMY THOMAS, a Court Reporter and Notary Public, for and within the State of New York, do hereby certify:

THAT the above and foregoing contains a true and correct transcription of the proceedings held on November 16, 2021, and were reported by me.

I further certify that I am not related to any of the parties to this action by blood or by 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 17th day of November, 2021.

AMY THOMAS

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