

VILLAGE OF GREENPORT
ZONING BOARD OF APPEALS

REGULAR MEETING AGENDA

August 21, 2013

5:00 p.m.

Meeting held at the Greenport Firehouse
236 Third Street, Greenport, New York 11944

APPEARANCES:

Douglas Moore - Chairman

Charles Benjamin

David Corwin

Ellen Neff

Denise Rathbun

Joseph Prokop - Village Attorney

David Abatelli - Village Administrator

Eileen Wingate - Village Building Inspector

(Not Present)



ORIGINAL

1 CHAIRMAN MOORE: I'd like to call the
2 meeting to order. This is a Regular Session
3 of the Greenport Zoning Board of Appeals.
4 It's 5:15. I apologize for the delay.
5 There's a lot of papers shuffling tonight to
6 keep track of all the information.

7 Tonight we have two Public Hearings
8 before the regular agenda, and the first one
9 is a public hearing for an application for a
10 use variance for Margaret and Anthony
11 McDonald, 629 Main Street, Suffolk County Tax
12 Map 1001-2-6-50, located in the R-2 District.
13 The Applicants seek a building permit to
14 construct a second residential unit in the R-2
15 District.

16 Article IV, Section 150-8A(2), One and
17 Two-Family Residential District, states:

18 In a Two-Family Residential District, no
19 building or premises shall be used and no
20 building or part of the building shall be
21 erected or altered which is arranged, intended
22 or designed to be used, in whole or in part,
23 for any purpose, except a two-family dwelling.

24 This public hearing was appropriately
25 noticed in the Suffolk Times, and the adjacent

1 property owners were notified. I'll read
2 those as best I can as to their location.
3 Joseph Filasky, and, unfortunately, it's Post
4 Office Box 342, Aquebogue; Stanley Corwin, 634
5 First Street; Margaret McDonald, again, that's
6 the property owner; Greenport United Methodist
7 Church, 624 First Street; David Corwin, 639
8 Main Street; Karen and Jack Pollack, 630 First
9 Street. And that should be the people that
10 were notified by mail.

11 And does the applicant -- do you have
12 the mail receipts that would indicate those
13 were appropriately sent? I should also
14 mention that the placard on the property, I
15 believe, was properly placed before --

16 MR. ABATELLI: This is the --

17 CHAIRMAN MOORE: Okay, thank you. Thank
18 you very much. So, with that in mind, I can
19 indicate that we had one piece of
20 correspondence regarding the property, and I
21 can read that into the record.

22 Are the Pollacks here, as far as --

23 MS. POLLACK: That's me.

24 CHAIRMAN MOORE: Did you wish to speak
25 personally?

1 MS. POLLACK: Yes.

2 CHAIRMAN MOORE: You could do that, and
3 then we could -- if you cover the details in
4 the letter, we'll just file this with the
5 application --

6 MS. POLLACK: That's fine.

7 CHAIRMAN MOORE: -- if you'd like to do
8 that.

9 MR. CORWIN: I would ask that the
10 letter, please, be read.

11 CHAIRMAN MOORE: To be read, okay, and
12 we'll do that as well. But I might, before
13 you speak, ask the Applicant just to come up
14 and indicate what they're requesting to do, if
15 you would like to do so. Otherwise, we can
16 just go ahead with the public comments.

17 MS. MC DONALD: Hi. I'm Margaret
18 McDonald, 629 Main Street in Greenport.

19 We intend to destroy or knock down an
20 existing structure that has been used as a
21 seasonal rental by the previous owners,
22 because the building is in extremely bad
23 disrepair, rotting, and sinking and everything
24 else. We plan to knock it down and
25 reconstruct another unit, reconstruct another

1 building that would be for a seasonal rental
2 for rental purposes. It would, hopefully,
3 meet -- we would make it code and the property
4 would be maintained.

5 We plan to make the property, the whole
6 piece of property, look acceptable to the
7 Village, since the Village really wants to
8 keep an historic area where we live, in
9 keeping with the other structures in the
10 District and we plan to do that.

11 CHAIRMAN MOORE: Okay. So any members
12 of the public -- why don't I read the letter,
13 and if you'd like to make any additional
14 comments, then I'll do that.

15 And this is a letter to the Zoning Board
16 of Appeals regarding the proposed use variance
17 at 629 Main Street.

18 "I live at 630 First Street, located
19 west and adjacent to the above-referenced
20 property. After meeting with Ms. Wingate this
21 afternoon, I understand the following." This
22 is dated August 21st.

23 "Under the current Zoning Code, on a lot
24 in a Two-Family District, I would not be
25 permitted to build a separate structure to be

1 used as a residence, even if an existing
2 structure is only single-family. If I wanted
3 to use my property as a two-family, both
4 residences would need to be in a single
5 structure sharing a common wall.

6 I was advised that the existing
7 structure in question, the guest cottage, has
8 a Certificate of Occupancy as a garage/studio,
9 and, thusly, doesn't qualify as a legal
10 residence.

11 Ms. Wingate indicated that the proposed
12 construction is meant to replace the existing
13 building, as it is currently in the state of
14 disrepair. As backyard neighbors sharing a
15 fence, I strenuously accept" -- "object to the
16 proposal.

17 First, what exists is not a building
18 that is a legal dwelling. Replacement of the
19 existing structure could be accurately
20 described as building another non-dwelling
21 garage studio. Further, I was told that this
22 would not be permitted. If this is the case,
23 how can it be fair to allow a separate
24 structure to be built that would include legal
25 occupancy, enabling the property owner to rent

1 it out?

2 If the owner wishes to use the property
3 as two-family, don't they have the option to
4 convert the large existing home to a
5 two-family, either by renovation or addition?
6 By building a second house on a lot
7 approximately one-quarter acre would adversely
8 affect the enjoyment of my own property.

9 I respectfully request that the proposed
10 use variance be denied. Thank you for your
11 consideration." And it's signed by Karen
12 Pollack.

13 Would you like to comment as well?

14 MRS. POLLACK: Please.

15 CHAIRMAN MOORE: Come to the microphone.
16 Just give your name and address, if you would.

17 MRS. POLLACK: Okay. Please, excuse me,
18 I'm kind of nervous. I feel like I might have
19 a stroke. I'm Karen. I'm Peg and Anthony's
20 neighbor. I'm at 6 -- Karen Pollack, 630
21 First Street in Greenport. My backyard abuts
22 the McDonalds' backyard. And I just wanted to
23 comment on -- you just heard my letter, but I
24 wanted to comment about what Peg said, that
25 the existing cottage was used as a seasonal

1 rental by the previous owners.

2 Now, I've been here since the Year 2000.

3 I'm not sure what year the McDonalds bought
4 the property, but since May, I believe I
5 closed on the house, in the Year 2000, that
6 structure has never been used as a dwelling.

7 Now, I don't think it's -- I understand
8 that Peg and Anthony want to make a lovely
9 property and rent it out, but just having a
10 property in a Two-Family Zoned District
11 doesn't mean you can build a second house on
12 the lot. I was told that if there's an
13 existing house, it doesn't matter if it's only
14 being used as a one-family house, you still
15 can't build another house on the lot; that a
16 two-family means one structure, one house;
17 that they have to share a common wall, and
18 that's what two-family means.

19 The current building that's there,
20 apparently, it had been originally -- I
21 understand that it had been originally built
22 as a barn. It was clearly an out-building, an
23 accessory structure, and not even originally
24 designed as any kind of dwelling.

25 The current CO, which I heard from

1 Eileen, is that it's not zoned for people to
2 inhabit and live in, it's a garage/studio.
3 And so, although, if it's in disrepair and it
4 needs to be demolished, and they wish to
5 rebuild a structure, well, then rebuild
6 another garage/studio, but I don't feel it's
7 fair that they should be able to build a
8 house.

9 Also, I just wanted to add that if this
10 area in the Village, in the Historic Village
11 of Greenport, if we were looking at zoning,
12 which was two-acre zoning, five-acre zoning,
13 and there's all kinds of space to spread out
14 and tons of privacy, I might feel differently,
15 but it's not, these are small lots.

16 Now, already there's -- you know, Peg
17 and Anthony have built a big garage, which is
18 only, I believe, like five feet off my
19 property line. That's a pretty big structure,
20 but, apparently, that was in compliance,
21 there's nothing wrong with that. To build
22 another -- to build a brand new structure
23 again very close to my property line, I just
24 feel that it's just unfair.

25 Having the existence in an old historic

1 neighborhood of having some sort of
2 out-building, a carriage house, a guest
3 cottage, a barn, a studio, and then using that
4 as the means to build another house I just
5 don't think is fair.

6 And, with all due respect to Peg and
7 Anthony, because they're very nice neighbors,
8 I don't mean to be negative, but it would
9 greatly affect my privacy and my property. On
10 a few occasions when people did stay in that
11 structure, I felt -- really felt like I was in
12 a fishbowl. And if a rental -- if a seasonal
13 or year-round rental is what's -- is what the
14 McDonald's are looking for, they have a big
15 house. They have a big house. By looking at
16 it, it easily could be a two-family on its
17 own. And so I just would wonder, why a
18 separate house?

19 You know, an engineer, an architect
20 could surely design something where they could
21 make it a two-family and have an income
22 property with their existing house. I
23 understand why they wouldn't want to, because
24 they're living in their house as a single
25 family. It's like, "Oh, we don't want to

1 share," you know, "share our own house, we
2 want the rental back by Karen's yard." And
3 I'm afraid, I just don't feel it's fair.

4 Thank you for listening to me, and good
5 night.

6 MR. CORWIN: Thank you.

7 CHAIRMAN MOORE: Thank you. Are there
8 any other members of the public that would
9 like to speak regarding the McDonald
10 application? If not, would the Board be
11 amenable to closing the public hearing?

12 MR. CORWIN: I think I would just give
13 some of my personal knowledge of that
14 structure, as I have been a neighbor of that
15 structure for quite a while, and I now own a
16 piece of property that abuts it.

17 And when I was I have kid, Fred Langdon
18 Corwin owned the property, no relation, and I
19 can remember playing upstairs, and the
20 upstairs, there was a barn, that's what it
21 was. I don't know if Mr. Corwin used it as a
22 garage or not, but it was a barn. Maybe
23 somebody used it as a garage later. Then,
24 about 15, 16, 17 years ago, it was converted
25 into an accessory structure, an accessory

1 dwelling structure.

2 I don't know if there was a Certificate
3 of Occupancy issued at that time. There
4 shouldn't have been if there was, because
5 there is no provision under the Building Code
6 for accessory dwelling structures. Thank you.

7 CHAIRMAN MOORE: Okay. Thank you,
8 David.

9 MR. PROKOP: Can I just mention one
10 thing?

11 CHAIRMAN MOORE: Yes.

12 MR. PROKOP: I just wanted to mention,
13 since it's on the agenda, I think there's a
14 misprint here. I pointed this out when this
15 application was first noticed, but it says
16 that the -- in a Two-Family Residential
17 District, no building or premises shall be
18 used and no building or part of a building
19 shall be erected" -- "in whole or in part for
20 any purpose except a two-family dwelling."
21 That's not correct. I pointed that out once
22 before.

23 Actually, what's allowed in a Two-Family
24 District is either a one-family dwelling or a
25 two-family dwelling. The problem with this

1 building is that it's the second one-family
2 dwelling on the property, so you cannot -- you
3 cannot have two one-family dwellings on a
4 property. But that being said, the -- it's
5 just not -- it's just not technically correct,
6 because --

7 CHAIRMAN MOORE: In other words, that's
8 not a direct quote from the Code.

9 MR. PROKOP: Yeah. It's not correct
10 that the only thing that's allowed on an R-2
11 is a two-family dwelling. What's allowed in
12 R-2 --

13 CHAIRMAN MOORE: I see.

14 MR. PROKOP: -- is a one-family dwelling
15 and a two-family dwelling. It's just that you
16 cannot have two one-family dwellings on the
17 same property, that's the problem.

18 CHAIRMAN MOORE: That's right. I
19 believe The code indicates that in the R-2
20 District, that all of the allowances in the
21 R-1 District apply.

22 MR. PROKOP: Right.

23 CHAIRMAN MOORE: And the second item is
24 two-family dwelling. So, in the long section
25 of the R-1 District, it does indicate a

1 one-family dwelling, so we understand that
2 correction.

3 I should also -- perhaps I'll wait until
4 public comment is closed. Would the Board
5 then be willing to close the public hearing?
6 We have a new arrival.

7 MR. CORWIN: I think I'd like to make
8 one more comment.

9 CHAIRMAN MOORE: Yes.

10 MR. CORWIN: And that is we received a
11 survey with the existing -- what I would refer
12 to as a barn on it. And then we received a
13 plan for a structure that is quite a few
14 square feet larger. We did not receive any
15 site plan or survey that shows where the
16 proposed structure would be located on the
17 property.

18 CHAIRMAN MOORE: Okay. Thank you. The
19 gentleman that just arrived, are you
20 Mr. McDonald?

21 MR. MC DONALD: Yes.

22 CHAIRMAN MOORE: Okay. I didn't know if
23 you wished to make any comments while the
24 public hearing was still open. We have heard
25 testimony from one neighbor, and your wife

1 indicated what the project entailed. I didn't
2 know if you chose to make any comments
3 yourself, because I was prepared to close the
4 hearing at this point. We'll have the
5 opportunity to talk with you as the Applicant
6 directly, have questions and answers, and I'm
7 sure there'll be some.

8 MR. MC DONALD: Well, they had said That
9 there was no plan. We submitted a survey.

10 CHAIRMAN MOORE: Can you come up to the
11 microphone, please?

12 MR. MC DONALD: Yeah. We submitted
13 surveys, and diagrams and dimensions. The
14 building is not that much bigger than the
15 other one. As a matter of fact, it doesn't
16 have to be bigger than the other one at all.
17 About the same size as the other one would be
18 fine, but that was all on there.

19 All we're looking to do is replace
20 something that's already there. This is not a
21 new structure, a new idea. The usage, nothing
22 is new here, everything is the same that we
23 proposed, except the building is decrepit.
24 We'd like to replace it with something solid
25 and good looking, instead of the old one

1 that's there

2 CHAIRMAN MOORE: Yes, I understand. I
3 think Mr. Corwin was indicating that the
4 survey that's provided shows the old
5 structure, which is identified as a garage.

6 MR. MC DONALD: Yeah.

7 CHAIRMAN MOORE: But that the new
8 structure, while there were some pictures,
9 some schematics of a cottage that would be
10 potentially one that you would construct, it
11 didn't show where it was sited on the property
12 and what setbacks there would be, and that's
13 normally necessary if the process is moving
14 forward.

15 MR. MC DONALD: I thought we had done
16 that. The side -- the setback is five feet,
17 isn't it? Isn't that a standard figure for
18 that?

19 CHAIRMAN MOORE: That's the minimum
20 setback, but what -- I think the point was
21 that the plan doesn't specifically show
22 anything, and I don't know if the other Board
23 Members have seen anything to support that.

24 MR. MC DONALD: We had hired a surveyor,
25 and I thought we put a picture in there what

1 the new one was going to be; basically the
2 same spot. The only reason it's a little bit
3 bigger is because we're looking to go with a
4 cottage that's already -- plans are submitted
5 for the -- they call it Katrina cottages,
6 actually, originally planned down in
7 Louisiana, but it will be one story instead of
8 two stories. The current one, the building
9 there now is two stories.

10 CHAIRMAN MOORE: Understood.

11 MR. MC DONALD: So I would be perfectly
12 happy to get it down to one story, but I would
13 need a few more square feet, put into it what
14 we have in two stories. But I can go with
15 what's there. I mean, it doesn't matter to
16 me. I can just replace what's there the same
17 way it is, same dimension, same height,
18 everything. But the newer idea is easier and
19 it would look better, and it meets a little
20 more with the height requirements that are
21 already here in town.

22 CHAIRMAN MOORE: Yes. The only concern
23 is, without a specific application, and I'm
24 not sure whether the building permit had that
25 on it, that the siting of the building could

1 be quite important as to the impact, as far as
2 its effect on the property. And without
3 specifying that, we're kind of hanging without
4 any information. It perhaps would be better
5 if you could do that.

6 We could proceed on the terms of the
7 general principle of the replacement. I think
8 one of the main difficulties that is going to
9 be is that the Code does not allow a
10 replacement of a nonconforming structure, and
11 that would be the allowance that would be
12 given for the property.

13 And there has been an issue about R-2
14 District, two separate dwellings on a single
15 property as strictly not being permitted, and
16 we've been following that lead very strictly.
17 And you're proposing to actually demolish and
18 reconstruct a nonconforming structure that is
19 strictly prohibited by that part of the code.

20 MR. MC DONALD: Well, The Village knew
21 about this five or six years before we bought
22 the house, so this is nothing new here. I
23 could understand going through some sort of
24 rigmarole here if we were applying for
25 something brand new that wasn't there. I

1 could live with that if you said, all right,
2 the Village doesn't want -- why you wouldn't
3 want them anymore, I don't know, since this is
4 a tourist village and it seemed to make sense.
5 But, if we were applying for something that
6 wasn't there, I could see the point here. But
7 what baffles me here is the lack of common
8 sense.

9 I find it hard dealing with this kind of
10 thing. It's there. It's there, it was rented
11 five or six years before we got there. We
12 bought it under those circumstances. We have
13 the ad, and we bought it with the idea it was
14 a rental cottage. Otherwise, we have no use
15 for the place. If it wasn't for a B and B and
16 a rental cottage, and all that, I don't need
17 3100 square feet of house. You know, we
18 bought it with that in mind.

19 CHAIRMAN MOORE: Okay.

20 MR. MC DONALD: We put a lot of money
21 into it, fixed it up, it looks pretty good.
22 The cottage in the back looks like hell. What
23 I'd like to do is knock it down, put a brand
24 new one up nice and solid, match the paint
25 work to the house and the workshop in the back

1 so it looks nice. I would think that you'd be
2 interested in that; maybe I'm wrong. But why
3 you wouldn't be, I don't know, but I would
4 think that the Village would be interested in
5 that.

6 Nothing is changing. This is what
7 baffles me about this whole thing. Nothing is
8 changing, it's only going to get better. I
9 mean, I could leave it there. I don't have --
10 I mean, I'm not going to starve without it. I
11 could leave it there and let it fall down, and
12 if it does, I'm not going to do anything with
13 it. I'll just leave it there and let it fall
14 down in a heap, and then it will really look
15 bad. You know, I could play this game, too.
16 I don't -- I feel I'm doing us a favor and
17 that it's our -- it's for us that I'm doing
18 this. Needless to say, I'm not going to blow
19 smoke at you and say I'm doing this for the
20 Village of Greenport, but it's not going to
21 hurt the Village of Greenport either. It's
22 going to look a lot better.

23 It is a tourist village. There's
24 hundreds of thousands of people coming here
25 every year looking for space. There's the

1 vineyards and a thousand other things here to
2 attract them. That's why we bought this
3 place. Otherwise, I could do fine with a
4 bungalow, I don't need a big Victorian house.
5 We bought it to put a B and B in it. The
6 rental bungalow was there already. It looks
7 lousy. We were going to make it look right,
8 unless we meet enough resistance here, then I
9 could leave it the way it is.

10 CHAIRMAN MOORE: Okay. Thank you.
11 We'll have the opportunity to continue
12 discussions, because we're -- at this point,
13 we're looking for public input such as
14 neighbors and other people, and we may have
15 had that at this point. So, if you
16 wouldn't -- we'll re-engage you after we close
17 the public hearing, and we'll have the
18 opportunity to actually continue talking.

19 MR. MC DONALD: Yeah. Even That, like I
20 said, it's there already. So, if I choose to
21 do nothing, then what's the public input going
22 to do? Then we're just going to leave it
23 there, and everybody in the public around us
24 is going to look at the same old decrepit
25 cottage, so I don't see the point in that

1 either.

2 CHAIRMAN MOORE: Well, the point of the
3 public input is that it's part of the process.
4 It gives the neighbors and any interested
5 parties the opportunity to make their feelings
6 felt, and that is what we're doing. So we'll
7 proceed with that.

8 MR. MC DONALD: I think it's a little
9 late for that, it's already there. If we were
10 going to build a new one, I could understand,
11 but it's a little late for that.

12 CHAIRMAN MOORE: Sir, I'm not arguing
13 with you as to whether the cottage -- the
14 garage is still there. I'm talking to you
15 about we're doing as far as the process, and
16 we'll try and proceed with that now, if we
17 may.

18 MR. MC DONALD: Okay, very good. Thank
19 you.

20 CHAIRMAN MOORE: So, with that in mind,
21 since the Board does have the opportunity --
22 ah, yes, ma'am.

23 MS. POLLACK: May I speak again, or no?

24 CHAIRMAN MOORE: Yes, you may.

25 MS. POLLACK: Okay, thank you. I'm

1 Karen Pollack again. I still live at 630
2 First Street. I just wanted to rebut a few
3 comments that Anthony made.

4 Yes, the structure is there, but the
5 structure, since the Year 2000, when I bought
6 my house, has never been rented. And my
7 understanding is that with the current
8 occupancy for the structure, it's not legal to
9 rent it. It's not a residence, it's not a
10 dwelling, it's an out-building. And so I just
11 wanted to clarify that I don't -- I disagree
12 with what Anthony is saying, that it's always
13 been rented, because it hasn't since the Year
14 2000, it's 13 years ago.

15 And, currently, the zoning -- the
16 certificate of -- the CO for the structure is
17 the CO for the structure. That's what's legal
18 for it to be used as. And the fact that it
19 might look better, it might improve the
20 property is not -- I don't think is germane
21 here. I think what is is that you're not
22 supposed to build a second house, two separate
23 dwellings. Even if it is two-family, that is
24 zoned two-family, that that is -- that
25 two-family means one building.

1 And so I think that the fact that
2 there's a -- what used to be a barn on the
3 property shouldn't be the entryway into
4 getting a second house built. There's too
5 many -- there's too many cottages, barns,
6 garages, studios, that that -- that this would
7 set a dangerous precedent to -- for the
8 construction of additional residences in
9 two-family, multi-family zoning. Thank you.

10 CHAIRMAN MOORE: Okay. Thank you.
11 Okay. With the Board's understanding that
12 we'll have adequate opportunity to talk with
13 the Applicants, may I suggest that we
14 entertain a motion to close the public
15 hearing?

16 MS. RATHBUN: So moved.

17 MS. NEFF: Second.

18 CHAIRMAN MOORE: Second --

19 MR. CORWIN: Question before we close
20 the public hearing.

21 CHAIRMAN MOORE: Any discussion?

22 MR. CORWIN: Should we have a site plan
23 prior to the public hearing, that somebody
24 might or might not want to comment on, in
25 light of the fact we didn't have a site plan?

1 CHAIRMAN MOORE: My consideration at
2 this point is that the owner was amenable to
3 an appropriate placement of a structure. And
4 it seems that the main discussion is going to
5 going revolve around the permissibility of
6 reestablishing a nonconforming structure. And
7 if we get to that point, I don't know if it
8 would require reopening the hearing if a site
9 plan was prepared showing a placement of the
10 house, which is understood to be essentially
11 where it is now.

12 MR. PROKOP: Well, you could request the
13 -- you certainly could request a survey
14 showing the proposed location of the new
15 structure.

16 You know, one of the things that's going
17 on here is the -- the only thing that's before
18 us now is the use variance to have this second
19 structure. But, you know, one of the things
20 that's going on here is that, as you said
21 before, this is a nonconforming structure.
22 And if it's totally demolished, then they're
23 going to lose any nonconformity, that they
24 have any right to nonconformity. So it
25 certainly -- you know, so for that reason,

1 number one, it's, you know, often done that
2 you would request to see the location.

3 The second thing is, as you had said,
4 and I agree 100%, it's the only way that we
5 can judge the impact on the neighbors and the
6 neighborhood, is to see where the location of
7 the structure is going to be.

8 CHAIRMAN MOORE: And would you suggest
9 that that has bearing on keeping the public
10 hearing open, then? Would you say that we'd
11 request a site plan?

12 MR. PROKOP: It would only be my
13 recommendation, but I think that, yes, to get
14 proper input from the public, it's, you
15 know --

16 CHAIRMAN MOORE: So that would be --

17 MR. PROKOP: Because the public doesn't
18 really know what to comment on if they haven't
19 seen anything.

20 CHAIRMAN MOORE: That would be the
21 course, then, if the Board would be agreeable
22 to follow, that we would request a more
23 detailed site plan with the placement and size
24 of the structure that would presumably replace
25 the existing structure, and we would then be

1 able to hear any additional public comments,
2 if they arose, at the next meeting. May I
3 make that motion to the Board?

4 MR. CORWIN: Point of order.

5 CHAIRMAN MOORE: Yes.

6 MR. CORWIN: There's a motion on the
7 table that has to be voted on first.

8 CHAIRMAN MOORE: Thank you. Okay. And
9 what is it? Where are we with that?

10 MS. NEFF: It was seconded.

11 MR. CORWIN: Roll call vote, please.

12 CHAIRMAN MOORE: What is the motion?

13 MR. CORWIN: The motion was --

14 MS. NEFF: To close.

15 MR. CORWIN: -- to close the public
16 hearing.

17 CHAIRMAN MOORE: Oh, okay. Thank you.
18 To close the public hearing, so may I have a
19 vote, please? Ms. Rathbun, whether you want
20 to close the hearing or leave it open, pending
21 submission of a site plan.

22 MS. RATHBUN: Well, under those
23 circumstances, I'll prefer to leaving the
24 meeting open.

25 CHAIRMAN MOORE: So you would say?

1 MR. CORWIN: That would be a yes vote,
2 right?

3 MS. RATHBUN: Thank you.

4 CHAIRMAN MOORE: A yes is to close the
5 public hearing?

6 MR. CORWIN: So it would be a no vote.
7 Sorry.

8 CHAIRMAN MOORE: So it would be a vote.
9 No?

10 MS. RATHBUN: No vote.

11 CHAIRMAN MOORE: And Mr. Corwin?

12 MR. CORWIN: No.

13 CHAIRMAN MOORE: Ms. Neff?

14 MS. NEFF: No.

15 MR. BENJAMIN: No.

16 CHAIRMAN MOORE: Then I vote no. So we
17 are leaving the public hearing open at this
18 point. And what we will --

19 MR. CORWIN: Now we need a motion to
20 adjourn it and leave it open.

21 CHAIRMAN MOORE: Okay. So I would then
22 make a motion that we adjourn the public
23 hearing, keeping it open, pending submission
24 of a site plan depicting the location and size
25 of the proposed structure. And we will hear

1 any additional testimony after that submission
2 at presumably the next meeting. So I so move.
3 Second, please.

4 MS. NEFF: Second.

5 CHAIRMAN MOORE: Any other discussion?
6 All in favor?

7 MR. CORWIN: Aye.

8 MS. NEFF: Aye.

9 MS. RATHBUN: Aye.

10 MR. BENJAMIN: Aye.

11 CHAIRMAN MOORE: Aye.

12 So that's where we are with that. And
13 we will perhaps see you next month. And if
14 you would talk with the Building Inspector
15 about the requirements for the site plan.

16 MR. CORWIN: Let me just say one more
17 thing. The Attorney said a survey. I don't
18 know that a survey is needed, but a site plan
19 drawn to an accurate scale I think is needed.

20 MR. MC DONALD: Can I draw this in
21 myself?

22 MR. CORWIN: In my thinking, if it's
23 drawn to an accurate scale, yes.

24 CHAIRMAN MOORE: And I would also
25 suggest that you formalize the structure as to

1 what it would actually be. And if the one
2 already proposed is what you would like to go
3 with, then that would be acceptable. But the
4 footprint, you know, is an important issue as
5 far as how big it would be and where it will
6 be. Okay. Thank you.

7 MR. PROKOP: Check on those setbacks,
8 you know, because -- you know, I want to say
9 the McDonald's have been speaking to the
10 Village for several months. You know, they've
11 been very cooperative, even prior to coming to
12 this Board. But check -- make sure you get
13 the setbacks straight with what you want to
14 do, you know, so you don't have to keep coming
15 back. If you're going to locate the building,
16 great, but make sure you get the setbacks
17 fixed, you know, as far as what's required and
18 what you want to do, so we can, you know, deal
19 with it, please.

20 CHAIRMAN MOORE: Okay. So we'll move on
21 to the second item, which is a public hearing
22 for an application for an area variance. The
23 Applicant, James Olinkiewicz, is seeking
24 Planning Board approval of a subdivision which
25 requires ZBA variances for a property located

1 at 221 Fifth Avenue, Greenport, New York,
2 Suffolk County Tax Map 1001-4-4-29.

3 The Applicants seeks to subdivide the
4 property into two new lots and construct a new
5 two-family residence on one new lot requiring
6 area variances as follows:

7 Lot Number 1: The proposed subdivision
8 creates Lot Number 1, which is 6,587 square
9 feet, where Section 150-12(A) requires a
10 minimum lot size of 7500 square feet,
11 requiring a variance of 913 square feet.

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

16 The combined side yard setback for the
17 proposed new construction is 22 feet,
18 requiring a three-foot combined side yard
19 set -- area variance. Section 150-12(A) of
20 the Village of Greenport Code requires a
21 25-foot combined side yard setback.

22 Lot 2: The proposed lot width is 52.35
23 feet, where Section 150-12(A) requires a
24 minimum lot width of 60 feet, requiring a
25 variance of 7.65 feet.

1 The proposed combined side yard is 17.9
2 feet, where Section 150-12(A) requires a
3 combined side yard setback of 25 feet,
4 requiring a variance of 7.1 feet.

5 That is the application. This, again,
6 was noticed in the Suffolk Times, and I should
7 have here the notifications. There were quite
8 a few. In consideration of comments in the
9 previous public hearings, we notified the
10 entire block, I believe, and we've had a good
11 turnout.

12 There's an extensive list of properties
13 that were notified, approximately 20. Would
14 it be permissible to just submit the
15 document --

16 MR. PROKOP: Yes.

17 CHAIRMAN MOORE: -- for the recorder to
18 do that?

19 MR. PROKOP: Yes.

20 CHAIRMAN MOORE: Because it would take
21 quite a while to read these. But they -- we
22 have all of the receipts, and I believe a good
23 number of the people who were notified did
24 come.

25 (Whereupon, the following neighbors were

1 notified:)

2 Olinkiewicz, James, 5 Dickerson Drive, P.O.
3 Box 591, Shelter Island, NY 11965.

4 Misak Management LLC, 141-18 Booth Memorial
5 Avenue, Flushing, NY 11355.

6 Jester, Amanda, 253 Fifth Avenue, Greenport,
7 NY 11944.

8 Ruther, Ronald, 239 Fifth Avenue, Greenport,
9 NY 11944.

10 Garris, Roberta & Weiskott, Jack, 229 Fifth
11 Avenue, Greenport, NY 11944

12 Tamin, Kenneth & Raymond, Jennifer, 222 Sixth
13 Avenue, Greenport, NY 11944.

14 Kogelschatz, Stuart & Kogelschatz, Therese,
15 502 Front Street, Greenport, NY 11944.

16 Mijan Corporation, 700 Snug Harbor Road,
17 Greenport, NY 11944.

18 Martin, Patricia & Martin, Luciene, 327 Fifth
19 Avenue, Greenport, NY 11944.

20 Tamin, Carolyn, 307 Fifth Avenue, Greenport,
21 NY 11944.

22 Kruszeski, Jean, 251 Fifth Avenue, Greenport,
23 NY 11944.

24 Merrins, Brian, 237 Fifth Avenue, Greenport,
25 NY 11944.

1 Walters, Joseph & Walters, Doreen, 232 Sixth
2 Avenue, Greenport, NY 11944.

3 Wilder, Carol, P.O. Box 7, Greenport, NY
4 11944.

5 Murray, David & Murray, James, 332 Fifth
6 Avenue, Greenport, NY 11944.

7 Donahue, William & Billera, Brenda, 312 Fifth
8 Avenue, Greenport, NY 11944.

9 Wager, Lisa & Liff, Robert, 400 Riverside
10 Drive, New York, NY 10025.

11 White, Robert & White Wf, P.O. Box 103,
12 Greenport, NY 11944.

13 Finne, Marie, 245 Fifth Avenue, P.O. Box 232,
14 Greenport, NY 11944.

15 Goldsmith, Michael, 231 Fifth Avenue,
16 Greenport, NY 11944.

17 Peterson, Robert & Peterson, Diane, 228 Sixth
18 Avenue, Greenport, NY 11944.

19 Kogelschatz, Stuart, 502 Front Street,
20 Greenport, NY 11944.

21 Paillot, Celine, 324 Fifth Avenue, Greenport,
22 NY 11944.

23 Gagen, Theresa, 304 Fifth Avenue, Greenport,
24 NY 11944.

25 Tamin, Carolyn, 307 Fifth Avenue, Greenport,

1 NY 11944.

2 Logsdon, Kelly & Reardon, John, 512 Front

3 Street, Greenport, NY 11944.

4 Strzesak, Lukasz, 212 Fifth Avenue, Greenport,

5 NY 11944.

6 Jaeger, William & Jaeger, Mary Ann, 430 Front

7 Street, Greenport, NY 11944.

8 MR. CORWIN: Can I just see the outline of

9 things that we'll --

10 CHAIRMAN MOORE: Yes.

11 MR. CORWIN: Thank you.

12 CHAIRMAN MOORE: And I think it may

13 cover properties on the back street as well.

14 MR. CORWIN: That's what I'm looking

15 for.

16 CHAIRMAN MOORE: Yes.

17 MR. CORWIN: That these people on Sixth

18 Avenue were notified, too.

19 CHAIRMAN MOORE: Some of the backdoor

20 neighbors also, the backyard neighbors have

21 been notified. Very good.

22 AUDIENCE MEMBER: Everybody's here.

23 CHAIRMAN MOORE: Good. So, with that,

24 perhaps the Applicant or his representative

25 would like to make a comment.

1 I should point out that this has become
2 a more complicated process because it is
3 before both the Planning Board and the Zoning
4 Board of Appeals, because this subdivision
5 does require a variance before the Planning
6 Board can examine the application for
7 subdivision.

8 We're on new ground because this is the
9 first time this new Code, which has been added
10 to the Village Code, is being used. So we may
11 have some false steps along the way, and we
12 may have to try and work out the way that we
13 can coordinate the activities of the Planning
14 Board and the Zoning Board.

15 So, with that, if you'd like to speak.

16 MS. REA: Thank you. Happily, the
17 Planning Board has met.

18 MR. CORWIN: Ma'am, your name and
19 address, please.

20 MS. REA: I'm sorry. Kimberlea Rea,
21 Westervelt & Rea, on behalf of the Applicant,
22 James Olinkiewicz.

23 Apropos of what the Chairman was saying,
24 the Planning Board has recently met and
25 considered this application. I believe at its

1 August 1st meeting, it considered it and
2 discussed it at some length. And although the
3 minutes are not yet available for you, at
4 least as of this afternoon, it's my
5 understanding that the Planning Board
6 essentially endorsed the subdivision, and
7 submitted only some discussion about the
8 location of the driveways. I'll come back to
9 that momentarily, because that came up during
10 the site inspection previously today.

11 As the Chairman said, this application
12 has been under consideration for several
13 months now, because it was submitted last
14 year. And at about the time that the public
15 hearing was on the verge of closing before the
16 ZBA, the moratorium took place and we were
17 asked to -- it was tabled, so we're now back.

18 But what we're asking for here is what I
19 submit is a modest variance, or series of
20 variances, both in size and proportions.
21 These are variances which are typical of -- in
22 terms of lot size, side yard setbacks and lot
23 widths, typical with the other properties in
24 the neighborhood.

25 We previously prepared a chart. This

1 was last year, so I'm going to pass out
2 another chart now. They're copies of the same
3 ones that we previously submitted.

4 Mr. Chairman, may I distribute these?

5 The application centers upon a lot that
6 was depicted historically in Greenport maps as
7 a double lot. At some point, the lot became
8 single again, and we're basically seeking to
9 reestablish the old lines, or lines that are
10 close to them.

11 On one lot exists a large two-story
12 framed dwelling from the late 1800s. It's a
13 two-family dwelling in accordance with the
14 Zoning Code, and this being in an R-2
15 District.

16 The Applicant has also proposed
17 constructing another two-story dwelling. It's
18 a dwelling that has -- would follow
19 architectural plans and designs from a house
20 that he built at 510 Madison, which is a very
21 pleasing -- I think very pleasing frame house
22 that would be consistent with the other houses
23 in this neighborhood at 221 Fifth Avenue.

24 If you refer to the handout that I just
25 distributed, which is in some form in the

1 record previously, but I think it would be
2 good to go over it again, I mentioned earlier
3 that many of the lots in the neighborhood are
4 much smaller than what are required of the
5 Zoning Code today. And I said that the
6 variances that we are requesting are modest in
7 size and proportion.

8 (Whereupon, Denise Rathbun left the
9 public hearing.)

10 MS. REA: I can just wait.

11 CHAIRMAN MOORE: That's okay, I'm
12 listening.

13 MS. REA: This, of course, is in the R-2
14 District, and if you'll notice on the front
15 page of the handout, there are six two-story
16 family dwellings here. Actually, one is being
17 proposed on my client's property, but there is
18 one existing.

19 MS. NEFF: I didn't hear the last thing
20 you said. There are six -- after that.

21 MS. REA: There are six two-family
22 dwellings in this neighborhood, and there's
23 one eight-family dwelling on the same street,
24 Fifth Avenue. Of course, this is consistent
25 with the R-2 zoning.

1 The variances that we're seeking here
2 are modest, as I said, in that one of the lots
3 would not require any relief. It's 5,000 --
4 excuse me, 7,610 square feet. The other lot
5 would require a minor variance, because we are
6 seeking to -- a new lot size of 6,587 square
7 feet. So that's 913 square feet of variance
8 for lot size.

9 The new lot widths that have been
10 proposed are, rather than the 60 required by
11 the code, 47.82 feet and 53.35 feet, the first
12 being a variance of 12.18 feet, the second
13 being a variance of 7.65.

14 And the side yard setbacks that have
15 been proposed are based now upon the most
16 recent submission that is before you. That
17 centers upon a driveway for each dwelling;
18 that is moving the present driveway on the
19 present existing frame house over to the left,
20 the south side, and then using the existing --
21 the area of the existing driveway for the
22 driveway for the newly proposed building.
23 That would require, under that scenario, a
24 three-foot variance for Lot 1, and a 7.10-foot
25 variance for Lot 2.

1 I mentioned earlier that the Planning
2 Board had had some discussion about whether it
3 would be desirable to essentially combine the
4 driveways, or have both driveways in the same
5 location, that is in the middle of the
6 property, which would allow for the green
7 buffer on either side adjoining the neighbors'
8 property to remain there. There's adequate
9 parking in the back. Given the proposal, each
10 building would have to have -- excuse me.
11 Each dwelling would have to have three parking
12 spaces. My client is going to put in four
13 parking spaces for each, all of those being
14 off-street parking. There's adequate room for
15 that. I think that was demonstrated I think
16 on our site plan.

17 CHAIRMAN MOORE: Could you repeat the
18 number again? I'm sorry, I didn't hear.

19 MS. REA: Three parking spaces are
20 required. He has agreed to put in four.
21 There's room for four parking spaces.

22 CHAIRMAN MOORE: Per property.

23 MS. REA: Yes.

24 CHAIRMAN MOORE: Yes.

25 MS. REA: So, if you refer back to the

1 handout that I just handed out, if you look at
2 Page 2 of that handout, you can see that,
3 relatively speaking, the variances that we're
4 speaking -- seeking here, the spacial
5 variances, are completely consistent with what
6 would have to be obtained today if the people
7 living there today came before this Board. In
8 order to come into compliance, 71% would need
9 variances. Seventeen out of 24 neighboring
10 lots would need relief from the square footage
11 lot requirements, if homes were -- if these
12 homes were to be built today.

13 The Applicant is open to suggestions,
14 continues to be, from the Planning Board and
15 from this Board as well in terms of the
16 driveway location. We don't believe that the
17 impact to the neighborhood, given these
18 particular variances that we are seeking, are
19 substantial or improper. They are consistent
20 with two-family dwellings in this Village and
21 in this neighborhood. We believe that it will
22 bring much needed rental property to the
23 Village of Greenport. And we believe,
24 finally, that the benefit of these variances
25 is substantially greater than any real or

1 measurable impact on the neighborhood, looking
2 at the sizes of these variances and the
3 permissible uses in the neighborhood.

4 I understand that the neighbors have
5 some comments. There is a fairly strong
6 turnout today. And I would like to reserve
7 comments, if that would be acceptable to the
8 Chairman, because if something comes up,
9 perhaps we could address those.

10 CHAIRMAN MOORE: Yeah, we'll have an
11 adequate opportunity to discuss further with
12 you, as a representative.

13 MS. REA: Thank you.

14 CHAIRMAN MOORE: Thank you.

15 MS. REA: And I'll also reserve on some
16 other comments on variances, these sort of
17 variances. Thank you very much.

18 CHAIRMAN MOORE: Thank you. So now we
19 can open. I don't believe we had any formal
20 letters sent, new letters, regarding this
21 application. And so I will open it up for
22 members of the public, who are mostly
23 neighbors in the neighborhood, to comment, if
24 you would. And just remember, state your name
25 and address. It would help to say where you

1 are in connection with the Applicant's
2 property.

3 MR. WEISKOTT: My name is Jack Weiskott.
4 I live at 229 Fifth Avenue.

5 MS. NEFF: Could I ask you to stop for a
6 minute?

7 MR. WEISKOTT: Sure.

8 MS. NEFF: Do you know the noise, the
9 hum, what -- is that our mics? What is that?

10 AUDIENCE MEMBER: That's the AC.

11 MS. NEFF: The AC that's not working?

12 AUDIENCE MEMBER: Yeah.

13 MS. NEFF: Yeah. Why don't we turn the
14 AC that's not working off?

15 (Whereupon, the Fire Department Siren
16 Sounded.)

17 MS. NEFF: It's hard to hear. I'm
18 sorry.

19 CHAIRMAN MOORE: If you could just --

20 MR. WEISKOTT: I'll speak louder.

21 MR. BENJAMIN: Yes.

22 MS. NEFF: Maybe raise it.

23 CHAIRMAN MOORE: I think we'll be able
24 to hear you.

25 MS. NEFF: Lift it up.

1 CHAIRMAN MOORE: Yep, great. Yes.

2 MR. WEISKOTT: Is this better?

3 CHAIRMAN MOORE: Yes.

4 MR. WEISKOTT: Okay. Our property is
5 contiguous with the proposed subdivision,
6 we're directly to the north. We do have a
7 letter that was signed by quite a few
8 residents. If I could read them out to you, I
9 guess would be the way for you to hear it.
10 This is a letter to the Greenport Village
11 Zoning Board of Appeals.

12 "The undersigned residents of Fifth
13 Avenue and environs strongly object to the
14 proposed subdivision of 221 Fifth Avenue,
15 which would lead to the creation of two
16 severely substandard lots and the construction
17 of another house."

18 To paraphrase Mr. Bob White, a lifetime
19 Village resident and former proprietor of
20 White's Hardware, "Fifth Avenue is saturated
21 already with vehicles and people."

22 The Whites can't be here tonight,
23 they're too infirmed, but they did sign this
24 letter. And Mr. White has stated that now
25 that he's older and he doesn't sleep very well

1 at night, no matter what time of night he
2 wakes up, there's a car coming down the block,
3 one way or the other. It's a high traffic
4 area right now without an additional house
5 being built.

6 And I mention that it is currently
7 almost impossible to drive down the street
8 without one vehicle needing to pull to the
9 side to let another pass, because there are a
10 lot of cars parked in the street at all times,
11 and there's so much traffic going back and
12 forth.

13 Greenport is a Village composed of local
14 homeowners, renters and weekend residences --
15 residents. It would be a serious change in
16 character if more and more properties are
17 converted or constructed for high density
18 housing. Please weigh carefully the effects
19 of the quality of life of local residents as
20 you consider the application."

21 That's the letter we circulated. I can
22 give it to you. There's about 19 or so
23 signatures on it of people who live there.

24 I do have a few other comments, but I
25 also want you to know, we have letters from

1 the Petersons. They couldn't be here, they're
2 bringing their child to college today.

3 And a letter from Brian Merrins, who
4 lives at 237 Fifth Avenue, and he couldn't be
5 here either. In his letter, he says they have
6 a family issue, that they couldn't make it.
7 But they did make copies for each of you, if
8 you would like. Can I give them to you?

9 CHAIRMAN MOORE: Yes, you could submit
10 them and we'll enter them in the record.

11 MR. WEISKOTT: Possibly, if you'd like
12 to read them out. This is one of each.

13 CHAIRMAN MOORE: Okay.

14 MR. WEISKOTT: This is a copy of that.

15 CHAIRMAN MOORE: Is this the community
16 letter?

17 MR. WEISKOTT: No, that's --

18 CHAIRMAN MOORE: Oh, no, okay. I see,
19 it's multiple copies, yes.

20 MR. WEISKOTT: That I could give you,
21 too, with signatures. I'm sorry. This is the
22 community letter.

23 CHAIRMAN MOORE: Oh, good. I'd like a
24 copy of that, if I may.

25 MR. WEISKOTT: And these are the

1 signatures. I didn't make copies of this.

2 CHAIRMAN MOORE: Yeah, I'll take that,
3 since you've read it.

4 MS. REA: Excuse me. Could we have a
5 copy? Could we have a copy?

6 MR. WEISKOTT: They'll have to -- I only
7 made one copy, the one that we got the
8 signatures on.

9 MS. REA: Okay.

10 MR. WEISKOTT: I didn't think of making
11 a copy for everybody. I guess, before you --

12 CHAIRMAN MOORE: Yes, go ahead.

13 MR. WEISKOTT: -- read those, I just
14 have a couple of more comments.

15 Informally, I drove down our street,
16 just for my own personal knowledge. Our
17 street, on the east side of our street, there
18 are seven houses occupied by residents, and
19 there are eight houses that are rental units.
20 Only one of those rental units has a local
21 landlord that lives on the street, the rest
22 are absentee landlords.

23 CHAIRMAN MOORE: Can you repeat those
24 numbers just --

25 MR. WEISKOTT: Yes. Seven on the east

1 side are --

2 CHAIRMAN MOORE: Structures, yeah.

3 MR. WEISKOTT: Houses that are --

4 CHAIRMAN MOORE: Houses.

5 AUDIENCE MEMBER: Homeowner homes.

6 MR. WEISKOTT: Homeowners.

7 CHAIRMAN MOORE: Okay.

8 MR. WEISKOTT: Eight on that side are
9 rental units, and only one of which is a local
10 Greenport Village resident. On the west side,
11 which is the -- where this proposed
12 subdivision is located, there are 11 homeowner
13 residences and four rental units, but one of
14 those rental units is the one previously
15 mentioned that has eight units in it.

16 And I guess my point in this is to
17 further indicate, like this street that is
18 saturated with people, more people than were
19 intended to live on this street, because each
20 of these houses, as rented, has more than the
21 allotted number of people that should be in
22 the house. There's a tremendous amount of car
23 traffic and a tremendous amount of people on
24 the street already.

25 And I guess I just have a few questions.

1 Is there a limit to the number of people who
2 can live in the rental house, whether
3 one-story -- one-family or two-family, because
4 there doesn't seem to be any limit.

5 MR. PROKOP: There is a limit under New
6 York State Code of the number of people that
7 can live in a house. It depends on the square
8 footage of the bedroom. There's a number --
9 there's a minimum square footage of a bedroom
10 area for each occupant, so that that's the
11 answer. So, if you have -- you know, it goes
12 by -- it doesn't go by the biggest --

13 MR. WEISKOTT: Depending the size,
14 square footage.

15 MR. PROKOP: Right. You could have a
16 4,000 square foot house, but it -- or a 2,000
17 square foot house, or a 1,000 square foot
18 house, it doesn't matter. It matters by the
19 square footage of the bedroom -- bedrooms.

20 MR. WEISKOTT: Well, I would consider
21 that to be an important issue in any new
22 construction or an existing construction to
23 make the houses on the street more
24 neighborhood.

25 And I was wondering if there was any

1 limit to how many rental units there can be in
2 our Village. Do you want it to be all rental
3 units, or would we like there to be some
4 homeowners, majority of homeowners, half and
5 half? I don't know.

6 And I do have a comment. It sounds to
7 me like the Planning Board is sort of leaning
8 towards making a common driveway for each of
9 these two houses, and that doesn't logically
10 make sense to me. If it's a subdivision, how
11 do you have two separate properties sharing a
12 common driveway? What if someone sells? Can
13 you sell one property without a driveway? Is
14 there a covenant in there that the driveways
15 will always be maintained as common? Because,
16 I mean, at this point, it would be one owner
17 who would own both properties, but what if in
18 the future, for one reason or another, he
19 wanted to sell one off, where would the
20 driveway be, and whose driveway would that
21 driveway be?

22 Besides the point, which I will mention,
23 three to four parking spaces for each of these
24 houses would be inadequate by about three four
25 spaces. There's always six cars parked on the

1 property right now, sometimes more. So that's
2 six cars in the one two-family house. How
3 many cars would there be in two two-family
4 houses, would there be 12 cars? I think
5 that's too many.

6 Literally, it's like living next door to
7 a parking lot. There's cars going in and out
8 of that driveway about every half hour, every
9 15 minutes, constantly, especially at the end
10 of the day when work is over.

11 So I just think we're too dense there.
12 It's not enough parking for the area, or a
13 boarding house area, it's a residential area.
14 So that's my feeling on the matter anyway.
15 Thank you for listening.

16 CHAIRMAN MOORE: Thank you.

17 MS. NEFF: Thank you.

18 MR. REED: My name is Michael Reed, 430
19 Front Street. My parents were Bill and Mary
20 Jaeger. My father passed away two months ago.
21 Dave knows my family.

22 Let's go back. I got a couple of issues
23 with her, with the Lawyer saying that the size
24 of the stuff, to a point. When those things
25 were built, they were built in the 1800s.

1 There was no Zoning Board, like Bob White said
2 a couple of months ago. The Village Board and
3 Zoning Board didn't come until what, the late
4 '70s?

5 MR. CORWIN: I think it was after World
6 War II.

7 MR. REED: Okay. So you're comparing
8 oranges to apples. I mean, yes, there's a lot
9 of two-foot, one-foot variances -- not
10 variances, but property lines. I mean, that's
11 kind of a moot point.

12 Number two is, are we whoring our
13 neighborhood out for more and more rentals?
14 How much is enough? I mean, I've had to go
15 over there a couple of times. I've called the
16 police. Mr. Goldsmith has called the police.
17 I just brought my father home, he's dying of
18 cancer, and I had to go over there and
19 confront some people. The next day, some dirt
20 bag keyed my son's brand new Challenger. This
21 is the type of thing I don't want in the
22 neighborhood. Down the road, Mike -- what's
23 the other guy? Mike's -- I don't know the
24 other landlord. He had this guy evicted. You
25 got trash on the street.

1 My family has been there almost 200
2 years on that corner; before it was Brown.
3 There was a lot next door that my grandmother
4 bought. I had to have the house torn down.
5 The only things left of the house is that
6 little garage. My Aunt and my Dad own the
7 parcel adjacent. You got garbage thrown all
8 over, people honking the horns and playing
9 with their remotes.

10 What's enough? Would you like it in
11 your neighborhood? Let's be real. I've lived
12 out -- born and raised here. My family's
13 here. My son's going college for a Lawyer, my
14 daughter is going for a Doctor. I want them
15 to come back, but not to this.

16 Another thing, I talked to Skrezec.
17 They're substandard on their plumbing. So
18 you're going to add another waste, and you got
19 bad plumbing from Fifth Avenue all the way
20 down to where my sister is on -- what's that,
21 West? By Dave. What's that?

22 MR. CORWIN: South.

23 MR. REED: Southwest, by your place.
24 That was about as far as he did for the
25 plumbing. You know that.

1 So, I mean, what's enough? You know
2 what, we've lived here, my family's lived
3 here, we own a lot here, but, you know what,
4 at what point? You look at those things. I
5 mean, how much does any one person need?
6 There's no hardship here. You put these rules
7 and regulations in for a guidance line, they
8 put what should and what shouldn't be. That's
9 a minimum, and on 1,000 square feet off of
10 one, you know, that should be right there, so
11 you know.

12 It's called quality of life, too. You
13 know what, pursuit of happiness, quality of
14 life. You've lived here. I've lived here my
15 whole life. I have my business here. My
16 Grandparents owned Jaeger's Department Store.
17 You know what, right is right. You wouldn't
18 want it in your neighborhood. So I'm just
19 asking you guys, look in your hearts and see
20 if this is right and what you would want to
21 be -- move next to you.

22 The other thing, then we're just going
23 to have to go to litigation. Thank you.

24 MR. GOLDSMITH: My name is Michael
25 Goldsmith. I live at 231 Fifth Avenue.

1 I think our block is saturated to a
2 point where it's ridiculous. If I can trust
3 Mr. Olinkiewicz's word, that he would rent to
4 just a family upstairs, is one thing. But
5 there's an upstairs apartment with a minimum
6 at times of 16 people living in there. I
7 witnessed it, I counted them. I've actually
8 sat out there at six o'clock in the morning
9 and watched them leave for work. There's a
10 minimum of six cars per day in that car (sic).

11 It always amazes me, when there's a
12 meeting of the Board, or somebody has to go
13 over there and witness it, the cars disappear
14 and people disappear. There's one tenant
15 downstairs that's handicapped with a son; one
16 vehicle. The rest of the vehicles are
17 upstairs, and there's anywhere between six to
18 10 at any time during the week. They're
19 coming in all hours of the night, speeding
20 down the road. We've slowed them down many a
21 nights.

22 Not only that, I have another one right
23 across the street from me that I've been
24 dealing with the landlord there. We finally
25 got one family evicted up there. They had a

1 husband, a wife, four kids -- or three kids,
2 excuse me. And then there was eight other men
3 that were coming home drunk every single
4 night. And the reason they got thrown out is
5 because they missed their rent. It wasn't
6 because they were defecating on the front
7 lawn, or urinating on the front lawn, which
8 we've confronted the Mexicans about, and
9 everything else. I don't care if you're
10 black, white, Chinese, whatever, take care of
11 the property, maintain it.

12 I'm spending money on my property. My
13 next door neighbor is dumping about \$200,000
14 into his property, trying to make it a family
15 home so he can bring his kid back here and
16 raise him. I just had another couple that's
17 moving back into the old Blues (phonetic)
18 house that want to raise their kid out here,
19 because he wants -- he doesn't want the New
20 York City life for his kid. He wants to be
21 able to throw a ball on the street with his
22 kid. Unfortunately, he can't without being
23 almost run down by everybody coming down the
24 street.

25 If you walk down that street any time of

1 the day or night, and I'm going to tell you
2 right now, last night, it was midnight I was
3 out there, with people from the tenant across
4 the street, which are not even legal tenants
5 there. There's a Section 8 gentleman living
6 there and he has his grandkids and some other
7 kids there squatting there because they got
8 evicted from a place in Mattituck. I
9 confronted them. I said, "Who's paying
10 for" -- "Oh, no, Section 8 is paying for it."
11 We're paying for him to live there, not the
12 six other people who live there. Yet, at
13 midnight, they're having a party up and down
14 the street, screaming and yelling. Then you
15 got no control over it. Then the alarm system
16 starts going off all hours of the night.

17 There comes a chance where we're paying
18 taxes, we want some respect out of this
19 Village. We demand some respect out of this
20 Village. I'm at a point right now where I
21 don't care about Mr. Olinkiewicz building the
22 Village up. I've been here when Greenport was
23 a slum, and I seen it being regenerated into a
24 nice vibrant community. You're bringing it
25 back to the way it was prior to the '70s. If

1 that's what you're going to do, then let it
2 happen, because I'm going to put my house up
3 for sale, my neighbors will do it, because
4 this is what you're inviting. You're
5 inviting -- I hate to say the trash is coming
6 here, but I deal with it on a daily basis from
7 the urinating, the defecating. And if you
8 don't believe me, ask the landlord when he
9 evicted, because one of the painters was in
10 the backyard working and he steps all in it.
11 That's not dog, it's human waste, and this is
12 what we're living with.

13 We're trying to revitalize our block.
14 We're trying to bring it back to a
15 family-oriented street, and what we're getting
16 is trash. And getting 12 to 15 people per
17 room so that you can make a check does not
18 benefit me or anybody else in this Village.
19 All it does is make it into a slum, and I'm
20 tired of living on the block that is
21 considered a slum. Thank you.

22 CHAIRMAN MOORE: Could I ask one
23 question just to clarify something? You had
24 indicated about occupancy in a particular
25 house. Were you referring to the Applicant's

1 house?

2 MR. GOLDSMITH: Yes, his applicancy, the
3 one directly across the street from me and the
4 ones down the block. I mean, we are saturated
5 with residency. This is not like this is all,
6 oh, there's a little bit of residency, there's
7 one family. Every one that's renting out
8 there has a minimum of four to six to eight
9 people, and they're not related, they're not
10 family, they're -- I would love to see --
11 there's a couple downstairs, there's a Mexican
12 family. They're hard-working people with
13 family. They go to Greenport School, love --
14 they're quiet, they're well maintained.

15 Yeah, each one of those has four to six
16 cars. We have a problem -- as a matter of
17 fact, I remember you putting little stickers
18 on their cars, a little thing, in Spanish and
19 English. It got to a point, don't put them on
20 there, tow the damn car.

21 I have to plow my own street with a snow
22 blower because the Village of Greenport can't
23 do their job. And then when we finally get
24 them to move it, then we can't get them back
25 to plow it. Why do I pay taxes? That's what

1 I want to know. Not only that, it's getting
2 to the point where you can't come down your
3 street. I can't come home for lunch to park
4 my car in my own driveway because they got my
5 roads blocked off.

6 There's six to seven vehicles in each
7 vehicle -- apartment building. And if he says
8 there's only four vehicles in his property,
9 you better come down there a lot more often,
10 because there's a hell of a lot more. There
11 my be four now, but there's a hell of a lot
12 more than that during the regular week.

13 And I'm getting tired of the music
14 blasting at one, two o'clock in the morning.
15 I've called the cops many a times. Beer
16 bottles we're picking up, the trash we're
17 picking up.

18 We're trying to make this into a
19 residential neighborhood, back to the way it
20 was years ago. We got good neighbors, clean
21 neighbors. We want to respect our
22 neighborhood. We're not here just because
23 somebody wants to fill their pocket with 20
24 other people in there making rentals.
25 Enough's enough. Thank you.

1 CHAIRMAN MOORE: Thank you. Does
2 someone else wish to speak?

3 MR. KEHL: I'm Robert Kehl, 242 Fifth
4 Avenue. It's K-E-H-L.

5 All right. Well, I'll start. I live on
6 242 Fifth Avenue. I used to live at 237 Fifth
7 Avenue, where Mr. Merrins lives. And while I
8 was building my house, the house next to me,
9 238 Fifth Avenue, one of the guys there got
10 into a fight with one of the boys down the
11 road, MS-13, and stabbed him in my driveway on
12 Christmas night. That was like eight years
13 ago. And this stuff has been going on.

14 Then the house next me, finally got that
15 thing closed down, because the plumbing gave
16 out, the electric gave out. It's kind of --
17 it's a real hell hole right now. It looks
18 like -- it looks bad. And they used to have
19 39 people living in there, between the two
20 apartments and the garage. And only one guy
21 would park in the driveway, so no one else
22 could get in there.

23 But then they used to park all down the
24 road. It was so bad one year, I had to bring
25 my machine down, because, like Mike said, the

1 Village doesn't come back when these people
2 pull out every day. Once it's been plowed
3 down the road, there was only enough to get
4 one car down the middle of the road, and this
5 road -- and I took all the snow and I plowed
6 it with my machine and got it off the road.

7 This is not a hardship for this.

8 AUDIENCE MEMBER: Far from it.

9 MR. KEHL: He's not living in this house
10 for himself, so there's no reason why it has
11 to be. Just because he wants to line his
12 pockets, it's fine. Why doesn't he do it on
13 Shelter Island? Because they wouldn't allow
14 it over there.

15 And then one big house there isn't a
16 two-family house. Just because he calls it a
17 two-family house, it's not a legal two-family
18 house. There's six to eight cars parked there
19 right now, every day. And I know -- you said
20 you're going to put three -- three or four
21 cars for each house, and he's going to put
22 another house in there? Then the road's going
23 to be filled up again. We'll never get it.
24 They never tow. They never -- when the snow
25 is there, they never tow. It's useless

1 putting those stickers out there.

2 For years and years I've called. I used
3 to call down there and never get a -- I'd
4 leave messages asking them to call back;
5 wouldn't even get a response. That's what we
6 pay all our taxes for, I guess.

7 This is just ridiculous. I mean, we're
8 just to a point where we've had it. I'm glad
9 the people -- I tried to sell my house when I
10 first built it and I couldn't sell it, because
11 there's eight Mexicans sitting on the wall out
12 front drinking in the middle of the day.
13 People pull up and say, "What the hell kind of
14 crap is this?" What can I say? It's just
15 blatant. Nothing would be done. Police don't
16 do anything about it. I just had enough.
17 Thank you.

18 CHAIRMAN MOORE: Thank you. Would
19 someone else from the public wish to speak
20 regarding the application?

21 (No Response)

22 If not, I think we need to ask a few
23 questions of the Attorney, who stepped out for
24 a moment.

25 In the meantime, would there be any

1 comments from the Board? No, no, I'm talking
2 about the Village Attorney. I'm Sorry.

3 MS. NEFF: Oh, the Village Attorney,
4 right. Here he is.

5 CHAIRMAN MOORE: He's coming back.

6 MR. OLINKIEWICZ: No, no. I was
7 wondering if I can address.

8 CHAIRMAN MOORE: Yes, you may. You can
9 certainly speak.

10 MS. REA: We have -- I have some more
11 comments, too.

12 MR. OLINKIEWICZ: I am James
13 Olinkiewicz. I own 221 Fifth Street, the
14 property in question. Yes, I am applying to
15 try to subdivide the property into a -- two
16 lots to build another two-family house.

17 The neighbors, I understand the
18 neighbors have passion for the neighborhood.
19 I understand that they have desire and love
20 for the neighborhood. I understand that
21 they've watched out, and that at times there
22 probably are six or eight cars in the driveway
23 at that house. I can't answer the question on
24 whether every one of those cars runs and is on
25 the road, or if one person occupies one or

1 two, or owns one or two, I can't answer that
2 question.

3 I am the only proponent, that I am for
4 the rental law in Greenport. I spoke to -- at
5 the Town Board meeting. I spoke to the
6 Planning Board about it. I have spoken to
7 whoever comes into the office. I talked to
8 Dave Abatelli about it. I am the only
9 landlord that is for that law, for the law of
10 the Building Inspector or a private board
11 coming in and inspecting the houses once a
12 year or twice a year, whatever they want. I
13 have nothing to hide with that. They can come
14 in and they inspect, make sure it's not
15 over -- too much density, not -- make sure
16 that the smoke alarms, fire alarms, everything
17 that is there is there.

18 There's a lot of opposition about me
19 building a two-family house on the lot. There
20 is -- that's not to say that any one of the
21 neighbors down the block that have a
22 one-family at any time can apply and make
23 their house a two-family house. There's no
24 law that stops them from doing that. So, as
25 for --

1 MS. NEFF: Could I point out, there are
2 restrictions about square footage, etcetera,
3 etcetera.

4 MR. OLINKIEWICZ: Sure, sure, lot
5 coverage, right.

6 MS. NEFF: It's not any easy thing to
7 do.

8 MR. OLINKIEWICZ: Well, if you meet
9 setback requirements?

10 MS. NEFF: No. I'm talking about square
11 footage.

12 MR. OLINKIEWICZ: Well, it's lot
13 coverage that you have to deal with.

14 MS. NEFF: I'm talking about in the
15 interior built space, anything is not a
16 two-family house.

17 MR. OLINKIEWICZ: Correct, but it's --
18 they could also add on a two-family -- a
19 second family unit by an adjoining wall, just
20 as easily as renovating the house.

21 MS. REA: Jim, may I just -- I'm sorry
22 to interject, but I think Ms. Neff is raising
23 a point that was raised earlier today. Are
24 you referring to the square footage and
25 bedroom requirement?

1 MS. NEFF: Required for -- no. If you
2 want to have a two-family house, there are
3 square footage requirements of the units, the
4 size of the units.

5 MR. OLINKIEWICZ: Sure, for bedrooms and
6 unit size, and everything else.

7 MS. NEFF: The whole unit. The whole
8 unit.

9 MR. OLINKIEWICZ: Right, correct. But
10 there's nothing in the law to stop them from
11 putting an addition on to their house and then
12 adding another unit in the R-2 District, as
13 long as they meet the lot coverage setbacks
14 and some of the laws. They'd have to come
15 between -- before the Board, as well as I have
16 to come before the Board, or in front of the
17 Planning Board. So --

18 MR. PROKOP: Maybe you -- well, I'm
19 sorry. I just want -- maybe, since the public
20 is here tonight, they might have been here at
21 prior meetings. Am I correct in saying that
22 this is an application where one time you
23 agreed to limit this to a one-family house?

24 AUDIENCE MEMBER: Yes, that was my
25 question.

1 MR. OLINKIEWICZ: We had talked about
2 that.

3 MR. PROKOP: I just to make sure,
4 because there's people that have --

5 AUDIENCE MEMBER: And now it says
6 two-family.

7 MR. GOLDSMITH: That's when it was first
8 approached to us, a two-family house.

9 MR. PROKOP: At one time you sent a
10 letter to the --

11 MR. OLINKIEWICZ: It was the first
12 approach that we would apply for --

13 CHAIRMAN MOORE: Excuse me, excuse me.

14 MR. OLINKIEWICZ: I'm sorry.

15 CHAIRMAN MOORE: Yeah. Just to clarify
16 things, that was a discussion at the previous
17 cycle of meetings. And subsequent to that,
18 there was a letter from the Applicant, which
19 is in the file --

20 MS. REA: That's right.

21 CHAIRMAN MOORE: Not agreeing to the --

22 MR. PROKOP: Right. I was going to say
23 that next. I just want to make sure that --

24 CHAIRMAN MOORE: -- to the single-family
25 dwelling.

1 MR. PROKOP: I'm not saying one thing or
2 the other, I just want to make sure,
3 because --

4 MR. GOLDSMITH: Well, at the first
5 meeting, that's when we were here, that's what
6 was discussed.

7 CHAIRMAN MOORE: I'm sorry.

8 MR. GOLDSMITH: It was not discussed for
9 that.

10 CHAIRMAN MOORE: We'll go one at a time
11 here. But just to make it clear, the
12 Applicant has re-advocated the construction --

13 MR. OLINKIEWICZ: To apply for a
14 two-family.

15 CHAIRMAN MOORE: -- of a two-family
16 house.

17 MR. OLINKIEWICZ: Correct.

18 CHAIRMAN MOORE: Not a one-family house
19 on the proposed subdivision.

20 MR. OLINKIEWICZ: And with -- depending
21 on the Board's discussion and public
22 discussion, and what we'll talk about, we will
23 consider other options, and we will talk about
24 it with the Board. But then that goes to the
25 question, if my property is subdivided and

1 it's bigger than 50% of the other lots that
2 have a one-family house on it, and I'm forced
3 to build a one-family and they could make
4 theirs into a two-family, how is that?

5 MS. NEFF: Excuse me. Again, the idea
6 that people can make their one-family house
7 into a two-family house, and to put that into
8 this discussion without a detailed -- I mean,
9 that is --

10 MR. GOLDSMITH: It's a hypothetical.

11 MS. NEFF: That is statement that's
12 beyond the scope of what you're asking, or our
13 consideration of very specific things, which
14 are very detailed and not --

15 MR. OLINKIEWICZ: Okay. I am just
16 quoting the Village rule, that it's an R-2
17 District, so there is a potential for that to
18 happen, not to say that it will, not to say --

19 MS. NEFF: Feasible or not, but
20 possible, possible.

21 MR. OLINKIEWICZ: But there's the
22 potential, right. So that was my -- that was
23 my only statement with that.

24 I've already scheduled with Eileen
25 Wingate for an inspection of the upper

1 apartment for Monday morning, 9 a.m., so you
2 can see if the crowding is an issue or what
3 the problem is, and see if that's, in fact --
4 and Eileen can come back as many times as
5 deemed necessary.

6 I mean, all I could say is that I have
7 good standings with the Village Housing
8 Authority, with the -- I have no violations
9 from the Building Department, as of now. I
10 try to maintain the properties. I fixed up
11 houses that were boarded up and dilapidated
12 and repaired. I built two brand new beautiful
13 houses for people to rent to help with the
14 overpopulation of rental people.

15 What happens is, is that you sell a
16 house in the Village that was a two-family, it
17 gets converted back to a one-family, now
18 you've displaced all of the people, and so you
19 have overcrowding. So it's not -- I'm not the
20 only one that sees that there is a need for
21 more housing in the Village, that's just a
22 fact. How it comes, I don't know. Am I -- do
23 I build them? Do I make a profit? Yes.
24 There's no doubt that I build these, I rent
25 them, I try to give people good affordable

1 rents, rental houses, and that's their -- I
2 have a 26-family waiting list for rental
3 housing, so that tells me the shortage is
4 here.

5 MR. GOLDSMITH: And they'll all be in
6 that one apartment, too, like they are now.

7 MR. OLINKIEWICZ: So, I mean, that's
8 just -- that's just it. I understand that
9 there's frustration with people with other
10 landlords as well.

11 MR. GOLDSMITH: It's not others, we're
12 talking about you tonight.

13 MR. OLINKIEWICZ: Okay.

14 CHAIRMAN MOORE: Please, just let's not
15 have comments from the audience.

16 MR. OLINKIEWICZ: You know, there was
17 also comments about road traffic. I
18 understand that. And also comments about
19 people parking on the road, but it's not just
20 people from the rental houses. I mean,
21 everybody in my house parks off the street
22 now, so all that road parking is from other
23 rentals, as well as private homeowners that
24 park their cars on the street, rather than
25 parking in their driveway.

1 So that's what I have to say. Thank
2 you.

3 CHAIRMAN MOORE: Thank you.

4 MR. PROKOP: Can I just ask a question?

5 CHAIRMAN MOORE: Yes.

6 MR. PROKOP: I just -- I don't want to
7 get involved in this discussion during this
8 point, but I just -- I had the benefit of
9 being at the Planning Board meeting --

10 CHAIRMAN MOORE: Yes.

11 MR. PROKOP: -- which nobody else was.
12 So I just wanted to mention one other thing
13 that has to be explained to the Bord. What is
14 -- the barn on the property, what is the use?
15 You're going to leave the barn on the
16 property?

17 MR. OLINKIEWICZ: The barn. The barn is
18 just for storage.

19 MR. PROKOP: The same way that -- you
20 spent a lot of time at the Planning Board
21 meeting explaining the use of the barn. And
22 we don't have the minutes of the Planning
23 Board meeting available, so could you just --

24 MR. OLINKIEWICZ: The Planning Board
25 asked about the barn and what I was using the

1 barn for, and I told them that, right now, I
2 have some -- I have an antique company, so it
3 has antiques in there, and dressers and stuff
4 for me to take out for my next antique show,
5 which is Brimfield, Massachusetts. But that I
6 also use the red shed that stores the lawn
7 mowers and the equipment that's needed to
8 maintain the properties, and do the edging,
9 and clean the streets, and the ladders, and
10 the extra toilets, if we need it, or whatever
11 is needed, if you're a landlord, for emergency
12 repairs. Everything is not readily available
13 all the time. So that's where -- and that's
14 what the barn would stay used for, is for my
15 own private use and for those items.

16 MR. CORWIN: Could you say that again?
17 The barn is for your own private use of
18 storage of antiques?

19 MR. OLINKIEWICZ: Yes, for antiques.

20 MR. CORWIN: Thank you.

21 MR. OLINKIEWICZ: Yup, I store some
22 antiques and some items there. I mean, if the
23 Board wants me to not use that property and
24 use the barn and leave it for the renters, I'm
25 fine with that also, I have no problem. I

1 have properties on Shelter Island that I can
2 put my antiques and stuff.

3 CHAIRMAN MOORE: I think one of the
4 issues that's come up in a past case was a
5 landlord was using or proposing a structure on
6 a rented property as part of his business
7 operation. So the question then arises as to
8 whether this extends to being a business use
9 of the property, as well as a residential use.

10 MR. OLINKIEWICZ: And if that's an
11 issue, I'll gladly take everything out, and
12 leave the barn and the shed to the tenants.

13 CHAIRMAN MOORE: It would certainly have
14 impact on the density and how much --

15 MR. OLINKIEWICZ: Right, right.

16 CHAIRMAN MOORE: -- activity is
17 occurring on the site.

18 MR. OLINKIEWICZ: Right. If I go in
19 there once a week to put something there or
20 take something out, yes; there is an extra car
21 going in and out, yes. So, if that's an
22 issue, I have no problem turning it back to
23 the tenants. Thank you.

24 CHAIRMAN MOORE: Okay. Thank you. I
25 guess, barring any additional public comment,

1 I do have the two letters, which I think I
2 should probably read into the record.

3 MR. CORWIN: The Attorney wants to speak
4 again.

5 CHAIRMAN MOORE: Oh. And if the
6 Attorney would like to make a brief comment,
7 then we can move on.

8 MS. REA: If you don't mind, thank you.
9 I just wanted to respond to some of the things
10 that have been said this evening.

11 Several of the comments here were about,
12 I believe, tenants. It was unclear, because
13 there were comments that appeared to extend to
14 tenants other than my client's. I can assure
15 you that my client goes and collects the rent
16 monthly. He inspects the properties. He's
17 unaware of the comments that were --

18 MR. GOLDSMITH: Let's live in reality,
19 please.

20 CHAIRMAN MOORE: Shh, shh. Please,
21 let --

22 MS. REA: That were made to him tonight
23 in the site inspection. He mentioned that he
24 has an inspection scheduled with Eileen
25 Wingate on Monday. He will continue to

1 monitor this.

2 Apropos to the comments about the number
3 of tenants allowable under the New York State
4 Building Code, vis-à-vis the square footage of
5 bedroom requirements, we believe that he is in
6 conformance with that. To his knowledge, he's
7 in conformance with that. He's done
8 everything that he can as a landlord, albeit,
9 as has been rather negatively implied an
10 absentee landlord, to ensure that his tenants
11 are complying with the law.

12 He does live elsewhere than Greenport,
13 but landlords, property owners, residents have
14 Constitutional rights, and, in this case,
15 we're talking about an R-2 District. So I
16 believe that, with great respect, that the
17 comments that were proffered tonight really
18 are appropriately made to the Village Board.
19 Village Board has seen fit to zone this
20 property multi-family, and multi-family is --

21 MR. CORWIN: Not multi-family, R-2.

22 MS. REA: R-2.

23 MR. CORWIN: There's a difference in our
24 code.

25 MS. REA: R-2, which is what my client

1 is seeking here. So in terms of one
2 allegation that's been made here is that he's
3 proposing two severely substandard lots. I
4 just would like to point out that in the last
5 decade, within the R-2 District, there have
6 been nine applications for variances granted
7 in the R-2 District.

8 MR. OLINKIEWICZ: Kimberlea, for
9 subdivisions.

10 MS. REA: Excuse me, for subdivisions,
11 right. Several of them with variances
12 significantly larger than the variances that
13 we're seeking here. I actually have a
14 compilation of those -- of those several
15 variances, or, rather, the Subdivisions that
16 were granted that required variances. I'll
17 hand them out.

18 And I note here that I'm only doing this
19 in response to one of the members of the
20 public who characterized this request or the
21 variances that we're seeking as severely
22 substandard. I don't believe that that's the
23 case. I think that --

24 MR. REED: What year were these done?

25 MS. REA: They were done from 2003 to

1 2013, if you count this one. This would make
2 Number 10.

3 MR. KEHL: How many were for people who
4 were actually going to live on the property?

5 MS. REA: You'd have to go look at them.
6 And if you look at the variances, they're
7 actually almost the standard. And if you look
8 at the variances, the area variances on this
9 handout and compare them with the variances
10 that we are seeking here, you will see that
11 ours are well within the parameters of
12 variances that have been previously granted.
13 And, again, these are in the R-2 District,
14 solely in the R-2 District.

15 MS. NEFF: All of these variances are in
16 the R-2 District?

17 MS. REA: Yes, ma'am.

18 MS. NEFF: On Fourth Street?

19 MS. REA: The addresses are listed under
20 the address section. There's this property on
21 Fifth -- 314 Center Street, 519 First, 143
22 Sixth.

23 MS. NEFF: I see the address.

24 MS. REA: See that? And those provide
25 the area variances that were sought, and in

1 every case they were all granted. And, again,
2 this is simply to show that the area variances
3 that we are seeking, the numeric area
4 variances, are well within what has been
5 granted by this Board for the last decade. So
6 we don't believe that this will be a severely
7 substandard lot, either of them will be
8 severely substandard.

9 I think that the comments with respect
10 to the fact that there are rentals, rental
11 units on Fifth Avenue, simply address the fact
12 that there are rental units on Fifth Avenue.
13 They're --

14 MR. REED: Saturated.

15 MS. REA: They're required or, rather,
16 they're allowed. Whether you think they're
17 saturated or not, I don't believe is --

18 MR. REED: Then you live there.

19 CHAIRMAN MOORE: Shh, please, please.

20 MS. REA: I believe that that is an
21 inquiry that the Town -- I mean, rather, the
22 Village Board needs to take up. I don't -- I
23 just don't think that that is or should be
24 something that is considered by the ZBA,
25 because I think that in every other respect,

1 our application fits within the parameters of
2 a reasonable request for a variance within the
3 R-2 Zone.

4 CHAIRMAN MOORE: I appreciate this
5 information.

6 MS. REA: You're welcome.

7 CHAIRMAN MOORE: I would like to take
8 the opportunity to study it a bit. Just on a
9 quick scan --

10 MS. REA: Of course.

11 CHAIRMAN MOORE: -- there are some
12 inconsistencies, because I am aware of -- you
13 know, these may have been applications, but
14 they were not necessarily granted and --

15 MS. REA: Mr. Moore, I believe that they
16 were, but I guess -- you know, I stand --

17 CHAIRMAN MOORE: Well, Mr. Tuthill was
18 turned down for a subdivision. And
19 Mr. Monsell, I believe, withdrew and reversed
20 a subdivision that was originally granted.
21 But we'll take it into the record.

22 MS. REA: Okay, very well. These came
23 from FOIL requests from the Village, so -- and
24 I have to say that I did not recall seeing a
25 Decision Document, so I --

1 CHAIRMAN MOORE: Well, I appreciate the
2 data. It's something we can work on
3 digesting.

4 MS. REA: Yes, thank you.

5 CHAIRMAN MOORE: So what I will do, if
6 anybody has a comment that's new or adds
7 something to what's already been said --

8 MS. GARRIS: I just have a question.

9 CHAIRMAN MOORE: -- and is someone who
10 hasn't yet spoken, is welcome to come up.
11 Then what I will do is go ahead and read the
12 two letters.

13 MS. GARRIS: Can I ask a question?

14 CHAIRMAN MOORE: You may and -- come to
15 the microphone. This is kind of like
16 Jeopardy, where you are actually expected to
17 make statements as far as your feelings.

18 MS. GARRIS: Roberta Garris, 229 Fifth
19 Avenue.

20 My question is, apparently, it's gone
21 before the Planning Board, but none of us knew
22 that. So is it going to continue to go
23 forward through the Planning Board or through
24 the -- this forum?

25 CHAIRMAN MOORE: If I may, I can explain

1 the process. And this is brand new. This is
2 the first cycle of the new code.

3 Subdivision approvals in the past were
4 only required for a variance from the Zoning
5 Board of Appeals, if such a variance was
6 required, but there was no formal process to
7 review and approve a subdivision. That new
8 code has been added and resides with the
9 Planning Board.

10 Now, the issue originally, when
11 Mr. Olinkiewicz applied, was only before the
12 Zoning Board.

13 MS. GARRIS: Right.

14 CHAIRMAN MOORE: And that still exists,
15 because he is still seeking a variance that
16 would allow that go forward. So the Planning
17 Board may not proceed until we consider his
18 request for a variance.

19 We're going to have to talk, a little
20 discussion with the Attorney, about how we can
21 proceed to make this work smoothly, because we
22 were interested at the last meeting, regarding
23 this application, in getting some input from
24 the Planning Board. While they cannot make a
25 decision, they can certainly bring to our

1 attention issues based on planning that they
2 may have, and --

3 MS. GARRIS: But I think earlier
4 tonight, she said they are making a decision.

5 CHAIRMAN MOORE: At this point, we have
6 a --

7 MS. REA: I don't know. They
8 considered -- they just considered it.

9 CHAIRMAN MOORE: We have an email sent
10 from the Chairperson that did not indicate
11 much, other than that they were generally
12 prepared to move ahead with the application,
13 and it's somewhat disappointing. We thought
14 we might get a little more detail from them,
15 but we're still trying to work out the
16 process.

17 At our last meeting, we were discussing
18 the process of how we were proceeding, and
19 that the Planning Board had not yet formally
20 rejected their application to send it to the
21 ZBA. And I'm not certain, having not attended
22 their meetings that they've subsequently had,
23 whether they, in fact, made such a motion and
24 officially forwarded it to us. So we're
25 getting into a bit of a technical discussion

1 about whether or not we can proceed, and
2 whether they have formally rejected it. So
3 it's frustrating for everybody, but we're
4 trying to work that process through.

5 MS. GARRIS: I think the bottom line of
6 my question, though, is if things are further
7 discussed at the Planning Board, will we be
8 informed?

9 CHAIRMAN MOORE: Oh, yes, they would for
10 any -- I'm thinking of the wordage. They do
11 need to notice for public hearings for -- is
12 it conditional uses or new processes?

13 MR. PROKOP: Well, no. For a
14 subdivision, they would be required to --

15 CHAIRMAN MOORE: Okay.

16 MR. PROKOP: -- post a notice. I mean,
17 I don't personally check whether the property
18 is posted or not. I thought that it had been,
19 but we'll look into it. Nothing has happened
20 at the Planning Board substantively. If it
21 comes up again before the Planning Board, you
22 will definitely have notice.

23 MS. GARRIS: For me tonight, the two
24 surprises were that it, you know, was already
25 talked about at the Planning Board, and the

1 second surprise is that it's back to a
2 two-family house. I thought we had resolved
3 that last year as a one-family house. But,
4 ultimately, as a neighbor, I think it's
5 somewhat irrelevant, the size we make the
6 house. It would be a lot of people.

7 CHAIRMAN MOORE: Yes. The --

8 MS. GARRIS: Whatever you call that.

9 CHAIRMAN MOORE: The original
10 deliberations, I believe, were delayed about
11 10 months during a moratorium, when the
12 Village Board was considering and enacting a
13 new subdivision code, which is now part of
14 Greenport's Official Code

15 MS. GARRIS: Right. Well, I think when
16 that moratorium lifted, we weren't aware.

17 CHAIRMAN MOORE: It's a matter of what's
18 going on with the Village process.

19 MS. GARRIS: But I'm just hoping that
20 that will not be the case from now on.

21 CHAIRMAN MOORE: No. I'm sure that the
22 notifications -- the placarding is required
23 and the public notices all are in
24 accordance --

25 MS. GARRIS: Thank you.

1 CHAIRMAN MOORE: -- with the regular
2 notifications.

3 MS. GARRIS: I appreciate that.

4 MS. MC ENTEE: Excuse me. May I go
5 next?

6 CHAIRMAN MOORE: Yes, you may. Just the
7 regular process of identifying. Could I have
8 your name also? I didn't record it.

9 MS. GARRIS: Oh, Roberta Garris, 229
10 Fifth Avenue.

11 CHAIRMAN MOORE: Yes, ma'am.

12 MS. MC ENTEE: I'm Joanne McEntee at 242
13 Fifth Avenue.

14 I just -- I understand there's going to
15 be an inspection on Monday, but would I -- and
16 that's at nine o'clock. These people are gone
17 by nine o'clock. I would suggest for the
18 Board members, anybody else, to go there at
19 midnight and see how many cars are there.
20 Check out what -- where the people are, and go
21 in there and do your inspection then. I know
22 that that's what you may not do, but, please,
23 do drive by at midnight.

24 I also just wanted for the record, that
25 at 242 Fifth Avenue, my name, Joanne McEntee,

1 and Robert Kehl, we did not get notification
2 of it, any of this. So I hope that is on your
3 list, please.

4 I'm not a formal speaker, so bear with
5 me a little bit.

6 As far as, you know, the renters, I'm
7 really concerned about all the renters in the
8 neighborhood. I'm concerned about their
9 children with these intransients, people that
10 could come and go. As, you know, they're
11 there night and day. There are people that
12 have trouble with the police. We've had
13 police on our block many a time. I worry
14 about the safety of my children. I worry
15 about the safety of the young children and the
16 people that cannot protect themselves. It
17 is -- to me, it is something that we all
18 should be aware of. We all have children, or
19 most of us do. And especially with the new
20 people coming in, we don't know where they're
21 from.

22 I don't have a problem of people that
23 are staying there, two, three, four years. My
24 family's been here for about a hundred years.
25 I've lived here for many years, I moved out of

1 town, came back. I love Greenport,
2 Greenport's a wonderful town, but I'd like to
3 keep it a safe place, or feel that you guys
4 are doing your job of keeping it safe as well.
5 Thank you.

6 MR. CORWIN: Thank you.

7 CHAIRMAN MOORE: Okay. What I will next
8 do, then, is read the two letters. One I
9 think is fairly readable, the other is a bit
10 longer.

11 The first is from Amiee -- Brian
12 Amiee -- or Amiee Brian and Frederick Merrins,
13 and they are at 237 Fifth Avenue. And they
14 have lived there, "With my wife and
15 two-year-old son since 2007. We have grown
16 close to our neighbors on all sides and enjoy
17 the neighborhood feeling that comes with
18 living on a residential block in a small rural
19 village. We know many of the renters of all
20 ethnicities on our and the neighboring blocks,
21 and enjoy that our son gets to learn about
22 diversity firsthand. I, myself, grew up in
23 Freeport and went to a public school that was
24 93% minority, and count many of those
25 classmates as friends today.

1 We also enjoy sitting on our front porch
2 and playing out in front of our house,
3 occasionally throwing the ball around with our
4 neighbor directly across the street.

5 Unfortunately, since the house two doors
6 down, 221 Fifth Avenue, was sold to
7 Mr. Olinkiewicz last year, we have had nothing
8 but problems with cars driving at excessive
9 speeds down our block to and from the house, a
10 driveway and yard packed with more than 10
11 cars at a time parked in it and along the
12 street, and repeated calls to the police,
13 because my son couldn't sleep as a result of
14 the excessive music late at night, including
15 during the week.

16 My neighbor, Mike Goldsmith, has also
17 been forced to call the police regarding
18 issues at 221 Fifth Avenue on numerous
19 occasions.

20 I have made every effort to improve my
21 home for the benefit of my family and our
22 neighbors, and adding density" -- it says,
23 "Density to a family-oriented block simply for
24 the financial benefit of someone who does not
25 even live in Greenport is not in the best

1 interest of the Village and those who love it.

2 We have plenty of housing on our block
3 and the surrounding blocks. Another apartment
4 or multi-family property built on an
5 inappropriately small piece of land by an
6 absentee landlord does nothing but create
7 problems for those who live in its proximity.

8 We have rules to protect homeowners and
9 renters for a reason, and changing them for
10 one person's benefit is unfair to those of us
11 who have to raise our families with the
12 consequences of these actions."

13 And there's a P.S. "I have the
14 financial means, energy, desire and
15 willingness to do everything within my power
16 to do what is best for my family and neighbors
17 with respect to this issue."

18 I have an additional letter from Robert
19 and Diane Peterson, 228 Sixth Avenue. It's to
20 the ZBA Members.

21 "We received a letter from Westervelt &
22 Rea LLP stating that the Zoning Board of
23 Appeals was holding a site inspection on
24 Wednesday, August 21st, 2013, at 221 Fifth
25 Avenue, Greenport, New York. Unfortunately,

1 we cannot attend this inspection and
2 subsequent meeting due to a family matter that
3 will keep us from attending at the time
4 scheduled.

5 As stated in the letter presented to the
6 Board last year when the process began, we are
7 strongly opposed to the substandard
8 subdivision of 221 Fifth Avenue, Greenport.
9 We feel that subdividing this property and
10 building another house on the substandard lot
11 would be a bad decision and should not be
12 approved. Several of our reasons are listed
13 below.

14 The law in place does not provide for
15 this type of substandard subdividing of
16 property within the Village limits. There is
17 a good cause for this and we feel strongly
18 that the Board not go against the regulations
19 that are in place on this matter and approved
20 subdivision of this property, over-density of
21 an area already overbuilt and straining with
22 vehicular traffic it cannot handle presently.
23 The Village does not need another housing unit
24 owned by an absentee landlord.

25 The present house currently houses more

1 than two families, as is evident by the amount
2 of at least six cars and numerous bicycles of
3 its residents that are strewn about the yard
4 on a daily basis.

5 Also, buildings on the property are
6 placed in a position too close to neighboring
7 borders currently. This poses a threat to the
8 safety of the neighboring homes in the event
9 of a fire. The Zoning Board need not set
10 dangerous precedent" -- "set a dangerous
11 precedent in the Village for this to be able
12 to happen again; additional strain on an aging
13 utility system, lack of Village personnel to
14 adequately monitor and adjudicate the zoning
15 rules in place currently, especially in
16 dealing with absentee landlords and problems
17 that arise.

18 The owner of the property,
19 Mr. Olinkiewicz, just recently moved an
20 illegally placed structure to a different
21 location on the property, even when he was
22 informed over a year ago to remove it from the
23 location he had placed it in the Spring of
24 2012," in paren, "the red barn. A year went
25 by with nothing being done until it was time

1 to reopen the hearing.

2 There has been a definite decline in the
3 nature of the neighborhood due to the
4 excessive number of people living in the
5 current structure. The increased vehicular
6 traffic and the loud noisy activities that
7 take place on a weekly, sometimes daily,
8 basis, large gathering of occupants drinking,
9 loud playing of music, many automobile work
10 sessions, where several cars appear so that
11 they can be worked on in the yard. Most of
12 these activities take place in the evening and
13 on weekends, so the neighboring residents find
14 it difficult to enjoy their own yards. This
15 is with one house on the property. Adding an
16 additional house and occupants will only add
17 to the growing busy nature of the block.

18 Please note that I am not opposed to a
19 family enjoying the summer weather, but just
20 by the fact that the quantity of people living
21 in the residence, or at least staying there on
22 a regular basis with those who are officially
23 renting, makes for a lot of traffic and
24 activity on what was once a residential
25 street."

1 And that was the two letters that will
2 be entered into the record.

3 MR. BENJAMIN: The other side.

4 MS. GARRIS: There's another side.

5 CHAIRMAN MOORE: Oh, sorry.

6 "I am sure, though, that you will find a
7 decreased number of vehicles on your visit, as
8 happened last year, when those that generally
9 live or stay at the existing house move their
10 vehicles to other properties within the
11 Village.

12 The Village is currently grappling with
13 how best to deal with the issue of
14 overpopulated rentals. Please do not add to
15 the list of places already in existence with
16 yet another structure that cannot and will not
17 be monitored.

18 Lastly, I would like to add that at a
19 previous meeting on this matter, the owner
20 stated his major concern was to be able to
21 recoup on his investment in this property by
22 subdividing it, since he could only obtain a
23 construction loan at a high interest rate to
24 buy the property and repair the existing
25 house. Financially, he needed to subdivide

1 and build an additional house to add to the
2 rental income and be able to refinance his
3 loan. Truly, why should the Village be put in
4 a position to bail out someone, private
5 contractors who make poor investment
6 decisions? A lot of time placed on this one
7 issue, and it is time for the Zoning Board to
8 make a final decision to rule against the
9 substandard subdivision at 221 Fifth Avenue.
10 Thank you." And that's Mr. And Mrs. Robert
11 Peterson, 228 Sixth Avenue.

12 Thank you for pointing out the back
13 side.

14 Well, so where shall we proceed from
15 here? Time is certainly elapsing. Perhaps I
16 could recommend keeping the public hearing
17 open, that we adjourn the hearing.

18 MR. CORWIN: I would like to make one
19 note on the record --

20 CHAIRMAN MOORE: Yes.

21 MR. CORWIN: -- before you adjourn the
22 public hearing, and that is Village of
23 Greenport variances sought and variances
24 granted, and that has to be researched.

25 MS. REA: And, certainly, any

1 corrections we'll make.

2 MR. CORWIN: You submitted it without
3 doing your homework.

4 MS. REA: Actually --

5 MR. CORWIN: And let me speak, please.

6 MS. REA: Sure.

7 MR. CORWIN: And that I've been on the
8 ZBA for, I guess, about two years. So granted
9 in 2011 was 314 Center Street, and that was a
10 three-to-two vote, with myself and Ms. Neff
11 voting no.

12 And then I'd like to go back to Hugh
13 Prestwood, which was 519 First Street, and
14 that created two lots on Second Street, and it
15 was a mistake. I'm sorry I voted. I voted
16 yes. And the applicants came in and they
17 represented to us that they were staying there
18 for the rest of their lives and that was their
19 retirement home. Mr. Prestwood carries a gun.
20 Mr. Prestwood attacked me here. I'm
21 embarrassed to say I let him intimidate me.

22 It was a mistake voting yes on 519 First
23 Street, because the first thing that happened,
24 somebody bought a lot and he came in here and
25 asked for a variance. So I don't put a lot of

1 store in Village of Greenport variances
2 sought.

3 CHAIRMAN MOORE: Okay. Thank you. I
4 think, with the time passing, and that we need
5 to digest quite a lot of information, I'd like
6 to ask Village Attorney if there is some way
7 we can clarify where we are in the process
8 between the Planning Board and ourselves?

9 We had come to a general agreement at
10 our meeting to ask for an opinion from the
11 Planning Board. I had offered it as a motion,
12 but we got sidelined in the discussion and
13 never actually voted that. I did send a
14 letter to the Planning Board asking for their
15 input, and we have on hand a fairly brief and
16 noncommittal kind of statement from the
17 Planning Board.

18 MR. CORWIN: I would like to discuss
19 that.

20 CHAIRMAN MOORE: So just let me just
21 finish where we are with this.

22 Do we need to clarify the procedural
23 issues that relate to us working with the
24 Planning Board?

25 MR. PROKOP: Yes. I think what I would

1 do is I would ask that the Planning Board
2 clarify by your next meeting the exact status
3 of the application with the Planning Board. I
4 don't think that that was made clear to this
5 Board.

6 CHAIRMAN MOORE: And could we ask
7 officially, more officially, for their input
8 in more detail, or what can we do?

9 MR. PROKOP: I think, based on what I --
10 the discussion and what you received, I think
11 what I would do is ask for any planning
12 considerations that they may have.

13 CHAIRMAN MOORE: That I thought is what
14 I did, but it wasn't much of a response.

15 MR. PROKOP: Yes.

16 CHAIRMAN MOORE: Yeah. So Mr. Corwin
17 would like to comment.

18 MR. CORWIN: I would suggest that we
19 close -- adjourn the public hearing, so that
20 anybody interested can submit letters, anybody
21 we may have missed. Open it next month,
22 hopefully finish it then, and then I would
23 like to discuss this thing from the Planning
24 Board.

25 CHAIRMAN MOORE: Okay. Shall we proceed

1 with that first, then? Now, when you say
2 you'd like to discuss it now, or you would
3 like to --

4 MR. CORWIN: Well, I was saying after.
5 I don't know if it's germane to the public
6 hearing, but if you want --

7 CHAIRMAN MOORE: Okay.

8 MR. CORWIN: -- to discuss it now, we
9 certainly can.

10 CHAIRMAN MOORE: What I'll do is I'll
11 suggest that -- I'll make a motion that we
12 adjourn -- keep the public hearing open and
13 adjourn it to our meeting in September,
14 pending a clarification with the Planning
15 Board as far as their input. So moved. May I
16 have a second?

17 MS. NEFF: Can I just say --

18 CHAIRMAN MOORE: Yes.

19 MS. NEFF: -- before? I mean, we have
20 here a response from the Planning Board. We
21 don't have what we asked of them, but there's
22 -- it's not specific. It seems to me that
23 they're really talking about matters that are
24 our province. We don't really know, at least
25 I don't know, exactly what is their overview

1 in this matter; you know, clarify. I don't
2 know that we're going to get any further by
3 September, unless we kind of try to spell that
4 out, or meet jointly, or something like that.

5 CHAIRMAN MOORE: So what would you
6 suggest the process be?

7 MS. NEFF: I don't know. I'm like how
8 are we going to get -- I think that -- I don't
9 have in front of me what you requested, but I
10 thought it was very clear, whereas this
11 response is not clear, but, actually, almost
12 tells us to just go ahead and say okay, almost
13 says that.

14 MR. GOLDSMITH: Could I ask a question?

15 MS. NEFF: Yes.

16 MR. GOLDSMITH: What is the reason for
17 the 29th meeting of the Planning Board if they
18 already made a decision to go ahead with this?
19 I thought --

20 MS. NEFF: We don't know that they made
21 a decision.

22 MR. GOLDSMITH: Well, based on what
23 you've been hearing and innuendos, they
24 basically rubber-stamped this. That's what
25 they're driving at.

1 CHAIRMAN MOORE: Well, we would like to
2 hear from the Planning Board. We have not --

3 MR. GOLDSMITH: Well, so would we. We'd
4 like to have it before they pass it.

5 CHAIRMAN MOORE: You know, perhaps by --

6 MR. GOLDSMITH: The 29th was supposed to
7 be their meeting, and now what we're hearing
8 is they're basically rubber-stamping it, and
9 they're just waiting for you to go through the
10 process, and they're just going to stamp it
11 "yes" with no input from us, except they're
12 already making the decision on the 29th. Why
13 should we show up on the 29th?

14 MR. CORWIN: If we close the public
15 hearing, I think we should discussed this, not
16 necessarily in the public hearing.

17 CHAIRMAN MOORE: Okay.

18 MR. CORWIN: I made the motion the
19 public hearing be adjourned.

20 CHAIRMAN MOORE: Okay.

21 MR. CORWIN: And any additional letters
22 or comments may be sent to the ZBA for the
23 next regularly scheduled meeting.

24 CHAIRMAN MOORE: May I have a second on
25 that?

1 MS. NEFF: Second.

2 CHAIRMAN MOORE: And all in favor?

3 MR. CORWIN: Aye.

4 MS. NEFF: Aye.

5 MR. BENJAMIN: Aye.

6 CHAIRMAN MOORE: Aye.

7 Okay. So we're pushing back for a
8 month. And now, the relationship --

9 MR. CORWIN: Now I would like to address
10 what you were just discussing with the
11 Planning Board.

12 CHAIRMAN MOORE: Yes.

13 MR. CORWIN: And the way this came about
14 at our last meeting was Mr. Moore said
15 something to the effect of input from the
16 Planning Board, and suggested a motion. And,
17 "CHAIRMAN MOORE: Great. So," blah, blah,
18 blah. "Making a motion to provisionally set
19 the application for an area variance, and that
20 we will wait for the official notification of
21 the Planning Board, and then modify the
22 adjoining and nearby neighbors" -- "notify the
23 adjoining and nearby neighbors with a radius
24 that would encompass."

25 Now, to me, that didn't ask for anything

1 from the Planning Board. Mr. Moore
2 interpreted it that he was asking something.
3 I don't see that in that motion. I voted yes.
4 I was surprised to get this from the Planning
5 Board, and I think perhaps -- well, I
6 shouldn't even say that, I don't know how it
7 came about, an email from Linn
8 Atkinson-Loveless, who's the Chairman of the
9 Planning Board.

10 And I have to say, the Planning Board
11 are all new people, they were all draftees.
12 They really don't have their feet yet -- wet
13 yet, so we have to give them a little leeway.

14 And she says, "We understand the ZBA
15 would appreciate input from the Planning Board
16 before taking action on the variances in
17 connection with the proposed subdivision lot
18 on Fifth Street.

19 The Planning Board has discussed the
20 proposed subdivision in general terms. In
21 spite of our concerns about aesthetics,
22 increased density and loss of yard and
23 vegetation, we are generally in favor of
24 allowing this project to go forward. We feel
25 the project is consistent with the

1 neighborhood as a whole, and would not have a
2 detrimental impact. If the project does go
3 forward and we are given a site plan, we may
4 request modifications and impose conditions in
5 light of our concerns."

6 I don't see that as what was asked for.
7 But my big question is how can the Planning
8 Board make a determine such as this -- a
9 determination, without holding a public
10 hearing? How can the public hearing -- the
11 Planning Board not have these people and these
12 people sitting there saying what they think,
13 because that makes a big difference in how you
14 vote or think about a project, without a
15 public hearing?

16 So I consider that the ZBA should just
17 throw this out.

18 AUDIENCE MEMBER: Thank you.

19 (Applause)

20 CHAIRMAN MOORE: How could we proceed
21 with this sort of catch 22, that the Planning
22 Board cannot move forward unless a variance is
23 granted? Otherwise, they wouldn't move
24 forward at all. Is there any way of jointly
25 meeting to collect public comments on the

1 overall issue?

2 MR. PROKOP: Yes, that's happened as a
3 precedent in the past. Yes, there's been
4 joint meetings of these two Boards on prior
5 applications. It's something that can be
6 done, yes.

7 CHAIRMAN MOORE: Because I can see this
8 bouncing back and forth. At the last minute,
9 I do acknowledge that after we had your
10 advice, that we could seek the input in
11 general from the Planning Board. I started to
12 offer that motion. We got in a complex
13 discussion about what exactly we were asking
14 for and we never voted. So, in a way, we
15 haven't officially asked the Planning Board
16 for input.

17 So I would suggest that we -- that we
18 could make a motion to seek a joint meeting
19 with the Planning Board to discuss the
20 application, allow a public hearing for
21 everyone's input into the planning process,
22 and then the Zoning Board would have to first
23 deliberate and decide. And then the Planning
24 Board, having had a hearing, could move
25 forward, if a variance had been granted, with

1 their process. Is that agreeable to the
2 Board?

3 MR. CORWIN: I don't particularly want a
4 joint meeting, but I will vote no. I think
5 the Planning Board needs to have a public
6 hearing.

7 CHAIRMAN MOORE: That's what I was
8 suggesting, that that would be noticed, and
9 that a joint meeting would be held, which
10 would include a public hearing. Would that be
11 agreeable to the Board?

12 MR. CORWIN: Yes.

13 CHAIRMAN MOORE: Yes. So I will then
14 make the motion that we seek a joint meeting
15 with the Planning Board to schedule a public
16 hearing that will satisfy the Planning Board
17 requirement, that we may have discussions in
18 joint with the Planning Board to discuss the
19 merits of the application, and then the Zoning
20 Board could proceed with its decision process,
21 followed by the Planning Board, should we
22 approve the variance. So moved.

23 MR. CORWIN: I object to a discussion
24 with the Planning Board. I don't object to a
25 public hearing in which both Boards attend. I

1 think discussion with the Planning Board would
2 be futile.

3 CHAIRMAN MOORE: So we could just
4 suggest a joint meeting.

5 MR. PROKOP: Well, there's a motion.
6 Isn't there a motion?

7 CHAIRMAN MOORE: Yes.

8 MR. PROKOP: Did anybody second?

9 CHAIRMAN MOORE: Okay. Let's -- why
10 don't we proceed with that, then?

11 MR. PROKOP: Well, we need Mr. -- with
12 all due respect, I believe Mr. Corwin's
13 discussion on the motion should come after a
14 second. What he's saying is basically
15 discussion on the motion --

16 CHAIRMAN MOORE: Okay.

17 MR. PROKOP: -- which comes after. So,
18 right now, you have a motion on the table with
19 no second.

20 CHAIRMAN MOORE: All right. So let's
21 ask for a second

22 MS. NEFF: Could we repeat that motion?

23 CHAIRMAN MOORE: The motion was to seek
24 a joint meeting with the Planning Board, that
25 they may schedule a public hearing to satisfy

1 their planning requirements, and that we, and
2 this is the contentious issue, have a joint
3 meeting and discuss the overall merits of the
4 application with the Planning Board. And that
5 was the motion. So moved. And seeking a
6 second on that motion so that we may vote it
7 up or down.

8 MS. NEFF: Second.

9 CHAIRMAN MOORE: And any discussion
10 further?

11 MR. CORWIN: I would like to include my
12 previous statement, with no second, into the
13 motion with a second.

14 CHAIRMAN MOORE: I don't understand.

15 MR. CORWIN: Neither do I.

16 (Laughter)

17 CHAIRMAN MOORE: Okay. I think the
18 technicality is that Mr. Corwin would not
19 like --

20 MR. CORWIN: I don't want to discuss
21 this with the Planning Board. I want to have
22 a --

23 CHAIRMAN MOORE: A common discussion in
24 point.

25 MR. CORWIN: -- public hearing where

1 everybody can talk or express their opinion.
2 And the information that's been presented here
3 tonight can be presented to the Planning
4 Board, and then we close that particular
5 public hearing and reopen our ZBA public
6 hearing after that.

7 MR. GOLDSMITH: That's the way it should
8 be.

9 CHAIRMAN MOORE: Do you see that as
10 permissible, Dave?

11 MR. GOLDSMITH: That's fair.

12 MS. REA: Excuse me. Administratively,
13 I think -- I don't believe that that's
14 appropriate.

15 MR. CORWIN: You can't get up in the
16 middle of the meeting.

17 CHAIRMAN MOORE: Okay.

18 MR. CORWIN: Sit down.

19 CHAIRMAN MOORE: You're bringing a point
20 up. I'm asking the Attorney the same
21 question. Is that something we procedurally
22 can do with our variance application pending,
23 is ask for --

24 MR. PROKOP: The way you treat -- if
25 what you're talking about is having a two-part

1 meeting, where basically the first part of the
2 meeting is a ZBA hearing and a Planning Board
3 meeting, because -- so, in other words -- and
4 we've done this before. On matters of public
5 interest, we've done this before, significant
6 public interest. But what you could do is
7 have the first part of the session be a ZBA
8 hearing and a Planning Board meeting.

9 CHAIRMAN MOORE: Right.

10 MR. PROKOP: You know, that's
11 technically what would be going on.

12 CHAIRMAN MOORE: So they would join in.

13 MR. PROKOP: But they would be here.
14 They would either be here at the table or at
15 some place approximately.

16 CHAIRMAN MOORE: Yes. So they would be
17 present.

18 MR. CORWIN: No, I'm not for that.

19 CHAIRMAN MOORE: Okay.

20 MR. CORWIN: Well, let's take a vote.

21 CHAIRMAN MOORE: Okay. So we are
22 proposing to continue the public hearing of
23 the ZBA next month, with the Planning Board in
24 attendance, so that they may gain information
25 regarding this appeal to the Zoning Board of

1 Appeals. So moved. And may I have a second?

2 I think --

3 MR. BENJAMIN: On discussion, I agree
4 with David, yes. The Planning Board should do
5 their thing. Let these people speak at the
6 Planning Board, because I think this is a
7 serious matter. It's not so much a serious
8 matter because Mr. Olinkiewicz is causing it,
9 it's already there, the problem's already
10 there. Mr. Olinkiewicz hasn't built anything.
11 So what I'm saying is that these people have
12 to speak to somebody that can do something
13 about their problem.

14 CHAIRMAN MOORE: Can the Planning Board,
15 Mr. Prokop, can they have a meeting with a
16 public hearing regarding the application prior
17 to our decision?

18 MR. PROKOP: No, they have no
19 jurisdiction to do that.

20 CHAIRMAN MOORE: They cannot do that.

21 MR. PROKOP: They can have a public
22 meeting -- excuse me for one second. I'm
23 sorry. They can have a public meeting and a
24 hearing on your request, but it would be your
25 request for planning comments, not a hearing

1 on the application.

2 CHAIRMAN MOORE: In other words, it
3 can't be a Planning Board hearing, it has
4 to --

5 MR. PROKOP: It would be a Planning
6 Board hearing, but it would be a Planning
7 Board hearing on your request for comments, it
8 would not be a Planning Board hearing to do
9 anything with the application.

10 CHAIRMAN MOORE: I see.

11 MR. CORWIN: So then the Planning Board
12 cannot make a recommendation to us without
13 having a public hearing and letting these
14 people speak.

15 MR. PROKOP: I didn't say that. But
16 what you could do this time -- maybe the way
17 to get into this directly is to -- what you
18 might -- what you could do this time is
19 request the Planning Board to give you
20 planning comments that are a result of a
21 public hearing, but that have the benefit of a
22 public hearing by the Planning Board. So that
23 way they can get the comments from the public
24 to include in their planning comments to this
25 -- recommendations to this Board.

1 CHAIRMAN MOORE: So we would be
2 requesting the Planning Board to schedule a
3 public hearing for input regarding Planning
4 Board comments back to the Zoning Board?

5 MR. PROKOP: Yes.

6 MR. CORWIN: And time-wise, that does
7 not work out for our next meeting.

8 CHAIRMAN MOORE: Probably not. It would
9 have to be --

10 MR. PROKOP: Or it may.

11 CHAIRMAN MOORE: Their next regular
12 meeting is the 1st. They wouldn't be able to
13 notice in time, probably. The first meeting
14 is the beginning of September.

15 MR. GOLDSMITH: Well, what's the 29th?
16 There's supposed to be the Planning Board
17 meeting the 29th.

18 CHAIRMAN MOORE: It's a work session?

19 MR. PROKOP: It's a work session?

20 CHAIRMAN MOORE: Work session, so that
21 wouldn't be a public hearing meeting.

22 MR. PROKOP: No. The next meeting is --

23 CHAIRMAN MOORE: They're talking about
24 current.

25 MR. GOLDSMITH: Well, I'm only reading

1 what's on the sign of the property.

2 CHAIRMAN MOORE: Right, yeah.

3 MS. NEFF: There is a sign on the
4 property that talks about a meeting on the
5 29th?

6 MS. GARRIS: It was first posted as the
7 29th, then we all got the letters that it was
8 21st. Then my husband called and they put a
9 sticker --

10 CHAIRMAN MOORE: Oh, that was
11 probably --

12 MS. GARRIS: -- over one of the 29ths
13 and not the other, but we assumed that the
14 inspection --

15 CHAIRMAN MOORE: I think that was the
16 posting for the Zoning Board of Appeals and
17 was probably incorrectly dated.

18 MS. GARRIS: It was this meeting.

19 CHAIRMAN MOORE: Yes.

20 MS. GARRIS: We think, we're guessing.

21 CHAIRMAN MOORE: So that's not the
22 Planning Board issue. But the thing I'm
23 bringing up is that their regular meeting is
24 September -- first Thursday in September. And
25 there's a requirement for public notice that

1 needs to be done at a certain time ahead of
2 the meeting, and it might not make it, so we
3 may have to push back and wait for --

4 MR. GOLDSMITH: Well, I think that we
5 should have some input in the Planning Board.

6 CHAIRMAN MOORE: But we agree.

7 MR. GOLDSMITH: But they already made
8 their decision, from what I hear.

9 CHAIRMAN MOORE: We agree, we agree.
10 And they're not making a decision, but they
11 would have a public hearing for input so they
12 could make recommendations.

13 MR. GOLDSMITH: According to that email
14 from Ms. Loveless, they practically said they
15 would accept it.

16 CHAIRMAN MOORE: Well, perhaps they
17 didn't have all the information, not having a
18 public hearing.

19 MR. GOLDSMITH: Well, that's why we'd
20 like to put input into it.

21 CHAIRMAN MOORE: So is that agreeable?

22 MS. NEFF: Could I ask a question?

23 CHAIRMAN MOORE: Yes.

24 MS. NEFF: I won't ask the question
25 until you're finished.

1 The Planning Board is involved because
2 there's a possible subdivision; is that right?

3 MR. PROKOP: Yes.

4 MS. NEFF: For that reason and that
5 reason only?

6 MR. PROKOP: Yes.

7 MS. NEFF: Okay. But the matter of the
8 subdivision is at this --

9 MR. PROKOP: Right.

10 MS. NEFF: Okay.

11 MR. ABATELLI: I don't think they're
12 planning on dealing with this.

13 MR. PROKOP: They're not done. They're
14 not done.

15 MR. ABATELLI: I mean, until the Zoning
16 Board is done. I think they're not going to
17 continue discussing this application until the
18 Zoning Board makes a decision.

19 MS. NEFF: There is an application in
20 front of them.

21 MR. ABATELLI: But they turned it over
22 to you because they can't act on it. They
23 probably went too far in this letter.

24 CHAIRMAN MOORE: I'm not sure if they
25 voted to do that.

1 MR. ABATELLI: I don't want to speak for
2 them, but I was there. They spoke for a long
3 time, and I think where they were -- I don't
4 really -- I don't want to speak for them.

5 CHAIRMAN MOORE: Well, you know what, I
6 think I'll suggest -- you know, we have just
7 received the minutes, and I don't know if the
8 minutes reveal that they have officially
9 denied the applicant and forward it to us, so
10 we may -- you know, we may still be needing to
11 wait for that.

12 I'm just going to recommend we simply
13 adjourn the public hearing, pending more input
14 next month to the Zoning Board of Appeals. We
15 will try and work with the Planning Board to
16 see if some administratively appropriate
17 process can occur, so that they may receive
18 public comment and make a recommendation to us
19 on their planning issues.

20 At worst, we will come back next month
21 with the public hearing open, with perhaps the
22 Planning Board won't have any input, and we'll
23 proceed without them. That could happen.

24 And is anything just pertinent to the
25 process?

1 MR. REED: Yes. What is the pecking
2 order? Is it the Zoning Board or the Planning
3 Board who has like, you know --

4 CHAIRMAN MOORE: Only with regard to the
5 fact the Planning Board may not proceed
6 without a positive response from us. So it's
7 resting on our shoulders at this point.

8 MR. REED: Well, they kind of put the
9 cart before the horse --

10 CHAIRMAN MOORE: Yes.

11 MR. REED: -- sort of, with that email.

12 CHAIRMAN MOORE: And we're trying to get
13 some of their input relative to our
14 deliberations, which may not be possible.

15 MR. REED: We're looking to clarify.

16 CHAIRMAN MOORE: So we're going to try
17 and work on that this month.

18 So I will move that we adjourn the
19 public hearing, leaving it open until next
20 month, pending further discussions on
21 procedural processes with the Planning Board.
22 So moved. May I have a second?

23 MS. NEFF: Second.

24 CHAIRMAN MOORE: And all in favor?

25 MR. CORWIN: Aye.

1 MS. NEFF: Aye.

2 MR. BENJAMIN: Aye.

3 CHAIRMAN MOORE: Aye.

4 So that's where we are now. I'm sorry
5 for all of the delays.

6 MR. GOLDSMITH: Thank you very much.

7 MR. REED: We appreciate it.

8 CHAIRMAN MOORE: But we're trying to
9 work it out.

10 MR. CORWIN: I would like to make a
11 motion

12 CHAIRMAN MOORE: Yes.

13 MR. CORWIN: I would like to move that
14 the Zoning Board of Appeals request that the
15 Planning Board withdraw Linn
16 Atkinson-Loveless' email, dated August 21st,
17 2013, Proposed Subdivision at 221 Fifth
18 Street, in light of the fact they had no
19 public hearing and no public input.

20 CHAIRMAN MOORE: That motion is
21 accepted. I'll make a second on that. All in
22 favor?

23 MR. CORWIN: Aye.

24 MR. BENJAMIN: Aye.

25 CHAIRMAN MOORE: Aye.

1 MS. NEFF: Aye.

2 CHAIRMAN MOORE: So that's done. Now,
3 as far as the agenda is concerned, we could
4 probably work our way through here.

5 We have Determination Documents for our
6 past --

7 AUDIENCE MEMBER: Thank you.

8 CHAIRMAN MOORE: Thank you. Our past
9 meeting, there are three of them. And I
10 will -- yes, sir.

11 MR. ABATELLI: The guy over there.

12 CHAIRMAN MOORE: Yes.

13 MR. ABATELLI: He's been here over two
14 hours.

15 CHAIRMAN MOORE: Oh, yes.

16 MR. ABATELLI: He just is the sign guy
17 for the Hospital.

18 MS. NEFF: Okay.

19 CHAIRMAN MOORE: Let's move to that
20 point. Okay.

21 MR. PROKOP: Can you do me favor, while
22 we're doing this?

23 CHAIRMAN MOORE: Yes.

24 MR. PROKOP: Can I have copies? Can I
25 have copies of the decisions to review?

1 CHAIRMAN MOORE: Yes. I only have one
2 copy.

3 MR. PROKOP: Can I just look at them?

4 CHAIRMAN MOORE: But I can give you the
5 final -- the final copies, yes.

6 MR. PROKOP: Whatever you have think is
7 what we're going to vote on, can I just see
8 that for a second?

9 CHAIRMAN MOORE: Yes, absolutely.

10 MS. NEFF: This is the Costello one.

11 MR. PROKOP: Thanks.

12 MS. NEFF: That's the only one I have.
13 All right.

14 CHAIRMAN MOORE: All right. I'm going
15 to make a suggestion that we move to Item #6.
16 So I'd appreciate that. We're going to move
17 to Item #6, and it may involve you, sir.

18 And this is a motion to accept an
19 application for a variance, schedule a site
20 visit, and schedule a public hearing for
21 Eastern Long Island Hospital, 201 Manor Place,
22 Suffolk County Tax Map 1001-2-3-2. The
23 property is located in the Waterfront
24 Commercial District.

25 The Applicant seeks a building permit to

1 construct detached and illuminated Hospital
2 signs. And I'll just read what the
3 application is requesting.

4 Section 150-15G(2) of the Village Code
5 prohibits directly lighted signs. The
6 proposed new signs are to be directly
7 illuminated.

8 Section 150-15I(1) limits the size of
9 detached and ground signs. Detached and
10 ground signs shall not exceed a total area of
11 24 square feet.

12 Proposed Signs G2-01 and G2-02 are 24.36
13 square feet each. The combined total of the
14 two signs is 48.72 square feet. And the pair
15 of these signs each represent one leg of an
16 "L" shaped sign, and, therefore, have been
17 calculated as a single sign.

18 Proposed sign G1-01 is 36.54 square feet.

19 Collectively, these signs represent
20 85.26 square feet, requiring a variance of
21 61.26 square feet.

22 Just as a point, the Hospital apparently
23 has a Phase I of a larger resigning program
24 for the entire property. And, as everyone
25 knows, this is a large property, and because

1 it is a public institution, there are many
2 directional signs on the property for
3 different parts of the property.

4 So what they are doing is bringing to us
5 an application for a variance for the signs
6 that they are most immediately going to build.

7 There's a gentleman here that represents
8 the company that's apparently designing and
9 constructing --

10 MR. BORSELLA: Manufacturing.

11 CHAIRMAN MOORE: Manufacturing the
12 signs. There's no public or no testimony
13 tonight. We're simply accepting the
14 application, and we may wish to ask for a few
15 things along the way just to clarify it, so we
16 don't lose time next month.

17 MR. BORSELLA: Okay.

18 CHAIRMAN MOORE: So I will offer that
19 motion to accept the application and schedule
20 a site visit and public hearing. May I have a
21 second?

22 MR. CORWIN: Second

23 MS. NEFF: Second

24 CHAIRMAN MOORE: And all in favor?

25 MR. CORWIN: Aye.

1 MS. NEFF: Aye.

2 MR. BENJAMIN: Aye.

3 CHAIRMAN MOORE: And Aye.

4 MR. CORWIN: Set the time for this, please.

5 CHAIRMAN MOORE: Pardon?

6 MR. CORWIN: Set the time for this, please.

7 CHAIRMAN MOORE: Set the time. It's the
8 only site visit we would have, so I suppose we
9 are going to walk around the property a bit.
10 Maybe 4:30 would be acceptable.

11 MR. CORWIN: Yes.

12 MS. NEFF: Okay.

13 CHAIRMAN MOORE: And the meeting will be
14 September 18th, which is a Wednesday, and --

15 MR. BORSELLA: Do I have to be there?
16 Excuse me.

17 CHAIRMAN MOORE: Well, some
18 representative. Mr. Ebley (phonetic),
19 perhaps, would be there representing the
20 Hospital. I'm not sure.

21 MR. BORSELLA: September 18th, 4:30?

22 CHAIRMAN MOORE: At 4:30 at the
23 Hospital. We generally will do a walk-around
24 at the site to look at the conditions. We
25 have pretty detailed plans.

1 MR. BORSELLA: Yeah.

2 CHAIRMAN MOORE: One thing that would be
3 helpful, since this is described as Phase I,
4 is that if there are Phase II, and whatever,
5 additionally, that there be some description
6 of that.

7 MR. BORSELLA: I have it.

8 CHAIRMAN MOORE: And --

9 MR. BORSELLA: So you want me to bring
10 that along?

11 CHAIRMAN MOORE: Yes, that would be
12 helpful. And I believe there were some
13 diagrams that depicted a site plan or a sign
14 plan for the facility.

15 MR. BORSELLA: That was included, where
16 we were going to place them all.

17 CHAIRMAN MOORE: Yes. That would be
18 helpful, if there was any additional input for
19 that.

20 One thing that the Building Department
21 may need to research is there are already some
22 signs. I believe the Building Inspector has
23 taken some pictures. On the rear of the
24 building, there is an especially prominent
25 lighted sign already, for which I'm not sure a

1 variance exists. We may ask that the Hospital
2 package with their application any missing
3 variances for already inappropriately lit
4 signs.

5 It's understandable that at such a large
6 facility and large property that there are
7 going to be numerous signs. And our goal is
8 to reduce as much the impact of those signs on
9 the general public, but still serve the need
10 to direct people into the facility. So that
11 that will be what we're looking at.

12 MR. BORSELLA: Sure. I'd like to -- is
13 there any question about the construction of
14 it or how it's working? Like most illuminated
15 signs -- I just want to just make one point
16 here -- it's just a box, and it's a Plexiglass
17 face with lettering, the whole thing's
18 illuminated kind of bright. These are all
19 just aluminum signs routed, and the only thing
20 that would illuminate is only the letters.

21 CHAIRMAN MOORE: Right. That will be
22 helpful to have some detailed descriptions.

23 MR. BORSELLA: It's on it. It's on it.

24 CHAIRMAN MOORE: Because --

25 MR. BORSELLA: It's on the -- it's in

1 there.

2 CHAIRMAN MOORE: Yeah.

3 MR. CORWIN: Do you have a sample of a
4 sign like that?

5 MR. BORSELLA: On me, no, but I could
6 take photographs and get -- bring that. Would
7 you like me to bring like what something --

8 CHAIRMAN MOORE: Yes, that would be
9 nice. It looks like from the plan that it's
10 sort of an indirect lighting, where only the
11 outline of the letters shows up.

12 MR. BORSELLA: Yes, some are of
13 outlines. But you're still going to see like
14 the word "emergency" is stained red, you can
15 see it red.

16 CHAIRMAN MOORE: Right.

17 MR. BORSELLA: But the outline is white.

18 CHAIRMAN MOORE: Yes. And I think, in
19 light of the fact that some of the current
20 directly illuminated signs may be quite
21 objectionable, that there might be some
22 suggestions that there be changes to that. So
23 I'm sure that will come up in the discussions.

24 MR. BORSELLA: Well, that's in the plan
25 with the other signs.

1 CHAIRMAN MOORE: Right. Well, that was
2 why it would be nice to have the whole plan.

3 MR. BORSELLA: I submitted that
4 originally, but they said --

5 CHAIRMAN MOORE: Okay.

6 MR. BORSELLA: I was told to do two,
7 three at a time.

8 CHAIRMAN MOORE: Well, even if it's not
9 detailed, we need to know the scope,
10 because --

11 MR. BORSELLA: Yeah.

12 CHAIRMAN MOORE: -- the surprise of
13 Phase II might be something that would have
14 prevented us from agreeing to Phase I.

15 MR. BORSELLA: I'll bring it.

16 CHAIRMAN MOORE: This is a pretty
17 major --

18 MR. BORSELLA: Yeah.

19 CHAIRMAN MOORE: -- installation.

20 MR. CORWIN: Question. Who told you to
21 do two or three at a time?

22 MR. BORSELLA: The Hospital.

23 MR. CORWIN: We want everything at one
24 time on one sheet, a site plan, or certainly
25 I'll speak for myself, I do, and before the

1 field inspection. So, please, submit it to
2 the Building Department so we can look at it
3 before the inspection.

4 CHAIRMAN MOORE: And it could be simpler
5 for yourself and the Hospital, because we
6 could give an approval for the project, or at
7 least, you know, understand the stages.

8 MR. BORSELLA: I think it's funded and
9 budgeted for this project of these three
10 signs. I don't know what submitting other
11 applications or -- because that may never
12 happen.

13 CHAIRMAN MOORE: Right. An approval
14 could include a construction schedule, and it
15 would just simplify it. And, as Mr. Corwin
16 says, we want to know what the whole thing is,
17 because the rest of it might not be
18 appropriate, in our opinion, and that would
19 link to the beginning.

20 MR. BORSELLA: And if the Hospital only
21 wants me to submit these three, am I still
22 able to do that? Maybe I shouldn't have -- I
23 mean, there is a plan, but that doesn't mean
24 any of that's going to happen.

25 CHAIRMAN MOORE: The rest of the plan

1 could perhaps be less detailed, but should
2 certainly explain the entire scope.

3 MR. BORSELLA: Yeah.

4 CHAIRMAN MOORE: That's, I think, what
5 we're looking for.

6 MR. CORWIN: Yes.

7 MR. ABATELLI: And, certainly, I mean, a
8 Hospital representative should be certainly at
9 the hearing, because it's unfair to you to
10 answer those questions.

11 MR. BORSELLA: Yeah.

12 MR. ABATELLI: And also, I guess, if any
13 signs are being removed, it would be useful to
14 know that.

15 MR. BORSELLA: Okay. So -- but I will
16 submit everything on the 18th at 4:30. I will
17 be there and submit everything you ask for.

18 CHAIRMAN MOORE: Excellent.

19 MS. NEFF: Then you'll come to the
20 meeting here after?

21 MR. BORSELLA: Then I'll it be at the
22 meeting.

23 MR. ABATELLI: With the Hospital
24 representative.

25 MR. BORSELLA: With the Hospital

1 representative.

2 CHAIRMAN MOORE: And that would be very
3 helpful, yes.

4 Okay. So we have done that. We did
5 approve and schedule that. And what I would
6 do, then, is just go over these three Decision
7 Documents. We have approved those variances.

8 The first is Item #3, which is approve
9 the Findings, Determination and Decision
10 Document approving a variance for Arden Scott
11 at 301 Atlantic Avenue, Suffolk County Tax Map
12 1001-2-2-14.

13 I would just like to indicate that the
14 draft was circulated to the Board, and on
15 review, there were a number of corrections,
16 which I will just quickly review.

17 Other than punctuation, I will just
18 mention that in the Determinations on Page 3,
19 under B, "The benefit sought by the applicant
20 could be achieved by some method feasible for
21 the applicant to pursue." So the "not" was
22 deleted, and that is according to the way we
23 voted.

24 In the Conditions on Page 4, the number
25 two is that "No commercial activity or use of

1 the garage and property, including" -- no, I'm
2 sorry. Yes. "No commercial activity or use
3 of the garage and property, including use as a
4 commercial gallery, would be permitted,
5 including no commercial storage or storage of
6 any equipment that is not related to the use
7 of the property." That was that we also
8 specifically said that it could be a studio,
9 but not a commercial gallery.

10 And then the number four, that, "In the
11 event that the title of the property is
12 transferred or the property is sold, the
13 garage may continue to be used as a garage and
14 as an artist studio, or another use that is in
15 compliance with the R-1 District." We also
16 specifically stated that the artist studio use
17 could carry on.

18 With that, I have made a new document
19 which incorporates those changes; and I would
20 make a motion to offer that for approval to
21 the Zoning Board of Appeals.

22 MR. CORWIN: Second.

23 CHAIRMAN MOORE: And any discussion?

24 (No Response)

25 All in favor?

1 MR. CORWIN: Aye.

2 MS. NEFF: Aye.

3 MR. BENJAMIN: Aye.

4 CHAIRMAN MOORE: Aye.

5 So that motion carries, and the Document
6 is approved.

7 The second one is -- again, the draft
8 document was circulated, and it's for John
9 Costello at 102 Broad Street for the
10 reconstruction of a garage with an artist
11 studio.

12 There was a correction in the property
13 number. It's Suffolk County Tax Map
14 1001-02-05-029. And I've -- on the first
15 page, the side yard setback, there is a
16 redundancy. "The installation of an exterior
17 stairway to the second floor of the garage" is
18 deleted, it's unnecessary.

19 In Page 2, that said he had decided to
20 remove the existing garage building and build
21 a new garage building. I have added "on a new
22 foundation," which was the reason for that.

23 There was a -- on the Findings, the
24 first line, "The subject premises is located,"
25 the "located" is deleted. It is improved by a

1 three-family house with a garage. That
2 "located" apparently carried from another
3 document.

4 And then the stipulations, I believe,
5 are correct, except at the very last page,
6 Page 5, "Motion by Chairman Moore, seconded by
7 Ellen Neff, to conditionally grant the
8 requested variance of the maximum height
9 limitation," and I add, "In side yard setback,
10 subject to the stated conditions." That was
11 left out.

12 So, with those corrections in mind,
13 they've been incorporated into the final
14 document, I would offer that document, as
15 corrected, for approval; and a second, please.

16 MS. NEFF: Second.

17 CHAIRMAN MOORE: Any discussion? All in
18 favor?

19 MS. NEFF: Aye.

20 MR. BENJAMIN: Aye.

21 CHAIRMAN MOORE: Aye.

22 And Mr. Corwin is abstaining, as he had
23 from the deliberations.

24 And the last is an application from
25 Richard Ward for the Holy Trinity Episcopal

1 Church. In that case, the "Episcopalian" has
2 just been corrected to "Episcopal."

3 On Page 2, the correction is, "The
4 premises is occupied as a single-family
5 residence," not, "By a single-family
6 residence."

7 And the granting on Page 3 of the
8 requested use variance, not area variance.

9 And, lastly, the Question C on Page 4,
10 the correct question is, "The variance will
11 not alter the essential character of the
12 neighborhood, as is required by the use
13 variance." So that has been replaced with
14 that question.

15 And with those corrections understood in
16 the final Document, I would make a motion to
17 approve the Findings, Determination and
18 Decision Document. May I have a second?

19 MR. BENJAMIN: Second.

20 MS. NEFF: Second.

21 CHAIRMAN MOORE: Okay. And Mr. Benjamin
22 seconded. And any discussion?

23 (No Response)

24 If not, all in favor?

25 MR. CORWIN: Aye.

1 MS. NEFF: Aye.

2 MR. BENJAMIN: Aye.

3 CHAIRMAN MOORE: Aye.

4 That Document is approved. And we have
5 done 3, 4 and 5. And we move to #7, which is
6 a motion to accept the ZBA minutes for July
7 17, 2013. So moved.

8 MS. NEFF: Second.

9 CHAIRMAN MOORE: All in favor?

10 MS. NEFF: Aye.

11 MR. CORWIN: Question.

12 CHAIRMAN MOORE: Oh, question. Yes,
13 sorry.

14 MR. CORWIN: The minutes for July, first
15 I'll say the PDF file seems to be locked, so
16 you can't copy text. So can we get a file
17 that's not locked that you can copy text, or a
18 doc file rather than a docx, because I'm way
19 behind the times?

20 CHAIRMAN MOORE: Okay, yes. And one
21 other comment, too, while we're discussing it.
22 The signature, the witness and signature of
23 the document, while the hearing occurred on
24 July 17th, it's said to be signed and attested
25 to on the 23rd of June, 2013. So you need to

1 correct that date. Anyway, it needs to be the
2 proper date.

3 And with that in mind, we had a second
4 and the discussion. So all in favor?

5 MR. CORWIN: Well --

6 CHAIRMAN MOORE: Whoops.

7 MR. CORWIN: -- I'm still trying to
8 discuss this.

9 At Page 39, Line 10, Mr. Kapell says,
10 "The installation of a fence." Now, I don't
11 know that that's incorrect. The same thing
12 comes up on Page 52, Line 17, Mr. Kapell calls
13 that fence replacement. In my understanding
14 of the discussion and what I originally said
15 on the minutes was the removal of the fence,
16 and I think Mr. Kapell didn't understand or he
17 misspoke.

18 Originally, the Applicant had
19 represented she was going to dismantle the
20 chain-link fence, and it turned into the
21 minutes into replacement of the chain -- of
22 the existing fence. So I don't know that
23 those minutes were incorrect, but they did not
24 convey my understanding of what we were voting
25 on. So perhaps the Attorney can give me some

1 guidance, or us some guidance, of a situation
2 like that.

3 MR. PROKOP: I mean, the problem with
4 the minutes, changes in the minutes, is taken
5 by a Court Reporter or Stenographer. I mean,
6 you're suggesting that what was said was
7 different from what was reflected in the
8 minutes; is that correct?

9 MR. CORWIN: No, I'm saying --

10 MR. PROKOP: Of what was intended?

11 MR. CORWIN: Yes.

12 MR. PROKOP: Okay. You could change --
13 you know, require a vote of the Board to amend
14 the minutes, basically, if you think that
15 something else was said. It's not -- you
16 can't change the minutes to insert an
17 explanation, but if -- or additional language.
18 But, if you think that there's a word or two
19 that were not reflected correctly, then, by
20 the vote of the Board, the minutes could be
21 changed.

22 You know, what was said was said. The
23 problem with -- excuse me, not the problem.
24 Excuse me. The situation that we have, which
25 is we're fortunate for because the Village

1 pays for this, is that we have a verbatim
2 transcript done. So, if the intention of what
3 somebody said is different from the words that
4 came out of their mouth, unfortunately, those
5 words were spoken.

6 Am I addressing your point? I'm sorry.

7 MR. CORWIN: Yes, you are.

8 CHAIRMAN MOORE: So, do we understand
9 it's to be replaced, the fence?

10 MR. CORWIN: Well, the Attorney says we
11 can't replace it, and I'm not saying the
12 minutes were necessarily wrong. I'm saying
13 because of what Mr. Kapell said, it turned it
14 from the applications -- Applicant's original
15 statement at the inspection, that she was
16 removing the chain-link fence, to the
17 replacement of the fence.

18 MR. PROKOP: Okay. So now is your -- is
19 this comment germane to the decision that was
20 made? Are you looking for something else in
21 the decision based on what was --

22 CHAIRMAN MOORE: The decision --

23 MR. CORWIN: Not necessarily.

24 CHAIRMAN MOORE: The decision says the
25 fence is to be replaced, and that's my -- when

1 I said "replaced," I meant the fence, not the
2 words in the document. Is that our
3 understanding, the fence will be replaced?

4 MR. CORWIN: My understanding was it was
5 going to be removed.

6 CHAIRMAN MOORE: I suppose we could
7 inquire.

8 MR. PROKOP: That has to be changed. I
9 mean, the Board has to make -- the way to
10 handle this, if you have -- you cannot change
11 the language of the minutes, but you can
12 append a comment. All right. So, if you
13 think, as a Board Member, that for some reason
14 the minutes do not accurately reflect an
15 intention, where you want something else, you
16 know, an explanation for some reason, you can
17 append that as a comment to the minutes. You
18 can do that.

19 What we're talking about here is
20 something more substantive, where you're
21 thinking that what was really discussed was
22 removing the fence --

23 MR. CORWIN: Yes.

24 MR. PROKOP: -- rather than replacing
25 the fence. That's substantive. And even if

1 that's not exactly reflected in the minutes,
2 you could make that -- you could amend the
3 decision to -- well, the problem is now we
4 already voted on the decision to this.

5 CHAIRMAN MOORE: Okay. May I just read
6 from the minutes from last month? On Page 52,
7 Line 11:

8 "Yes, and the Certificate of Occupancy
9 would be withheld, pending, of course,
10 completion of construction and cleanup of the
11 property.

12 MR. PROKOP: Including the fence
13 removal. Is the fence -- "

14 And then, "MR. KAPPELL: Replacement.

15 MR. PROKOP: Replacement.

16 CHAIRMAN MOORE: Replacing the fence.

17 With that proposed, I so move. Second,
18 please." And we proceeded to vote. So we
19 approved replacement of the fence. And if
20 that's agreeable, that's what this document
21 has as one of its stipulations.

22 MR. CORWIN: Okay. I won't make a
23 federal case out of it.

24 CHAIRMAN MOORE: Okay.

25 MR. CORWIN: But my understanding was

1 different.

2 CHAIRMAN MOORE: Okay. Is that
3 agreeable with the Board?

4 MS. NEFF: Sure.

5 CHAIRMAN MOORE: Okay. So the document
6 has already been approved, so we're good with
7 that.

8 And have we voted to accept the minutes?
9 I don't recall if we all said --

10 MR. CORWIN: We did not vote.

11 CHAIRMAN MOORE: Did not vote. So may I
12 have the vote, please, to accept? So may I
13 have a vote, please, just a verbal vote?

14 MR. CORWIN: Aye.

15 MS. NEFF: Aye.

16 MR. BENJAMIN: Aye.

17 CHAIRMAN MOORE: Aye.

18 So the motion passes.

19 Motion to approve the ZBA minutes from
20 June 19, 2013. So moved. Second, please.

21 MR. CORWIN: Second.

22 CHAIRMAN MOORE: Any discussion?

23 (No Response)

24 Absent discussion, the vote, please.

25 MS. NEFF: Aye.

1 CHAIRMAN MOORE: Aye.

2 MR. CORWIN: Aye.

3 MR. BENJAMIN: Aye.

4 CHAIRMAN MOORE: The motion carries.

5 Motion to schedule the next regular ZBA
6 meeting for September 18th, 2013 at 5 p.m. So
7 moved. Second, please.

8 MR. CORWIN: Second.

9 CHAIRMAN MOORE: All in favor?

10 MR. CORWIN: Aye.

11 MS. NEFF: Aye.

12 MR. BENJAMIN: Aye.

13 CHAIRMAN MOORE: Aye.

14 Motion to adjourn.

15 MS. NEFF: So moved

16 CHAIRMAN MOORE: All in favor?

17 MS. NEFF: Aye.

18 MR. CORWIN: Aye.

19 MR. BENJAMIN: Aye.

20 CHAIRMAN MOORE: Aye.

21 Meeting is adjourned. Thank you,
22 everyone, for your patience and participation.

23 (Whereupon, the meeting was adjourned at
24 7:47 p.m.)

25

C E R T I F I C A T I O N

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STATE OF NEW YORK)

) SS:

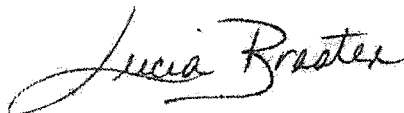
COUNTY OF SUFFOLK)

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

THAT, the above and foregoing contains a
true and correct transcription of the
proceedings taken on August 21, 2013.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 28th day of August, 2013.



Lucia Braaten

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