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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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ZONING BOARD OF APPEALS

Third Street Firehouse
Greenport, New York

Autust 16, 2016
6:15 p.m.

B E F O R E :

DOUGLAS MOORE - CHAIRMAN

DINI GORDON - MEMBER

JOHN SALADINO - MEMBER

DAVID CORWIN - MEMBER

ELLEN NEFF - MEMBER

PAUL PALLAS - VILLAGE ADMINISTRATOR

JOE PROKOP - VILLAGE ATTORNEY

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

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1
2 CHAIRMAN MOORE: This is the
3 regular meeting of the Greenport Zoning
4 Board of Appeals, August 16, 2016.

5 It's just about 6:15.

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

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

1
2 carried over and kept open. They will
3 be available for written comments and
4 additional verbal comments.

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

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

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

1
2 MS. GIGLIO: 6:30 for a 7:00 p.m.
3 meeting in Riverhead.

4 CHAIRMAN MOORE: The first hearing
5 which is a continuation, Mr. Liakias
6 was not here but now is, but with your
7 permission --

8 DR. LIAKEAS: It's okay. We can
9 wait.

10 CHAIRMAN MOORE: -- take Item
11 Number 3 first, and I will read that.

12 This is a public hearing regarding
13 area variances sought by Elmer Tuthill,
14 129 Bay Avenue, Suffolk County Tax Map
15 1001-5-3-1.4.

16 The property is located in the R-2
17 District and is located in the Historic
18 District.

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

22 Section 150-7C 3A Permitted
23 Accessory Uses requires the edge of the
24 pool shall be kept a distance of not
25 less than 20 feet from all property

1
2 lines in the R-2 District.

3 The proposed swimming pool setback
4 is 10 feet on the east property line,
5 requiring an area variance of 10 feet.

6 Section 150-7C 3B, if located
7 within 50 feet of any property line,
8 such pool shall be screened from the
9 view of abutting properties.

10 The plans submitted have not
11 illustrated any screening from the view
12 of the abutting properties.

13 Section 150-2 Definitions:

14 Swimming Pool, such body of water shall
15 not be operated for gain and shall be
16 located on a rear lot only as an
17 accessory use to the dwellings thereon.

18 The proposed swimming pool is
19 proposed to be in the front and side
20 yards requiring a variance.

21 We did have a site visit this
22 afternoon at 5:45 p.m.

23 There will be some explanations of
24 some details of the variances. I have
25 the official notices. This was, by the

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

5 ATTORNEY PROKOP: It was.

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

8 MR. CORWIN: You might want to --

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

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

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

24 You don't have the printed list?

25 MS. WINGATE: I don't.

1
2 CHAIRMAN MOORE: And Joseph
3 Pantoliano.

4 MS. GIGLIO: I do.

5 MS. GORDON: Is that sufficient?
6 Is everybody satisfied that the notices
7 were sent?

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

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

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

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

19 Two or three others.

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

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

1
2 applicant.

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

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

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

1
2 know.

3 So we started with the New York
4 State DEC, trying to get a
5 non-jurisdiction letter which we did
6 obtain; and I believe a copy of that is
7 in the file.

8 We also appeared before the
9 Historic Board on July 11, and they
10 approved the application.

11 We did make application to the
12 Conservation Advisory Board, and I
13 believe that Eileen is going to be
14 working on that decision and getting
15 that to me tomorrow from the
16 Conservation Advisory Committee.

17 We did meet before the Trustees,
18 so this is, in my opinion, the last
19 stop in order to get this accomplished.

20 The applicant is seeking a
21 variance for a 10-foot side yard for a
22 closed swimming pool. Village Code
23 requires 20 feet and if there is not 50
24 feet, there should be a screened
25 planting.

1
2 The property is -- there's two
3 parcels under the ownership and the
4 control of the estate. The 10-foot,
5 the distance 10-feet from the property
6 line would not be desirable to put any
7 planting in between the two lots
8 because it defeats the purpose of both
9 houses being able to use the pool.

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

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

25 As you can see by the survey that

1
2 is submitted, the adjoining property to
3 the east is where any planting would
4 have to go in order to screen this pool
5 if so desired; and it's kind of awkward
6 because I've heard from people across
7 the street that it would block their
8 view, so they don't want to see any
9 planting in the front of the pool.

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

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

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

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

1
2 don't believe that the hardship was
3 self-created; so we are hoping that you
4 accept this testimony and that you
5 grant the application as presented.

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

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

15 MS. GIGLIO: Okay.

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

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

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

1
2 pool. It does have to maintain some
3 distance from the garage in order to
4 excavate and install the pool, but we
5 were just trying to keep it as close as
6 we could to the garage so that, you
7 know, that would be our screening, the
8 garage.

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

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

13 MR. CORWIN: Depth, how deep?

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

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

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

1
2 understand that this is somewhat of a
3 unique situation because currently the
4 adjoining property is under the same
5 ownership.

6 MS. GIGLIO: Same control.

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

14 MS. GIGLIO: Yes.

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

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

1
2 opportunity to talk some more about it.

3 MS. GIGLIO: Yes.

4 If you need more clarification on
5 the application, I'm more than happy to
6 re-appear.

7 I don't think they're going to be
8 installing the pool within the next
9 month or so, they're just trying to get
10 the approvals for it.

11 CHAIRMAN MOORE: Understood.

12 MS. GIGLIO: Thank you for your
13 time.

14 CHAIRMAN MOORE: Are you taking
15 notes for marking up the agenda?

16 MR. SALADINO: I'll do it.

17 MS. WINGATE: I can.

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

20 MS. WINGATE: Okay.

21 Thank you, John.

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

1
2 the Village website which you can look
3 at, and you can see the results of the
4 different resolutions, but the details
5 are not there, just abbreviated mark
6 ups.

7 That's just for public
8 information.

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

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

21 Thank you.

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

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

1
2 support --

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

5 MR. SOLOMON: Michael,
6 M-I-C-H-A-E-L, Solomon S-O-L-O-M-O-N.

7 I did submit a letter to the Board
8 last week; I wasn't certain I would be
9 able to be here this evening.

10 I represent -- since I represent
11 my wife, she owns the house, 135 Bay
12 Avenue, I'm representing Jacki and
13 George Sarkis, 144 Bay Avenue, and I'm
14 representing Mr. Joseph Pantoliano
15 (phonetic) 140 Bay Avenue, and we're
16 probably all the properties that are
17 most directly affected by this
18 application.

19 The biggest point I wanted to make
20 is, anybody who knows this Tuthill clan
21 knows how well they have maintained
22 their residence, their house, and their
23 property.

24 I have had the pleasure of living
25 nextdoor to them for going on 13 years,

1
2 and I couldn't ask for a better
3 neighbor, more conconscious neighbor, a
4 neighbor who maintains and does what's
5 proper for their property at all given
6 times.

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

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

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

1
2 screened.

3 The sensitivity here is we have a
4 lot of people with water-view
5 properties now, not only my property,
6 but the properties across the street.
7 Many years ago when the Tuthill-huge
8 tree fell down in one of the
9 hurricanes, it opened up a view for
10 everybody across the street into the
11 water.

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

25 MR. SALADINO: The screening is

1
2 not an issue from the street because
3 the pool would be more than 50 feet
4 from the property line. I don't think
5 screening from the street -- and I
6 would --

7 MR. SOLOMON: Well, you could --

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

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

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

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

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

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

22 MR. SALADINO: Right.

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

1
2 theoretically, but if any screening is
3 gonna start heading towards the
4 property lines, it's going to close the
5 view which is wide open between the two
6 structures right now other than some
7 plantings. That's the view that the,
8 especially the people across the
9 street, that is their direct view
10 between the two structures, so any
11 screening that theoretically runs the
12 length of the pool, along the length of
13 the pool would just run along
14 theoretically from, here's the garage
15 (indicating), here's the pool
16 (indicating), if it somehow runs behind
17 the garage, it wouldn't matter; it
18 would separate it off the adjoining
19 parcel, but since they own, the same
20 family owns the parcel, it's only
21 screening against their own parcel
22 so --

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

25 It's 50 feet from the property

1
2 line. The street, the fence is
3 certainly more than 50 feet, it's not
4 something we're going to require.

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

6 MR. SOLOMON: That's fine.

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

10 That's just a joke.

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

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

1 something that highly elevated.

2
3 And as Mr. Saladino said, it might
4 not be something that's on the
5 immediate horizon as a concern.

6 MR. SOLOMON: Okay.

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

11 MR. SOLOMON: Yes, I am.

12 Thank you.

13 MR. SALADINO: The only other
14 thing I might ask for as a condition is
15 how the pool backwashes; how the pool
16 is drained.

17 MR. CORWIN: The draining of the
18 pool and the backwashing of the filter,
19 we always ask that they be hooked up to
20 the sewer system, so that will probably
21 be a condition.

22 CHAIRMAN MOORE: Are there any
23 other members of the public that would
24 wish to speak?

25 MR. FOOTE: Good afternoon. Thank

1
2 you for hearing my application. My
3 name is Walter Foote. My address is 22
4 Broad Street, Greenport, New York, and
5 this concerns my application for --

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

8 MR. FOOTE: Oh, sorry.

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

12 (No response.)

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

15 MR. CORWIN: I so move.

16 MS. NEFF: Second.

17 ATTORNEY PROKOP: What is the
18 motion?

19 CHAIRMAN MOORE: To close the
20 public hearing.

21 All in favor?

22 MS. GORDON: Aye.

23 MS. NEFF: Aye.

24 MR. CORWIN: Aye.

25 MR. SALADINO: Aye.

1
2 CHAIRMAN MOORE: Any opposed?

3 (No response.)

4 Motion carries.

5 The public hearing is closed.

6 I can't guarantee we'll get to
7 this in our Regular Session tonight,
8 but we are willing try.

9 Next up, we'll move to number 1,
10 this is a continuation of a public
11 hearing regarding area variances sought
12 by George Liakeas, 610 Main Street,
13 Greenport, NY 11971, Suffolk County Tax
14 Map 1001-3-4-3.

15 The property is located within the
16 Historic District.

17 The applicant seeks a Building
18 Permit for the construction of two
19 additional dwelling units in an
20 existing two-family house in the R-2,
21 One- and Two-Family Residential
22 District.

23 Article 4, Section 150-8 In an R-2
24 One- and Two-Family Residential
25 District, no building or premises shall

1
2 be used and no building or part of a
3 building shall be erected or altered
4 which is arranged, intended or designed
5 to be used in whole or in part for any
6 purpose except for the use as a one- or
7 two-family dwelling.

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

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

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

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

1
2 feet of lot area for each dwelling
3 unit.

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

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

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

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

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

1
2 existence of the code concerning
3 multi-family housing.

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

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

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

23 (No response.)

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

1
2 aware in 1986 or --

3 MR. SALADINO: '80.

4 CHAIRMAN MOORE: '80, that the
5 pre, I believe it's called CO was
6 issued as two-family house.

7 One thing that the applicant did
8 not put in the record as an additional
9 document where the Building Inspector
10 promptly on request for a four-family
11 approval gave a Notice of Disapproval
12 because the house did not have any
13 variances and required application for
14 a zoning variance.

15 Turning the clock from '98 until
16 now, we now have the applicant seeking
17 a variance with the additional
18 information that there is some
19 information being provided about the
20 time in which the house may have been
21 converted; and that's the crux of the
22 issue at this point.

23 MS. MOORE: Well, we have,
24 actually, additional information --

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

1
2 would you read that, please?

3 CHAIRMAN MOORE: There is one
4 e-mail of testimony since the hearing
5 is still open, and it's an e-mail from
6 Asha Elmforse (phonetic). No address
7 is given. It's titled, The Illegal
8 Multi-Family House at 610 Main Street.

9 "This e-mail is to oppose
10 legalizing the illegal apartments at
11 610 Main Street. My name is Asha
12 Elmforse and I own the house at 541
13 Main Street, Greenport nearby."

14 That is the one additional piece
15 of information we have.

16 You have some additional --

17 MS. MOORE: Yes, I --

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

20 MS. MOORE: Well, I do --

21 MR. CORWIN: Please give your name
22 and spell it for the recording
23 secretary.

24 MS. MOORE: Yes. Patricia Moore,
25 51020 Main Road, Southold, attorney for

Flynn Stenography & Transcription Service
(631) 727-1107

1
2 the applicant Dr. Liakeas.

3 The spelling of my name is
4 P-A-T-R-I-C-I-A M-O-O-R-E.

5 CHAIRMAN MOORE: To your
6 knowledge, we are not related?

7 MS. MOORE: No, we are not
8 related. That was established last
9 time.

10 To begin with, we did give you
11 some documentation last time, and I
12 think it's important to put the two
13 together.

14 First of all, the pre-CO, the
15 issue of getting a Notice of
16 Disapproval, I think at the last
17 hearing, Dr. Liakeas spoke at that
18 hearing and said he was never served
19 with it, never received it to his
20 knowledge, never went anywhere; so if
21 it was issued, it was only discovered
22 at the hearing that the Board had in
23 archive files, but as far as we know,
24 there was no directive to go for a
25 variance.

1
2 In addition, one of the issues, it
3 seems to be oftentimes discussed --
4 particularly, Mr. Corwin, you always
5 are concerned about these things -- are
6 permits that have defects on them as a
7 matter of writing or law.

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

1
2 gotten a full title and was able to go
3 for financing to get financing to
4 renovate in the simplest of terms,
5 painting and buffing the floors and so
6 on.

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

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

1
2 page they actually listed the number of
3 refrigerators as four refrigerators,
4 four stoves, two water heaters, and one
5 furnace because at the time and all
6 throughout the heating utilities was
7 included in the rental; but clearly
8 there were four refrigerators and four
9 stoves, you don't need that if you have
10 a two-family.

11 MR. SALADINO: That was 1998.

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

24 CHAIRMAN MOORE: Okay.

25 Let me just say that I don't think

1
2 that we question the fact that in 1998
3 the house had four units.

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

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

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

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

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

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

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

24 MR. SALADINO: Well, did you --

25 MS. MOORE: He's the applicant.

1
2 DR. LIAKEAS: It's more for even
3 the Town's people. Last time there was
4 a lot of discussion about why I would
5 allow a CO that was not accurate to go
6 on, and how people thought that maybe
7 that meant, in fact, the house was
8 inspected and renovated after the fact,
9 so this is simply proof that --

10 MR. CORWIN: Excuse me.

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

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

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

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

1
2 said, I need a CO, how do I get that?
3 And the response was, you do not need a
4 CO, your house was built prior to this
5 date, 1971 or 1865 or whatever it was,
6 and you do not need a CO; and I said,
7 Well, I guess that's wonderful, I need
8 a piece of paper to show the bank; and
9 they said, we'll send it to you; and a
10 week later, I got this piece of paper.

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

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

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

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

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

24 Put it this way, the paper said --

25 MR. SALADINO: Can you read what

1
2 the paper says?

3 DR. LIAKEAS: Got it. All right.

4 This is not handwritten, I'll tell
5 you which is handwritten:

6 "The Village of Greenport
7 established the authority for issuance
8 of the Certificate of Occupancy in
9 October of 1971; therefore, any
10 building or use established or built on
11 or after October of 1971 is required to
12 make application for Certificate of
13 Occupancy, prior to the above date, a
14 per-Certificate of Occupancy is
15 required."

16 The following, now in handwritten:

17 "A two-family wood family dwelling in
18 an M-2 Zone with wrap-around porch was
19 built prior to the 1971. Victor
20 Lasard."

21 And the reason this took 20 years
22 to come to the surface is, as far as I
23 was concerned, there was eight words
24 that were actually written by
25 Mr. Lassard in response to my request

1
2 without an inspection to which I was
3 grateful that I was able to get the
4 financing and the issue was closed.

5 After that, I was never --

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

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

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

13 DR. LIAKEAS: This did not --

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

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

21 MS. NEFF: Excuse me.

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

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DR. LIAKEAS: Left it at that.

MS. NEFF: -- looking for your CO,
accepted that it had the pre-CO.

DR. LIAKEAS: Correct.

The point is we are --

MS. NEFF: And it said that it was
a two-family and the applicant is
saying that he didn't --

You didn't receive this paper at
all or you --

DR. LIAKEAS: No.

I received this paper and sent it
on to the bank as you don't need a CO.

MS. NEFF: And the fact that it
said it was a two-family did not come
to your attention with any --

DR. LIAKEAS: You know,
interesting, I have to be honest with
you, it never really -- I was, I was
overwhelmed at the inheritance, getting
the mortgage, understanding my --

MS. MOORE: So the answer is no,
you didn't --

DR. LIAKEAS: The answer is no.

1
2 MR. SALADINO: Mr. Liakeas,
3 doesn't that say that a two-family
4 house was built before 1971; that
5 document that you are reading?

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

8 That's the problem.

9 ATTORNEY PROKOP: Thank you very
10 much.

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

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

18 MS. WINGATE: 1998.

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

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

1
2 Disapproval calls it a three-family, so
3 the whole thing is big-confusing
4 document as a document.

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

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

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

17 MS. MOORE: All right.

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

23 CHAIRMAN MOORE: That's what we're

24 --

25 MS. MOORE: Exactly, that's why

1
2 we're here.

3 ATTORNEY PROKOP: I disagree with
4 you because one of the things that can
5 happen to a pre-existing use is that it
6 can be abandoned.

7 MS. MOORE: It could be, but in
8 this case we're going to prove to you
9 it was never abandoned, okay; so allow
10 us to continue.

11 All right.

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

23 (Handing).

24 So she continued to live there.

25 We have affidavits that show that

1
2 she continued to rent there, and then I
3 have -- very kindly, one of the
4 affidavits that was provided to you
5 is -- let me get -- sorry.

6 CHAIRMAN MOORE: What tab is that
7 under?

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

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

12 MR. CORWIN: Wait a minute.

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

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

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

24 CHAIRMAN MOORE: I have no idea.

25 MR. SALADINO: There's not a

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

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

5 MR. SALADINO: Exactly.

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

10 MS. MOORE: I looked over that.

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

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

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

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

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

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

1
2 MS. ARIMBORGO: D-O-L-O-R-E-S
3 A-R-I-M-B-O-R-G-O.

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

6 Which property do you own?

7 MS. ARIMBORGO: 622 Carpenter
8 Street.

9 MS. MOORE: How long have you been
10 there?

11 MS. ARIMBORGO: I think I bought
12 it in 1969.

13 MS. MOORE: Another correction on
14 the affidavit, my typo was 1979, but
15 she's corrected on the record she
16 bought it in 1969.

17 CHAIRMAN MOORE: You're saying
18 1969, this is being changed?

19 MS. MOORE: Yes.

20 How did you know Mrs. Buffomante?

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

23 MS. MOORE: Okay.

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

1
2 MS. ARIMBORGO: Because I was in
3 there often.

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

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

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

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

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

15 ATTORNEY PROKOP: Can you swear
16 her in?

17 The stenographer will swear her
18 in.

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

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

1
2 MS. ARIMBORGO: Well, it was
3 rented all the time I've been there
4 until the time she died.

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

8 MS. ARIMBORGO: Yes.

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

13 MS. ARIMBORGO: Yes.

14 CHAIRMAN MOORE: Thank you.

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

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

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

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

25 CHAIRMAN MOORE: Thank you.

1
2 I have two questions on the
3 affidavit.

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

7 MS. MOORE: Yes.

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

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

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

21 CHAIRMAN MOORE: I can understand
22 that.

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

1
2 other affidavits are helpful, but they
3 are from periods such as 1999, another
4 1999, and then recollecting back and in
5 their opinion, architecturally speaking
6 or whenever --

7 MS. MOORE: Well --

8 CHAIRMAN MOORE: Let me finish.

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

15 MS. MOORE: Okay.

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

1
2 came to clarify, and I think she's the
3 icing on the cake because you're
4 hearing directly from her that she was
5 personally familiar with the property.

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

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

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

1
2 architecturally when something has been
3 done in the '70s. This predates.

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

7 MS. MOORE: Yes.

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

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

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

1
2 comments.

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

7 MS. MOORE: Okay.

8 CHAIRMAN MOORE: Unless there is
9 some more documents, new documents or
10 something marked for identification.

11 MS. MOORE: No. You have what I
12 provided last time which were the
13 exhibits of the fact that this house
14 was built in the 1800s from your own
15 Village Historic Board listing.

16 CHAIRMAN MOORE: Okay.

17 MR. KEHL: Robert Kehl, 242 Fifth
18 Avenue, Greenport.

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

1
2 somebody got away with it for that
3 amount of time and that's all it is.
4 It's just one person's word against
5 another on this, but if the inspector
6 says two-family house, it's a
7 two-family house.

8 Thank you.

9 MR. LIAKEAS: Well, it --

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

12 Do you want to hear from anymore
13 public?

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

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

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

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

1
2 Village of Greenport is a pre-CO which
3 is an official document, although not
4 as proof of occupancy, that is stating
5 the legal use of the house as a
6 two-family. Inspection is not
7 required. There could have been eight
8 families in there, and it wouldn't
9 matter if Mr. Lassard went to inspect
10 it or not. What he's saying in that
11 pre-CO is that this is a two-family
12 house; and to further back that up,
13 even whether or not the applicant
14 received it, there is a letter
15 indicating that additional apartments
16 in the house were illegal and that
17 variance would need to be obtained.

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

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

25 Thank you.

1
2 CHAIRMAN MOORE: Any other members
3 of the public want to speak?

4 (No response.)

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

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

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

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

25 MS. MOORE: There is no

1
2 document -- well let's --

3 MR. SALADINO: All we have is
4 somebody who says we don't think he
5 went in there.

6 MS. MOORE: Well, there is no
7 documentation in the file to
8 acknowledge that an inspection was
9 done.

10 MR. SALADINO: We have his report.

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

13 CHAIRMAN MOORE: There actually --

14 MS. MOORE: There's usually, what
15 I've seen on other pro-COs is an
16 inspection report, a Conditions of the
17 Structure Report and on that condition,
18 it would say something about how many
19 bedrooms, how many, what are the
20 conditions structurally, what would be
21 required.

22 MR. SALADINO: Is that boiler
23 plate? Is that --

24 MS. MOORE: I believe the Village
25 uses the same form. I've seen the form

1
2 used, attached to pre-COs. It's not
3 just a document, just the CO comes with
4 the documentation.

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

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

16 MR. SALADINO: (Inaudible) --

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

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

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

1
2 are when we finish the public testimony
3 to try and decide what we are going to
4 do.

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

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

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

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

24 CHAIRMAN MOORE: The point is --

25 ATTORNEY PROKOP: Excuse me.

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Can you not argue with the Board?

MS. MOORE: Sorry.

ATTORNEY PROKOP: Can I ask you a question?

MS. MOORE: Yes.

ATTORNEY PROKOP: You have put us through this now several times, this discussion about your non-conformity. Under the law, there is the five points that you are required to prove to obtain a variance.

Which of those points is this relevant to? Did you mean instead that the Building Inspector is not correct in her Notice of Disapproval and you want an interpretation; is that what you're saying?

MS. MOORE: What I said from day one on my application was that we disagreed, that we do not need a variance, that the building was a pre-existing four-family and it should be recognized as a four-family, that the -- we have provided floor plans and

1
2 it's clear from the floor plans, the
3 second floor has no inter -- the
4 apartment is --

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

7 MS. MOORE: -- elevated --

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

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

1
2 it should be, the Building Inspector's
3 determination should be overturned.

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

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

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

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units.

MS. MOORE: Right.

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

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

CHAIRMAN MOORE: And we're dealing with that.

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

CHAIRMAN MOORE: That is part of the testimony.

MS. MOORE: Right.

CHAIRMAN MOORE: Okay.

If we could, if there is no

1
2 substantial documents that are new
3 information and not dialogue back and
4 forth about it, we would like to move
5 on; and if there is additional
6 testimony from the gentleman standing
7 in the back. He's a longtime Greenport
8 resident, so maybe he'll shed some
9 light on the subject.

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

12 This property changed hands when?

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

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

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

19 MR. CORWIN: Wait a minute.

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

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

24 MR. SWISKEY: I understand that.

25 There was a deed and there was

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

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

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

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

12 MR. SWISKEY: I mean --

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

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

18 CHAIRMAN MOORE: Mr. Swiskey --

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

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

25 MS. WINGATE: Do you have the

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property card?

Oh, I have the property card.

CHAIRMAN MOORE: I have the property card.

I don't know how much they describe --

MS. WINGATE: It just describes the property. The Town of Southold does not keep track of our one- and two-family residences.

CHAIRMAN McMAHON: It just describes the dimensions and the calculations, but --

MR. SWISKEY: Usually when property changes hands, I understand a new CO is usually issued especially if there is a bank or will involved or something and it had to say something.

CHAIRMAN MOORE: A pre-CO was issued.

MR. SWISKEY: What's the difference between a pre-CO and a CO; I don't understand that?

CHAIRMAN MOORE: It's my

1
2 understanding unless Mr. Prokop --

3 ATTORNEY PROKOP: A pre-Co is
4 given out for pre-existing structures,
5 structures that pre-exist the zoning
6 code.

7 MR. SWISKEY: So if I'm to --
8 exactly what did Mr. Lassard put; he
9 put pre-CO two-family; am I right?

10 ATTORNEY PROKOP: Yes.

11 MR. SWISKEY: And I think there is
12 a limit on how long you got to
13 basically protest what the Building
14 Inspector said, right?

15 ATTORNEY PROKOP: There is a
16 30-day statute of limitations. When a
17 CO is issued, if it's believed to be
18 incorrect, I think that there is a
19 30-day statute of limitations to appeal
20 it to the ZBA.

21 MR. SWISKEY: If it's not
22 appealed, than it's law basically.

23 ATTORNEY PROKOP: It's not law,
24 but it's in place.

25 MR. SWISKEY: It can't be

1
2 challenged, basically.

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

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

7 Thank you.

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

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

1
2 years that said the same thing, or
3 similar things; and the only response
4 that you have to that is that we didn't
5 get it, we think there wasn't an
6 inspection.

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

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

18 MS. MOORE: Yeah.

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

24 DR. LIAKEAS: Correct.

25 Just because I probably won't come

1
2 back to the meetings and these are my
3 neighbors and I want them to
4 understand.

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

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

14 DR. LIAKEAS: Right.

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

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

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

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

25 DR. LIAKEAS: No, I think --

1
2 MR. SALADINO: -- the documents
3 that I have are, the testimony that
4 you're neighbors gave --

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

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

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

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

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

1
2 What does the law say? How do I not
3 have to do construction to undo what I
4 inherited? If that is 1971, I have,
5 including my mother who I didn't call
6 to testify, people as far back as the
7 mid-'70s who easily can contest nothing
8 has been done to the house, we have
9 testimony from 1969. In other words, I
10 don't know what the roll or the law is
11 for the grandfather clause, but I want
12 to make it clear than any discussion
13 that makes it seem that I am trying to
14 squeeze by an apartment that I
15 renovated to make Mr. Lassard's
16 two-family house into a
17 multiple-dwelling home is not accurate.

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

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

1
2 an expert, not a local architect, Ms.
3 Arimborgo who is my neighbor and goes
4 as far back as I do and more, and after
5 that I think any discussion about --
6 Mr. Lassard's is not here the defend
7 himself -- is upsetting to me because I
8 don't know what his intention was, all
9 I know is what I can prove.

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

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

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

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

1
2 since then; and I just want to make
3 that clear. I'm sure he was a lovely
4 guy, but I guarantee --

5 ATTORNEY PROKOP: Excuse me.

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

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

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

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

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

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

1
2 DR. LIAKEAS: Lastly for the
3 record, I want to make it clear that
4 this house was inspected by Section 8
5 for 15 years, and they were very well
6 aware that there were multiple
7 dwellings in the house; and the first
8 time it came to the surface was last
9 year; so just so we're clear, I was
10 never trying to hide multiple
11 dwellings.

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

14 CHAIRMAN MOORE: Very good. Thank
15 you.

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

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

1
2 lacking from the record.

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

10 MS. McENTEE: Mr. Moore.

11 CHAIRMAN MOORE: Yes.

12 MS. McENTEE: Can I say one small
13 thing?

14 CHAIRMAN MOORE: If you are a
15 member of the public, and would like to
16 speak, you're welcome to come up.

17 MS. McENTEE: Joann McEntee, 242
18 Fifth Avenue, Greenport.

19 Actually, I'm just looking at the
20 Southold Town Code and there is an M-2
21 code and could it be a reference that
22 at that time, we were working closely
23 with the Southold Town Code.

24 It is something worthwhile to look
25 into because if we see that there is a

1
2 conflict with the M-2 here verses our
3 R-2, let's look into.

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

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

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

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

13 CHAIRMAN MOORE: May I have a
14 second?

15 MS. GORDON: Second.

16 CHAIRMAN MOORE: All in favor?

17 MR. SALADINO: Aye.

18 MS. NEFF: Aye.

19 MR. CORWIN: Aye.

20 MS. GORDON: Aye.

21 CHAIRMAN MOORE: Any opposed?

22 (No response.)

23 Motion carries.

24 We can move to the next step.

25 If there is anymore documentation

1
2 that you would like to provide, the
3 focus is from your ownership to
4 whatever existed in 1971; and that's
5 the crux of the discussion.

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

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

10 MS. MOORE: Thank you.

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

13 MS. WINGATE: Sorry.

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

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

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

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

1
2 construct an addition to the existing
3 non-conforming dwelling which is a
4 porch.

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

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

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

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

1
2 existing building is already 32.67
3 percent which the proposed porch being
4 an increase of 1.6 percent of 64-square
5 feet.

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

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

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

24 MR. FOOTE: Yes.

25 CHAIRMAN MOORE: And I'm not sure

1
2 we have -- we do have one letter. I'll
3 read that quickly and then Mr. Foote
4 can come up.

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

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

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

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

1
2 Specific to the porch, we
3 appreciate front porches, even those
4 that abut the sidewalk, our own
5 included are convention in this part of
6 Greenport. We greatly enjoy time spent
7 outdoors on ours, especially the
8 opportunity it gives us to regularly
9 socialize with our neighbors, something
10 we really value about living in a small
11 village.

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

14 Mr. Foote.

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

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

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

1
2 honestly didn't know we were supposed
3 to do it, but it will be done; and
4 again my apologies because I know it
5 created some confusion in terms of
6 where the porch is being built.

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

1
2 point that out and answer any questions
3 you may have concerning it.

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

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

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

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

25 The truth is, we can't really tell

1
2 from the photograph. It's possible it
3 didn't go out a full six feet. I just,
4 I can't tell. If I have -- my
5 preference is, I mean we're certainly
6 going to fit the style of the porch,
7 you know, to match all the molding and
8 height and slope of the roof, style of
9 roof. We're just trying to make it
10 also functional at the same time. We
11 feel 6 feet is a reasonable depth to
12 have.

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

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

25 At some point it just really

1
2 becomes, then it just becomes
3 ornamental and you can't make it
4 functional.

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

7 MR. FOOTE: Yes.

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

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

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

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

1
2 MR. CORWIN: You're going to come
3 back -- well, you're not going to come
4 back to the ZBA because I don't think
5 you're gonna need a variance for that.

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

12 MS. WINGATE: Three.

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

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

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

19 MR. FOOTE: Yes.

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

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

1
2 least one and hopefully both of the
3 units. That is my objective.

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

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

14 MR. FOOTE: No.

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

20 CHAIRMAN MOORE: I think as visual
21 reference, the bluestone that's there
22 currently has probably been there for a
23 long time is about 15 inches by 18.
24 You indicated the porch might sit on
25 part of the bluestone.

1
2 MR. FOOTE: Correct.

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

6 Thank you.

7 MR. FOOTE: Thank you very much.

8 CHAIRMAN MOORE: Members of the
9 public who wish to comment on Mr.
10 Foote's porch proposal.

11 MS. POLLACK: Karen Pollack, 630
12 First Street.

13 I strongly object to this
14 application. Our Village code requires
15 ZBA to gradually reduce non-conformity,
16 not add to it.

17 This house is already
18 non-conforming and the application --
19 and, in fact, the applicant's most
20 recent request is to practically build
21 this porch right out to the sidewalk;
22 and I just think that's not appropriate
23 and unfair to everyone else who would
24 like to expand their house out to the
25 sidewalk.

1
2 I live on First Street, I could
3 use a bigger house; can I have a
4 variance too to build within 6 inches
5 of the sidewalk? I don't think so.

6 That's my feeling about this.
7 Thank you.

8 CHAIRMAN MOORE: Thank you.

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

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

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

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

1
2 didn't that come about this house, if I
3 remember?

4 CHAIRMAN MOORE: This gentleman?

5 MR. SWISKEY: Yes.

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

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

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

12 I thought I saw someplace --

13 All right.

14 Thank you.

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

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

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

1
2 Government has indicated it's pending
3 approval. I don't know if it's quite
4 official yet, but I received pending
5 approval, it's being treated for
6 landmark status.

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

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

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

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

1
2 not sure how it would effect my
3 application for historic tax credit.

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

8 MR. CORWIN: Speak to the --

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

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

1
2 payment. So far based upon looking at
3 the rental rates, I think there is a
4 good shot that it will work, and I
5 would like the rent it on that basis,
6 but I don't want to commit to having to
7 do that at this moment.

8 CHAIRMAN MOORE: Thank you.

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

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

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

20 Thank you.

21 CHAIRMAN MOORE: Okay.

22 Any other members of the public?

23 (No response.)

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

1 MS. NEFF: Second.

2 CHAIRMAN MOORE: All in favor?

3 MS. NEFF: Aye.

4 MR. CORWIN: Aye.

5 MS. GORDON: Aye.

6 MR. SALADINO: Aye.

7 CHAIRMAN MOORE: Opposed?

8 (No response.)

9 The hearing is closed.

10 Thank you.

11 The next item, Item Number Four.

12 Public hearing regarding area

13 variances sought by Bryan Nicholson, a

14 lot east of 217 Monsell Place, Suffolk

15 County Tax Map 1001-2-2-29.

16 The property is located in the R-1

17 District.

18 The applicant seeks an area

19 variance to obtain a Building Permit to

20 construct a new single family dwelling

21 with a footprint approximately

22 979-square feet including a covered

23 entry porch.

24 Section 150-13E, existing small

25 Flynn Stenography & Transcription Service

(631) 727-1107

1
2 lots. A lot owned individually and
3 separately and separated in ownership
4 from any adjoining tracts of land,
5 which has a total lot area or lot width
6 less than prescribed in this chapter
7 may be used for a one-family residence,
8 provided that such lot shall be
9 developed in conformity with all
10 applicable district regulations.

11 The total dimensions of both side
12 yards for a principal building shall be
13 computed on the basis of four-tenths of
14 the lot width; however, no side yard
15 dimension shall be less than
16 four-tenths of the total dimensions of
17 both side yards computed as aforesaid,
18 and no side yard dimension shall be
19 less than ten feet.

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

23 A site visit was attended today at
24 5:00 p.m.

25 I don't know if we have the

1
2 property cards available. The Building
3 Inspector said no, but we will read
4 that on the record.

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

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

10 MR. NICHOLSON: Yes.

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

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

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

1
2 11-and-a-half feet on the other. If
3 the variance is granted and the parking
4 lot is developed, it would be a minimum
5 of 15 feet on one side, parking lot
6 side and 16-and-a-half feet on the
7 other side, making it more even and
8 consistent.

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

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

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

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

24 MR. NICHOLSON: Which notices?

25 CHAIRMAN MOORE: You indicate that

1
2 you made the proper public notices that
3 you did send certified, registered
4 letters.

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

8 ATTORNEY PROKOP: You were busy,
9 right?

10 MR. NICHOLSON: I was very busy.

11 ATTORNEY PROKOP: Congratulations.

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

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

16 MS. WINGATE: They were notified?

17 MR. NICHOLSON: Not by mail.

18 MS. WINGATE: Certified mail.

19 MR. NICHOLSON: Not by Certified
20 Mail.

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

23 MS. WINGATE: That doesn't --

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

1
2 ATTORNEY PROKOP: Well, I'm so
3 sorry to say this, you know, we don't
4 have a choice, if there was no mailing,
5 we don't have jurisdiction, we have to
6 put it over. Sorry.

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

9 MR. NICHOLSON: Yes.

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

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

15 MR. NICHOLSON: Okay.

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

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

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

1
2 because it gives the appearance of much
3 more variance needed than is really
4 needed in your case because it's a
5 small lot.

6 MR. NICHOLSON: Okay.

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

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

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

18 MR. NICHOLSON: Yes.

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

21 CHAIRMAN McMAHON: Keep the
22 placard out.

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

25 CHAIRMAN MOORE: Technically, the

1
2 hearing is not really open tonight, I
3 guess.

4 ATTORNEY PROKOP: No.

5 CHAIRMAN MOORE: So thank you.
6 We'll see you again.

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

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

16 AUDIENCE MEMBER: I'll come back.

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

19 Next item, moving on to Number 5.

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

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

1
2 The applicant requests several
3 area variances required to subdivide an
4 existing lot and construct a conforming
5 house. This subdivision will create
6 two new substandard lots requiring area
7 variance as follows:

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

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

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

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

1
2 feet requiring a variance of the 7.10
3 feet.

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

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

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

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

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we will hear everybody.

There are a couple of letters.

ATTORNEY PROKOP: I think we need to ask the stenographer if she needs a break because if we're going to go straight through this --

CHAIRMAN MOORE: It's going to be awhile.

ATTORNEY PROKOP: So she should probably get a break.

CHAIRMAN MOORE: Ten minutes for everybody, returning at 8:00 p.m.

Do I have a second?

MR. SALADINO: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Approved.

(Whereupon, a recess was taken at this time.)

CHAIRMAN MOORE: I think we're ready to go again.

1
2 I was reminded by a member of the
3 public that Board members should speak
4 closer to the microphone for those who
5 don't hear us. I advise the same if
6 anybody speaks from there even though
7 were not being broadcast tonight.

8 Can someone tell me where we are?

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

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

1
2 everybody's orientation, it is to the
3 west side of the street.

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

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

11 MS. RAE: I am his attorney.

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

14 MS. RAE: Yes.

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

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

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

1
2 rebuttal for comments that I realize
3 are coming. Mr. Olinkiewicz's
4 detractors are here in force tonight,
5 so I'm sure I will have comments in
6 response.

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

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

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

25 That driveway would be included in our

1
2 plans and extend along the south side
3 of the property from east to west, and
4 as someone pointed out, there's a
5 fairly wide alleyway there; so that is
6 also proposed.

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

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

1
2 CR 2 District are consistent with the
3 other architectural patterns.

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

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

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

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

1
2 that's consistent with New York State
3 Code. No more residents than there are
4 bedrooms allowable reside in these
5 buildings; and they all park offsite in
6 the parking spots that have been
7 allocated to them.

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

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

20 Thank you very much.

21 CHAIRMAN MOORE: Thank you.

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

1
2 speakers, and we can read it at some
3 time.

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

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

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

1 Fifth Avenue.

2
3 As background, please note that
4 four years ago, the homeowners and
5 neighbors of Fifth Avenue spent more
6 than half a year at ZBA hearings
7 voicing strong opposition to the
8 then-proposed subdivision of 221 Fifth
9 Avenue. The proposal was withdrawn at
10 the final hearing prior to any decision
11 by the ZBA.

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

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

1
2 days.

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

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

10 This has been noted by the Board
11 members.

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

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

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

1
2 There are three parking spaces
3 indicated for each of the proposed
4 subdivisions. This would barely be
5 sufficient for the current amount of
6 vehicles already on site. Can an
7 additional five or more vehicles fit on
8 this property? Please see illustration
9 of current and recent parking
10 situations.

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

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

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

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

1
2 Please listen to the voices of the
3 residents and neighbors of Fifth
4 Avenue, and do not further degrade the
5 quality of our Village and neighborhood
6 for the sole purpose of enriching a
7 developer.

8 Your neighbors, Jack Weiskott and
9 Roberta Garris.

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

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

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

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

1
2 as per the Village of Greenport's
3 Building Codes. It should be denied
4 due to the negative impact that both
5 will have on the community.

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

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

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

1
2 variances to the Zoning Codes.
3 Considerations for approval should not
4 include whether the person requesting
5 the variance is a native to the
6 Village, North Fork or not; whether it
7 would cause a financial hardship to the
8 developer; whether the developer/owner
9 felt they were offering a service such
10 as providing workforce housing; all of
11 which Mr. Olinkiewicz has used in the
12 past to seek approval for these
13 building projects. Please keep this in
14 mind when reviewing the information
15 that will be presented August 16th.

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

1
2 areas/properties that would be
3 considered to zoning to two-family
4 residences.

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

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

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

1
2 disproportional percentage of lot size
3 to house size.

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

10 Diane Peterson.

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

13 Okay.

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

18 How many people tonight on the
19 first project?

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

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

23 MS. ALLAN: Even less than that.

24 Chatty Allan, 311 Fifth Avenue.

25 I wholeheartedly suggest you deny

1
2 this right off the bat. These two
3 substandard lots, as Ms. Peterson said,
4 you know, you have a sewer system that
5 is extremely old, that constantly is
6 getting repairs on it, to add two more
7 multi-unit homes in that same vicinity,
8 and I live down the other way, but it
9 trickles down and it will effect me as
10 well.

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

15 Parking is another problem. If
16 you're adding even just four more
17 units, you're talking a minimum of four
18 more cars on a section of road that God
19 forbid our fire and emergency have to
20 get through; you're lucky you can get
21 through in a regular car. I have
22 learned to re-route myself just to go
23 home. The people that live right
24 around both these properties, they
25 don't have that option.

1
2 I strongly suggest both
3 applications get denied.

4 Thank you.

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

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

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

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

10 Thank you.

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

16 It says:

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

1 Sincerely, Robert E. White.

2 Should I give this to you?

3 CHAIRMAN MOORE: Yes.

4 MS. WHITE-CORWIN: Thank you.

5 (Handing).

6 CHAIRMAN MOORE: Also remind the
7 audience that if there is a document
8 that you would like to hand in, that
9 would be fine as well, for the record.

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

12 All the letters that are being
13 read tonight are, that are handed in
14 will be put into public record,
15 correct?

16 CHAIRMAN MOORE: Yes.

17 MS. McENTEE: Thank you.

18 I really was dissatisfied that 221
19 Fifth Avenue was not staked out as it
20 normally would have been. Last time
21 that we went through this, it was
22 staked out, so it kind of leaves it a
23 little bit open for us not to see what
24 it truly looks like. I believe that he
25

1
2 should have done that.

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

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

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

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

22 ATTORNEY PROKOP: Yes.

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

25 MS. WINGATE: Every one.

1
2 CHAIRMAN MOORE: Had the same
3 because that was part of a template and
4 says Wednesday six of five --

5 MS. WINGATE: It said six.

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

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

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

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

1
2 properties are changing than those lots
3 should conform to the current code
4 including all newly-created setbacks.

5 His proposal does not meet code.
6 Our Village Code 150.1 reads that the
7 Village goal is to generally eliminate
8 non-conforming uses. Our codes need to
9 be followed by the Village officials
10 and the Village Board members.

11 Street drainage and sewer lines:
12 It is my understanding that Fifth
13 Avenue has one of the oldest clay pipe
14 sewer drainage systems. We have had
15 more than our share of drainage and
16 repairs on this street in recent years.
17 Adding two homes consisting of three
18 families would add stress to these old
19 clay pipes. A full assessment of the
20 old drainage system on Fifth Avenue is
21 necessary before considering any
22 subdivision.

23 Please refer to our Code 118-7.
24 The Board shall consider the impact of
25 the subdivisions on public health,

1
2 safety, and welfare, the impact of the
3 neighbors, community and adjacent
4 properties, traffic, views, and other
5 environmental consideration, the
6 preservation of the esthetic assets of
7 the Village, and the impact on the
8 utilities and emergency and other
9 services that are provided by the
10 Village. Variances are more than
11 excessive.

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

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

1 the subdivision be denied tonight.

2 I also have attached to the papers
3 that I will be giving you a copy of the
4 2016 final assessment roll which you
5 can see at 221 Fifth Avenue,
6 Mr. Olinkiewicz is paying for a
7 one-family residence.
8

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

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

18 CHAIRMAN MOORE: Excuse me.

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

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

1
2 CHAIRMAN MOORE: It is to Planning
3 Board for their --

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

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

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

14 CHAIRMAN MOORE: How much time,
15 short?

16 MS. McENTEE: Short.

17 CHAIRMAN MOORE: Read fast.

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

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

1
2 don't want any additional single- or
3 multi-family units on this block. We
4 are the most saturated street in the
5 Village of Greenport with multi-family
6 units.

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

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

20 Sincerely, Carolyn Jagger-Tamin
21 (phonetic).

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

24 Thank you.

25 CHAIRMAN MOORE: How many more

1
2 people? I mentioned before, we will
3 not be closing the hearing tonight. In
4 fact, we did note the lack of the stake
5 outs of the empty lots and propose we
6 request that while the hearing is open,
7 the Zoning Board will return for a site
8 visit, if anybody is agreeable, to see
9 where the proposed houses would
10 actually be.

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

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

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

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

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

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

1
2 next month, I would ask that we return
3 and continue the discussion, but we
4 need to do some actual regular meeting
5 as well.

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

8 Would you like to speak?

9 Briefly, Please.

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

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

17 CHAIRMAN MOORE: What is your
18 address?

19 MS ZAENGLE: 222 Sixth Avenue.

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

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

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

1
2 I think having that many buildings
3 in that small of a space, besides being
4 too green and all the things mentioned,
5 I really worry about fire. I have
6 lived in other places where homes are
7 very close to one another. My home is,
8 the backyard is filled with
9 hundred-year-old pine trees that I am
10 sure one spark from a house fire would
11 set them on fire when houses are that
12 tightly put together.

13 That's my concern.

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

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

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

25 MS. WICKHAM: Garris.

1 My name or their name?

2 CHAIRMAN MOORE: Their names.

3 MS. WICKHAM: Garris, G-A-R-R-I-S
4 and Weiskott, W-E-I-S-K-O-T. You read
5 their letter at the beginning of the
6 hearing.
7

8 CHAIRMAN MOORE: The address?

9 MS. WICKHAM: The address is 229
10 Fifth Avenue, Greenport.

11 Very quickly, I'm not a detractor
12 and I don't believe the quality of
13 Mr. Olinkiewicz's work or the racial
14 characterization of his tenants is
15 relevant; but the number of cars and
16 the number of people and the impact on
17 this neighborhood is, and those are
18 factual.

19 This particular subdivision would
20 impinge greatly on the neighborhood
21 because of the very small size of lot
22 number one and the setbacks that are
23 proposed. The Zoning Board of Appeals
24 should not, in my opinion, grant a
25 substantial variance merely to enable a

1
2 subdivision that could not otherwise be
3 accomplished. This is a variance
4 merely to get a subdivision for
5 undersized lots, and it was purchased
6 as a merged parcel in its entirety with
7 knowledge of the merger, so it is not a
8 hardship situation this lot created.

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

1
2 and this must be addressed before any
3 action is taken by the Board.

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

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

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

1
2 space, so there is more intensity of
3 parking issues than would ordinarily
4 appear.

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

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

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

1
2 years ago were not a problem.

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

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

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

24 Thank you.

25 CHAIRMAN MOORE: I'd just like --

1
2 I'd just like one clarification from
3 the Building Inspector.

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

7 MS. WINGATE: Yes.

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

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

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

1
2 to allow the subdivision to go forward,
3 so I just wanted to clear that up.

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

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

9 CHAIRMAN MOORE: Yes.

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

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

25 MS. WICKHAM: That's exactly

1
2 right.

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

6 MS. WICKHAM: Yes.

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

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

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

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

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

25 On lot 1 again, the proposed

1
2 reduction in lot width down to 47 feet
3 is over 20 percent. That's big, that's
4 a big reduction.

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

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

20 Thank you.

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

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

1
2 on the block and indeed elsewhere in
3 Greenport. That's completely
4 immaterial. We're not supposed to be
5 creating more.

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

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

1
2 going on. They thought this was
3 resolved, done, a dead issue and here
4 it is again. I'd like to suggest that
5 you don't get two bites at the apple
6 for the same subdivision on the same
7 parcel and that if you apply for a
8 subdivision on a separate and distinct
9 parcel of land, that it does go to a
10 vote and is either granted or denied so
11 that the public does not have to live
12 in fear that their neighborhood is
13 going to destroyed in the future.

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

22 Thank you.

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

1
2 Would the public -- could we ask others
3 to hold their comments for the
4 continuation next month because the
5 hearing will be open, and we need to
6 hear the next project as well.

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

9 CHAIRMAN MOORE: Pardon?

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

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

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

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

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

1
2 you have to.

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

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

7 To just touch on what was said,
8 you don't get to something on the
9 agenda, than you have to postpone that,
10 but this shouldn't be broken off.
11 People came to speak, they have rights.
12 If this Board has to stay 'til
13 midnight, you took the job. I mean I
14 hear this from other boards all the
15 time, when --

16 AUDIENCE MEMBER: Let's move on.

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

19 Anyway --

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

1
2 would not be finished by midnight
3 tonight if we didn't meter out our
4 public input.

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

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

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

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

19 MR. SWISKEY: No.

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

25 ATTORNEY PROKOP: I think based on

1
2 what the chairman just said, she would
3 be requested to make her rebuttal at
4 the continued public comment.

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

10 I feel that we're doing a
11 disservice to other applicants by
12 continuing this. I'm not trying to say
13 that people are saying more than they
14 should or that too many people are
15 speaking, it's just we understand there
16 are a lot of people who wish to speak.
17 I'll allow anyone who can't be here
18 next month to speak tonight, but many
19 of you are local and will certainly
20 come, I know your dedication and I know
21 your interest, so I'm not stifling the
22 public comment, I'm trying to
23 accommodate an entire agenda which we
24 really don't have a choice of, you
25 know, not putting them on the agenda.

1
2 I think once we accept applications, we
3 have the responsibility to get moving
4 with them.

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

8 AUDIENCE MEMBER: Can you just
9 move on?

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

13 Anyway, getting to the application
14 itself.

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

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

22 MR. SWISKEY: All right.

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

1
2 makes no sense to me.

3 CHAIRMAN MOORE: Is that the right
4 term?

5 MR. SWISKEY: It's written here.

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

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

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

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

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

1
2 CHAIRMAN MOORE: It would meet the
3 setbacks.

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

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

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

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

15 CHAIRMAN MOORE: Which is?

16 MS. WINGATE: Which is --

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

19 MS. WINGATE: Which one are we --

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

25 MR. SWISKEY: If it requires

1
2 variances, it can't meet the code; so
3 it can't be conforming, you need
4 variances. I mean, maybe --

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

10 Wait a minute.

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

15 CHAIRMAN MOORE: It's not
16 conforming.

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

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

23 All right, if --

24 MS. WINGATE: The house is --

25 MR. SALADINO: Because the

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house --

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

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

MR. SWISKEY: I'm asking the questions, Mr. Saladino.

(Whereupon, several people spoke simultaneously.)

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

It's 30 feet in the front yard; isn't it?

MS. WINGATE: And it conforms.

MR. SWISKEY: This house is setback 30 feet?

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

MR. SWISKEY: And it conforms,

1
2 huh.

3 MS. WINGATE: So the house
4 conforms, the lot is shy.

5 MR. SWISKEY: The lot is shy, so,
6 I mean --

7 Anyway, get back to house 1.
8 You're gonna cut down a couple trees to
9 make the driveway which is right up
10 against Stuart's property basically, so
11 you're taking away green.

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

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

17 MR. SWISKEY: What?

18 MR. SALADINO: It's not against
19 Stuart's property.

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

23 MS. NEFF: Yes.

24 MR. SWISKEY: Who owns that
25 property on the north side?

1
2 South side, excuse me, south side.

3 MR. SALADINO: What lot are we
4 talking about?

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

9 MR. SALADINO: That's lot 2.

10 MR. SWISKEY: Yes, that would be
11 to the south.

12 All right, so all that green and
13 the tree is going then.

14 Now, in planning because I've read
15 some things you're supposed to do in
16 planning, it's like green, preserve,
17 everything else, not overcrowd the
18 neighborhood. Now, this is going to be
19 a new house, it's gonna be a
20 single-family house, right?

21 MS. WINGATE: Yes.

22 MR. SWISKEY: For the time being?

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

25 MR. SWISKEY: He can go and

1
2 request -- it's in a two-family zone,
3 he can go and request a two-family
4 house?

5 CHAIRMAN MOORE: That's a concern.

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

9 MS. WINGATE: 20-by-39.

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

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

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

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

25 It was a little bit insulting what

1
2 she said that we were going to attack
3 Mr. Olinkiewicz. This is not about
4 Mr. Olinkiewicz's quality of his, it's
5 about the quality of life of these
6 other people; and I think this Board
7 has to consider it because we have
8 nothing else.

9 Thank you.

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

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

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

17 MR. SALADINO: I did. I was.

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

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

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

1
2 CHAIRMAN MOORE: I've heard mixed
3 suggestions or comments about where we
4 should go from here. We may end up not
5 having a full public hearing tonight on
6 everything because we may run out of
7 time. Would it be the public's
8 interest to keep on keeping on and then
9 pick up with another hearing? I think
10 we're getting a feel of the public to
11 start. Should we move to the next
12 application or hear some more comments?
13 We simply won't get out of here tonight
14 without even getting the hearings
15 finished, I think.

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

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

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

1
2 God bless you all, you all have a
3 hard job, but what's right is right for
4 the whole community, the whole
5 neighborhood, not for one man. That's
6 what it's coming down to.

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

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

1
2 something that you're overbearing,
3 overtaxing the sewer system that's just
4 inadequate.

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

17 That's all I want to say.

18 Thank you very much.

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

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

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

1
2 of those individuals --

3 MS. GORDON: If there are no more
4 ready to speak, maybe that's --

5 CHAIRMAN MOORE: If there are no
6 more that would like to speak tonight,
7 we'll move on, and the hearing will be
8 open for letters, open for more public
9 testimony next month and hopefully the
10 other people; is that okay?

11 MR. SALADINO: My opinion is that
12 I agree with Mike. These people waited
13 a month for this hearing, some waited
14 longer than that because we put it off.
15 We kind of brought this on ourselves.
16 Mr. Pennessi is waiting, you know, he
17 wants his turn at bat. We kind of blew
18 him off last month.

19 It's 9 o'clock, I mean, we all
20 stay up later than 9 o'clock, I think
21 we should stick around.

22 CHAIRMAN MOORE: What I'm going to
23 suggest is that the second application,
24 I think will have a different set of
25 comments --

1
2 (Whereupon, several people spoke
3 simultaneously.)

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

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

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

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

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

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

20 So may I have a second?

21 MS. GORDON: Second.

22 MS. NEFF: Second.

23 CHAIRMAN MOORE: All in favor?

24 MS. NEFF: Aye.

25 MR. CORWIN: Aye.

1
2 MS. GORDON: Aye.

3 CHAIRMAN MOORE: Any opposed,
4 abstained?

5 You're free to say nay.

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

8 CHAIRMAN MOORE: Okay.

9 The hearing is adjourned.

10 Opened again next month, take
11 notice and come back.

12 Number 6, this is a public hearing
13 regarding area variances sought by
14 James Olinkiewicz, 238 Fifth Ave
15 Greenport Incorporated, 238 Fifth
16 Avenue, Suffolk County Tax Map number
17 1001-4-8-3.

18 This Property is not located
19 within the Historic District.

20 The applicant requests several
21 area variances required to subdivide an
22 existing lot and construct a
23 non-conforming house.

24 This time not a conforming house.

25 This subdivision will create two

1
2 new substandard lots requiring area
3 variance as follows:

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

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

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

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

25 Lot 2: The proposed subdivision

1
2 creates lot 2 which is 4,026-square
3 feet where section 150-12 A of the
4 Village of Greenport code requires a
5 minimum lot size of 7,500-square feet
6 requiring an area variance of
7 3,474-square feet.

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

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

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

1
2 variance.

3 The proposed one-story-frame house
4 is 800-square feet with 695.5-square
5 feet of livable space where Section
6 150A of the Village of Greenport Code
7 requires a one-family dwelling located
8 in the R-2 District to have
9 1,000-square feet of livable floor
10 area. This will require an area
11 variance of 304.5-square feet.

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

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

24 MS. RAE: Yes, it is.

25 CHAIRMAN MOORE: Okay. I thought

1
2 I remember a change.

3 MS. RAE: Right, we are seeking
4 two variances for that, correct.

5 MS. GORDON: Mr. Chairman, can we
6 simply adjourn this hearing also and
7 hope and expect that the neighbors will
8 come next time to comment. They will
9 probably be commenting on the first
10 hearing and --

11 CHAIRMAN MOORE: I'd like to leave
12 it up to the Board to decide whether we
13 wanted to stop now or continue to
14 comments.

15 MS. McENTEE: I think that's very
16 unfair. Mr. Moore, you have missed
17 several, several meetings. This has
18 been delayed and due to you being out
19 last month, this really causes a
20 problem for us.

21 CHAIRMAN MOORE: Excuse me.

22 MS. McENTEE: We would like to
23 move forward.

24 CHAIRMAN MOORE: This was accepted
25 last month, and we're hearing it

1
2 tonight.

3 MS. McENTEE: That's correct, and
4 you want to leave.

5 CHAIRMAN MOORE: I am asking if
6 there is an interest in holding off or
7 whether the public would like to make
8 comments tonight.

9 I assume they would, so why don't
10 we hear some public comment.

11 MS. McENTEE: Yes.

12 CHAIRMAN MOORE: I'm not objecting
13 to that. That was a suggestion from a
14 member of the Board.

15 Is that agreeable with the rest of
16 you?

17 MS. GORDON: My feeling was, my
18 thought was people would be coming
19 anyway for the previous hearing, and
20 they would be ready --

21 CHAIRMAN MOORE: I understand.

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

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

1
2 So I would like to hear some
3 comments. Obviously the representative
4 might want to make a few brief
5 comments. It's pretty clear there are
6 a large number of variances on this
7 proposal.

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

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

1
2 that is in complete disrepair at this
3 point, and to replace that --

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

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

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

11 MS. RAE: It is.

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

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

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

20 MS. RAE: Very well.

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

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

1
2 permitted, to be renovated and used as
3 an apartment.

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

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

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

1
2 is to simply make better use of the
3 property that currently exists and then
4 what existed as of the date that he
5 bought it because what you see there
6 now, in terms of the outbuildings is
7 what he purchased.

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

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

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

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

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

24 Ladies.

25 -- to do his due diligence and

1
2 have (inaudible) knowing that this has
3 gone on -- gentleman, for how many
4 years; ladies, how many years for this?

5 You know, what my father, God rest
6 his sole, the old man used to tell me
7 put lipstick on a pig, it's still a
8 pig. He used to call it like it is.
9 I'm born and raised here in Greenport,
10 I'll call a spade a spade, that's how
11 it is.

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

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

25 That's all I'm gonna say.

1
2 Thank you.

3 MR. HOLLID: Joe Hollid, 415 South
4 Street.

5 MR. CORWIN: Can you spell the
6 last name?

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

8 I live adjacent to the property in
9 question, 238, and I believe everyone
10 in this room and probably the Village
11 would say enough is enough. The amount
12 of properties that are getting, and all
13 land getting used up is just getting
14 crazy.

15 The amount of variances that this
16 guy wants, Mr. Olinkiewicz, is just
17 beyond my imagination. We're not
18 talking .5 or half-a-foot or more, we
19 talking about feet. The is really
20 downgrading our roads. Right behind
21 me, even on South Street, all that
22 traffic goes down there on Fifth Street
23 and they -- especially the trucks,
24 there's a lot of traffic going up and
25 down, maybe not so much during the day,

1
2 but in the evening, you can't get by
3 there without having another car coming
4 to you, and you have the wait for them
5 to go around you.

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

12 Thank you.

13 CHAIRMAN MOORE: Thank you.

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

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

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

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

1
2 they said the left-hand side of the
3 house is 8 feet, the right-of-way they
4 said they're gonna cut it off and it
5 would be a 12-foot driveway, it's a
6 right-of-way. A right-of-way is
7 supposed to be 15 feet, that's for fire
8 department access.

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

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

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

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

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

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

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

1
2 I mean, that's a lot of variances. I
3 mean that's isn't even reasonable.

4 Thank you.

5 MR. SALADINO: I'm curious.

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

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

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

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

15 I'll look into that.

16 MR. SALADINO: That would be --

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

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

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

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

1
2 square feet, right?

3 MR. SALADINO: Yes.

4 MR. SWISKEY: How can an
5 eight-hundred-some-square foot house on
6 the last parcel than be conforming; it
7 can't, can it?

8 MS. WINGATE: Because they're
9 asking for a variance.

10 MR. SALADINO: He's asking for a
11 variance.

12 MR. SWISKEY: No, not on that one,
13 on the previous one.

14 CHAIRMAN MOORE: It's a two-story
15 house, the footprint was --

16 (Whereupon, several people spoke
17 simultaneously.)

18 MR. SWISKEY: Oh, so we're taking
19 the second floor, but not --

20 CHAIRMAN MOORE: Livable floor
21 space.

22 MR. SWISKEY: All right. That's
23 all right, so that I understand because
24 a lot of jurisdictions including the
25 people in the tax take the footprint

1
2 and that's how they consider it, but as
3 long as you're saying it's livable
4 space, all right.

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

13 CHAIRMAN MOORE: There is a
14 process.

15 MS. ALLAN: Chatty Allan, Fifth
16 Avenue.

17 I'm just gonna basically reiterate
18 what I said about the first one.

19 This one has even more variances,
20 it goes back to the same thing, you're
21 bringing down the quality of our life
22 on Fifth Avenue. To me you're making
23 it even more dangerous than it already
24 is, putting a burden on everybody that
25 has lived there; and I truly don't get

1
2 why this application -- I know you have
3 to have your public hearing, like the
4 first one. This application needs to
5 be denied.

6 I've only lived on Fifth Avenue
7 for a couple of years, these people
8 have been dealing with this for I don't
9 know how long. Month after month, year
10 after year, they have the come back and
11 forth to the same concerns, quality of
12 life, they brought up, and I did as
13 well about a sewer system that's
14 already taxed. You are making so much
15 more in an already congested area.

16 And I'm sorry there are a lot of
17 homes in Greenport that are abandoned
18 that can be renovated, that can be
19 rented out. There are empty lots that
20 he could build on, one of them is where
21 the old Manson (phonetic) house stood.
22 It was a rooming house, that has been
23 vacant since it burned back in the
24 early '90s. There's other places he
25 can build.

1
2 Please take into consideration the
3 people that have to live with this
4 decision, and make the right one for
5 those of us that have to live with
6 this.

7 Thank you.

8 MS. McENTEE: Joann McEntee, 242
9 Fifth Avenue.

10 The letters that were written for
11 221 Fifth Avenue, would they be brought
12 into the public record for 238 Fifth
13 Avenue?

14 CHAIRMAN MOORE: That's a good
15 question.

16 I want to see if they address --

17 MS. McENTEE: They did.

18 CHAIRMAN MOORE: They have been
19 read and they're part of the record, so
20 they --

21 MS. McENTEE: They're part of the
22 record in the first hearing, so they
23 need to go into this hearing.

24 CHAIRMAN MOORE: Surely.

25 MS. McENTEE: Okay.

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Thank you.

ATTORNEY PROKOP: They don't automatically go in unless the occupant --

MS. McENTEE: So do they have to be read?

CHAIRMAN MOORE: No.

MS. McENTEE: So if I hand them in to you, that'll be fine?

CHAIRMAN MOORE: Yeah.

ATTORNEY PROKOP: It sounded like you're directing the Board. With all do respect, the Board should make a decision that they be included.

I was going to mention that at the end. Thank you for bringing that up.

It's my recommendation to the Board that there would be a cumulative impact for the two applications, any written documents be included in both records.

Thank you for bringing that up.

MS. McENTEE: I do have extra copies for this file.

1
2 Again, we talked about that the
3 property was not staked out.

4 Ian Wile did have a letter that
5 was attached to the ZBA, does this get
6 read into public record or is that
7 already public record and not read to
8 the community?

9 CHAIRMAN MOORE: I don't know that
10 we have a letter.

11 MS. McENTEE: For the ZBA, it's
12 attached to all the ZBA papers that I
13 have.

14 MS. WINGATE: It was the past
15 application.

16 MS. McENTEE: When I received the
17 ZBA packet from the Building Department
18 --

19 MR. SALADINO: Is it part of the
20 new application?

21 CHAIRMAN MOORE: He lives next to
22 238, so he would be the biggest person
23 --

24 I'm not aware we have a letter
25 from Mr. Wile.

1
2 MS. McENTEE: Okay. Here
3 (handing).

4 MS. RAE: Mr. Chairman, may I
5 request copies of all these letters?

6 CHAIRMAN MOORE: Yes.

7 MS. RAE: Thank you.

8 CHAIRMAN MOORE: They will be
9 available with the file, so you can
10 work with the Building Department.

11 MS. RAE: Thank you.

12 CHAIRMAN MOORE: Are you aware of
13 a letter from --

14 MS. WINGATE: I am not in receipt
15 of a letter on this application from
16 Ian Wile.

17 ATTORNEY PROKOP: Can I make a
18 recommendation?

19 MS. McENTEE: Are you saying that
20 possibly this letter might be attached
21 to the Planning Board letter, Planning
22 Board minutes?

23 MS. WINGATE: I have not seen a
24 letter from Ian Wile on this
25 application, Planning Board, Zoning

1
2 Board, or other. There was a letter
3 from Ian in the previous application.

4 MS. McENTEE: Okay.

5 While we look for the Planning
6 Board letter from Ian Wile, if it is in
7 there, I do apologize, I thought --

8 ATTORNEY PROKOP: The public
9 hearing is going be adjourned --

10 CHAIRMAN MOORE: Why don't you
11 suggest that your neighbor send it
12 again --

13 MS. McENTEE: Actually, I do have
14 it --

15 CHAIRMAN MOORE: He doesn't have
16 to be here tonight.

17 MS. McENTEE: It's not an issue.

18 So again, the property at this --
19 this property 238 was noticed Wednesday
20 at 6:00 p.m. even though it stated
21 Tuesday at August 16, 2016.

22 Mr. Olinkiewicz is creating his
23 own problems. These lots are now, will
24 now be substandard and non-conforming.
25 The dynamics of the properties are

1
2 changing on both lots to conform to the
3 current codes, including all
4 newly-created setbacks. His proposal
5 does not meet the code, it should be
6 denied by the Zoning Board today.

7 Our Village Code 150.1 reads that
8 the Village Code is to gradually
9 eliminate non-conforming uses. Our
10 codes need to be followed by our
11 Village officials and Village Board.

12 The street drainage and the sewer
13 lines, it is my understanding that
14 Fifth Avenue has one of the oldest clay
15 pipe sewer drainage systems. This has
16 had more than it's share of drainage
17 and repairs on this street in recent
18 years.

19 Adding two homes consisting of
20 three families, which I'm told, is now
21 two-families, consisting of
22 three-families or now two, would add
23 more stress to our old clay pipes. An
24 assessment of the old drainage system
25 on Fifth Avenue is necessary before

1
2 considering any subdivision.

3 The storm-water drainage. All
4 storm-water drainage will run off to
5 all lots surrounding this
6 newly-proposed lot number 2 as this
7 land is almost landlocked, or this
8 property is almost landlocked.

9 The porch removal and the kitchen.
10 I noticed that the Board did not go in
11 to really take a look at what was being
12 removed from the kitchen. I felt it
13 was necessary and possibly when you do
14 go to the next site visit, that you do
15 see what is being removed in the
16 kitchen as you will notice that the
17 foundation will need to be rebuilt to
18 support the new portion of the kitchen.

19 So I would read what I have here.

20 When the porch is removed
21 approximately one-third of the kitchen
22 will need to be removed for the
23 right-of-way which is not stated on the
24 subdivision proposal, thus changing an
25 interior layout of the home in lot 1

1
2 and requiring a demolition and
3 alteration permit as a foundation would
4 need to be installed to support the end
5 wall of the partial removal of the
6 kitchen.

7 If the portion of the kitchen is
8 not removed, there is 8 foot of
9 right-of-way.

10 The renters will continue to drive
11 into the corner of the house and the
12 fence. How would a fire truck get to
13 the home at lot number 2 behind lot
14 number 1?

15 Right-of-way. This creates, in my
16 opinion, creates a corner lot of 238
17 Fifth Avenue which then creates a
18 change to 242 Fifth Avenue in which I
19 live.

20 The property which is created by
21 Mr. Olinkiewicz is created, again,
22 we're trying to get away from this
23 creation. He's creating his own
24 problems. This would now restricts 242
25 Fifth Avenue from improvements which

1
2 may not have required variances.

3 Our law is to protect the adjacent
4 properties not create hardships to
5 other properties.

6 Please refer to our Code 118-1:
7 The Board shall consider the impact of
8 the subdivisions on public health,
9 safety and welfare, the impact on the
10 neighbors, community and adjacent
11 properties, traffic, views, and other
12 environmental considerations, the
13 preservations of the esthetic assets of
14 the Village and impact on utilities and
15 emergency and other services that are
16 provided by the Village.

17 The right-of-way needs to be
18 reported and filed with the Suffolk
19 County Clerk's Office along with both
20 deeds and then forwarded to the Village
21 of Greenport's Clerk.

22 Generally when a subdivision is
23 created, the road plan is approved
24 prior to the subdivision construction.

25 Why is this is reverse? This is my

1
2 question. Why?

3 The right-of-way square footage
4 cannot be included in either percentage
5 of the lot coverage; therefore, the lot
6 coverage percentage had increased
7 greatly, the lot size has decreased
8 significantly and has been stated
9 incorrectly in this subdivision
10 proposal.

11 Variances are more than excessive,
12 our code states 1,000-square feet
13 living space for a home, not 695-square
14 feet. The area variance on both lots
15 are excessive.

16 Currently the existing home is
17 supposed to be a two-family rental. It
18 is my understanding that there are at
19 least three families living there. I
20 have witnessed between 12 to 17 people
21 living at this home in one single time,
22 several come and go.

23 Our neighbors that you see here
24 tonight do not come and go, but on
25 Mr. Olinkiewicz's properties,

1
2 specifically speaking of this, they
3 come and go. We don't know our
4 neighbors, but I certainly know my
5 neighbors here.

6 I strongly agree, I strongly
7 disagree --

8 I put agree when I hand this to
9 you.

10 -- disagree with the answers on
11 the short environmental assessment
12 forms as follows: Number 6 should be
13 no, it will change the natural
14 landscape.

15 8A, yes, it will increase traffic
16 level.

17 So this is obviously incorrect.

18 Number 17, storm-water drainage
19 discharge is created.

20 17A, water will flow to adjacent
21 properties.

22 17B, water discharge system will
23 need drywells.

24 Tom spurge, who owns a lot at 216
25 North Street proposed putting in a

1
2 two-family home in an R-2 Zone; village
3 attorney Joe Prokop stated at the
4 3/12/15 Planning Board meeting that a
5 two-family was not allowed under code,
6 so why would Mr. Olinkiewicz be allowed
7 to have a two-family on a sub-standard
8 lot or even a one-family on a
9 sub-standard lot?

10 Please refer back to the 8/17/2015
11 minutes for Mr. Olinkiewicz's
12 subdivision proposal at 412 Third
13 Street, Mr. Olinkiewicz states that he
14 is leaving the one-family a one-family,
15 but later it is mentioned by Chairman
16 McMahon pertaining to the schedule that
17 he is allowed to put a two-family
18 dwelling on both properties. Now it's
19 no longer three families, it four; so
20 he may have the opportunity to do that
21 on this lot.

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

1
2 ask that the subdivision be denied
3 tonight.

4 I do have a few other comments.

5 Make no mistake, I understand that
6 possibly there might be, if this is
7 denied, that there might be some
8 re-purposing of the garage apartment,
9 let's call it a non-conforming-use
10 building because that's what it truly
11 is. If that -- and I don't believe
12 that that should follow through either
13 because that should be denied.

14 And the driveway for the rear lot,
15 if you look at your plans, the driveway
16 for the rear lot is extremely close to
17 Mr. Holoid's lot. You can't back up
18 and do -- back up, you're gonna hit the
19 fence. There is no way with the way
20 that the property goes and slightly
21 this way (indicating) where you're
22 gonna get that parking space closest to
23 the fence to get out of there properly.
24 There -- currently, there are three
25 cars that will stay in the driveway as

1
2 a rule of thumb, the rest will stay out
3 in the road, and they all have
4 difficulty coming out of that driveway.
5 Currently two park in the back, one
6 parks in front of the non-conforming.

7 Thank you.

8 CHAIRMAN MOORE: Anybody else who
9 would like to speak tonight?

10 MS. WHITE-CORWIN: Marilyn
11 White-Corwin. I own a home on Fifth
12 Avenue, Greenport.

13 I am not an expert on any of this,
14 setbacks and lot things and all that
15 stuff; there is one thing I am an
16 expert on because I was one once, is
17 being a kid; and I just kind of feel
18 bad for Mr. Olinkiewicz and his
19 representation here because they don't
20 understand that an empty piece of
21 property is okay. That's where the
22 kids that live in the front house go
23 and play, so, you know, I don't
24 understand why it's, oh my God, there's
25 an empty piece of property, let's build

1
2 on it. You know, I do understand that
3 there is a need for housing, but again,
4 I'm going the say again, it does not
5 have to be in one-square mile of
6 Greenport Village; it can be in East
7 Marion or in Southold; Shelter Island
8 would be a nice place. That's all I'm
9 saying.

10 I also have the same letter from
11 my dad, so I don't have to read it
12 again, I'll just give it to you.

13 CHAIRMAN MOORE: Sure.

14 MS. WHITE-CORWIN: Okay. Thank
15 you. (Handing).

16 CHAIRMAN MOORE: Is there anybody
17 else that wants to speak tonight on the
18 same project? Could it wait 'til next
19 month and speak some more?

20 MS. McENTEE: This Ian Wile
21 letter, would you like that?

22 CHAIRMAN MOORE: You can send it.
23 It's sort of third party, but it hasn't
24 been seen.

25 MS. McENTEE: Yes, it has. This

1
2 was attached to the Planning Board.

3 CHAIRMAN MOORE: Okay, well
4 it's --

5 MS. McENTEE: Yes, but it should
6 have been forwarded to you.

7 CHAIRMAN MOORE: It would have
8 been nice.

9 MS. ALLAN: I just have one
10 real-quick question because Marilyn
11 just bought up about yards.

12 Is there -- when you build, is
13 there supposed to be a certain amount
14 of a yard?

15 CHAIRMAN MOORE: There are
16 requirements for front, side, and
17 rear-yard setbacks.

18 MS. ALLAN: My apartment complex,
19 I don't know how they got away with it,
20 I have no yard whatsoever, and our
21 porch is almost on two sidewalks. I
22 don't know this building ever got what
23 it got.

24 The 238, the one we're talking
25 about, do they need a variance for a

1 yard as well because the way it's
2 sounding, there's like, no yard with
3 the two buildings?
4

5 CHAIRMAN MOORE: Oh, yes. They
6 need, I believe the back part is five
7 variances which include --

8 MS. ALLAN: I got confused when I
9 started --

10 CHAIRMAN MOORE: Square footage,
11 front yard, rear yard --

12 MS. ALLAN: So basically you were
13 going to have at least three units that
14 more than likely will have children in
15 them with cars, and see that's what
16 scares me; you have children in these
17 apartments and you now have cars
18 pulling in between the two buildings.
19 That should also be taken in, that's a
20 danger hazard right there. I have no
21 backyard, and I literally crawl in one
22 side to come around to back in so I'm
23 not backing out into the road, and it's
24 scares me every time because there's
25 children that live in my apartment

1
2 building.

3 That should be a major reason to
4 deny this application.

5 Thank you.

6 CHAIRMAN MOORE: Have we gotten to
7 the point where can adjourn the hearing
8 until next month?

9 If so, I will make a motion we --

10 MR. SALADINO: If there is no one
11 else, and the neighbors would know
12 better than we do if in their mind,
13 there is no one else that might have to
14 add something different than they have
15 to add.

16 CHAIRMAN MOORE: I would like to
17 see the lot staked out.

18 I'm just going to make a motion to
19 leave it up to Board that we adjourn
20 the hearing, leaving it open until next
21 month for further discussion and in the
22 meantime, we will see the marked out
23 house footprint as well as hopefully
24 the parking areas, and we will do
25 another site visit in between, so I'm

1
2 making that motion and ask for a
3 second.

4 MR. CORWIN: Second.

5 CHAIRMAN MOORE: Discussion?

6 MS. GORDON: Is the understanding
7 that we need to leave it open for
8 another site visit because I think the
9 general feeling is that for this one at
10 least, not for the other one, for this
11 one we might be able to actually close
12 the hearing, so we can have a
13 discussion.

14 CHAIRMAN MOORE: I understand what
15 you're saying, but there is indication
16 that the combination of these projects
17 may have an additive impact, and I'd
18 like to deal with them at the same
19 time; so I would make that motion and
20 ask for a second, which we have.

21 All in favor?

22 MR. CORWIN: Aye.

23 MS. GORDON: Aye.

24 CHAIRMAN MOORE: Any opposed?

25 MS. NEFF: Opposed.

1
2 MR. SALADINO: I'm gonna vote nay.

3 CHAIRMAN MOORE: We have two nays,
4 so motion passes anyway so we will talk
5 about it again next time.

6 Next, Item Number 7. This is a
7 continued public hearing for area
8 variances sought by Daniel Pennessi.

9 Do I have to read it?

10 ATTORNEY PROKOP: You don't have
11 to read it. You can just ask her, the
12 stenographer to put it in.

13 CHAIRMAN MOORE: Okay. Are we
14 ready to move on to number 7?

15 Mr. Prokop indicated that I don't
16 have to read the the full notice, but I
17 would like to indicate that the
18 remaining discussion, if there is
19 anymore public comment is on the
20 requested variances which have changed
21 somewhat in number.

22 There is still the lot-coverage
23 issues for a small increase in the
24 lot-coverage allowance.

25 There is a remaining variance for

1
2 21 parking spaces with the
3 understanding that there are 11 parking
4 places proposed.

5 The third is the requirement for
6 an off-street loading berth which has
7 changed from no berth to a berth that
8 does not meet the space or size
9 requirements.

10 Number 4 is the height variance
11 regarding, first of all, the overall
12 height which the 47 feet and requiring
13 a variance of 12 feet.

14 And finally the height variance
15 which is the issue of allowing a third
16 story, which is remaining from the
17 original application.

18 I assume you would like to refresh
19 our memory on any items and then we'll
20 take any public input that might remain
21 tonight.

22 Our hope is to close the hearing
23 tonight.

24 (Whereupon, the public hearing
25 notice was added to the record by the

1
2 stenographer.)

3 Item number 7. Continued public
4 hearing on area variance sought by SAKD
5 Holdings LLC, Daniel Pennessi
6 President.

7 The property is located on the
8 southeast corner of Front Street and
9 Third Street, Greenport, New York
10 11944, Suffolk County Tax Map
11 1001-5-4-5.

12 The property is located in the WC,
13 Waterfront Commercial District. The
14 property is not located in the
15 Greenport Village Historic District.

16 The Applicant proposes to
17 construct a new, mixed-use, three-story
18 building, having a 60-seat restaurant
19 and 715-square feet of retail use on
20 the ground floor and hotel uses for 16
21 units on the second and third floors,
22 as well as a roof deck.

23 The proposed uses are conditional
24 uses under Greenport Village Code
25 Sections 150-11B 1, 2, and 3.

Requested Variances 1.

1. The proposed building construction has lot coverage of 3681-square feet representing 41.7 percent of the site requiring an area variance of 147.3-square feet or 1.6 percent of the total area of the lot, 8,834.2. Section 150-12B of the Village of Greenport Code requires maximum lot coverage of 40 percent, 3,533.7-square feet in the WC-Waterfront Commercial District.

2. Variance of 21 spaces from parking space requirement.

In the event that the Zoning Board of Appeals determines in its consideration of the interpretation of the application of the off-street parking requirement requested by the applicant that the project is not exempt from the off-street parking requirement of Section 150-16A 1 of the Greenport Village Code, then the applicant requests a variance of the

1
2 off-street parking requirement of
3 Section 150-16A 1 of the Greenport
4 Village Code.

5 The proposed mixed-use building
6 proposed 11 parking spaces. Section
7 150-16A 1 of the Village of Greenport
8 Code requires 32 parking space based on
9 square footage calculations and
10 requirements for hotel occupancy
11 requiring a variance of 21 parking
12 spaces of the parking space requirement
13 of Section 150-16A 1 of the Greenport
14 Village Code.

15 3. Variance from size requirement
16 of the off-street loading berth. The
17 applicant is requesting a variance of
18 the size requirement for one off-street
19 loading berth in that the proposed
20 building has provided an off-street
21 loading berth as required by Section
22 150-16B E which requires one berth for
23 each 25,000-square feet of floor area.

24 Loading berths are required to be
25 12-feet wide and 33-feet in length. The

1
2 proposed berth is 9-feet wide and
3 20-feet in length requiring a variance
4 of 3 feet for the width and 13 feet for
5 the length.

6 4. The applicant requests a height
7 variance of 12 feet where Section
8 150-12B of the Greenport Village Code
9 limits the height of buildings to two
10 stories or 35 feet, and the proposed
11 building height is 47 feet based on the
12 height of the elevator bulkhead located
13 on the roof, requiring a height
14 variance of 12 feet.

15 5. Height variance for third
16 story. A height variance for a
17 three-story building where Section
18 150-12B of the Greenport Village Code
19 limits the height of buildings to two
20 stories or 35 feet, and the applicant
21 proposes a three-story building in
22 violation of Section 150-12B.

23 MR. PENNESSI: Dan Pennessi,
24 P-E-N-N-E-S-S-I, on behalf of SAKD
25 Holdings LLC, 567 Fifth Avenue, New
Flynn Stenography & Transcription Service
(631) 727-1107

1
2 Rochelle, New York.

3 Apropos of Chairman Moore's
4 comment at the beginning of the
5 evening, optimism does prevail and I
6 thank you for your commitment to the
7 process of the agenda. I will keep it
8 brief.

9 We did revise the plans generally
10 as described in tonight's agenda in
11 response to some of the public comments
12 that have been made.

13 We've tried to limit the number of
14 variances we are seeking, and we feel
15 that these are the most important to
16 the project to allow it to move
17 forward.

18 We have also considered all of the
19 comments made by New York State DOT and
20 as of a July 20th letter, they've
21 accepted the revised site plan as it is
22 in conformance with their comments; so
23 we would request that the public
24 hearing be closed and that resolutions
25 for SEQRA, and for the variances that

1
2 we have been requesting are drafted for
3 hopefully the next meeting.

4 Thank you.

5 CHAIRMAN MOORE: I would just like
6 to point out, there was an additional
7 letter which I guess was the follow up
8 of the DOT you referred to, and it
9 mostly had to do with the issues of the
10 construction process and not the
11 content of the plan.

12 MR. PENNESSI: Yes.

13 I think at the beginning paragraph
14 it says that the revised site plan is
15 acceptable subject to --

16 CHAIRMAN MOORE: Yes.

17 MR. PENNESSI: -- satisfying the
18 conditions when construction begins.

19 CHAIRMAN MOORE: Thank you.

20 All right.

21 Members of the public, does anyone
22 have any remaining comments regarding
23 this proposal which is before us?

24 MR. SWISKEY: William Swiskey, 184
25 Fifth Street.

1
2 A variance of 21 parking spaces,
3 where does the applicant intend to park
4 his guests? That would be the first
5 question because I don't know if you
6 have been down the street this summer,
7 but there's nothing. I mean it's --

8 Trustee Phillips has a letter in
9 the monthly report coming up for the
10 Thursday Work Session about we really
11 have to enforce the limited parking
12 time in the IGA parking lot because the
13 IGA is losing business because this
14 very instance. These businesses have
15 no parking. I mean this right then and
16 there should kill it.

17 Plus it's on the corner of Third
18 Street; have you been on that street
19 lately when the ferry comes in. I mean
20 the whole thing just like .

21 -- I understand we have to go
22 through the process, this pig can't
23 fly.

24 Have a good day.

25 CHAIRMAN MOORE: Thanks, Bill.

1
2 MS. ALLAN: Chatty Allan, Fifth
3 Avenue.

4 Since day one when this
5 application was done, yes they had
6 tried to cut back on this variances,
7 but there are still major ones. I
8 think the hurdles are way too high.

9 And I agree with Bill Swiskey, I
10 drive a big school bus, so I've used
11 that corner on Third and Front on a
12 daily basis. The traffic alone that it
13 will cause and the hardship that it
14 will cause people that have to use that
15 corner.

16 It's a beautiful project. That
17 lot is too small for what is being
18 proposed. I wish I knew of another lot
19 to put it on because it is a gorgeous
20 project, but the amount of variances,
21 and it's not -- yes they have come down
22 a lot, but they're still major
23 variances.

24 We just had someone who wants to
25 extend their porch and people are

1 quibbling over how close it's gonna be
2 to the sidewalk, that's for one house.
3 In a neighborhood where the neighbors
4 don't have a problem with it; this is
5 the corner lot that is extremely busy,
6 and it's going to be butting almost up
7 to the sidewalk. You will have cars
8 trying to pull in, they are trying to
9 get in where people are getting into a
10 turning lane, so now you're going to
11 have a traffic jam there. It's already
12 crazy to begin with, and I don't know
13 how it's being designed because I
14 haven't seen the latest plans with the
15 loading berth, but I would assume you
16 would have to back a truck in there.
17 Again, not the right area for this
18 project.

19 Thank you.

20
21 CHAIRMAN MOORE: Any remaining
22 public comments?

23 (No response.)

24 Okay.

25 I think I could ask for a motion

1
2 that we close the public hearing.

3 MS. GORDON: So moved.

4 MS. NEFF: Second.

5 CHAIRMAN MOORE: Second.

6 Ms. Neff.

7 Any further discussion?

8 (No response.)

9 All in favor?

10 MR. SALADINO: Aye.

11 MR. CORWIN: Aye.

12 MS. NEFF: Aye.

13 MS. GORDON: Aye.

14 CHAIRMAN MOORE: I didn't hear any
15 opposed since they were all ayes, we
16 close that public hearing.

17 Now we are on to the regular
18 meeting.

19 We have closed the hearing for Mr.
20 Liakeas. I believe he and his
21 representative have left. We could
22 talk about it tonight or catch up next
23 month when I assume they will be here
24 to talk about it.

25 Seems to me, the remaining

1
2 discussion really revolves around any
3 further substantiation as to whether a
4 multi-family occupancy pre-existed the
5 1971 date. Lacking that, we would then
6 proceed with the consideration of
7 variance requests.

8 To me, the first one, if it could
9 be resolved is simple, we haven't
10 necessarily had enough information to
11 know what our decision will be at this
12 point, so I'm going to propose that we
13 table further discussion until next
14 month on Number 1, Liakeas.

15 In that case, I'll make that
16 motion and ask for a second.

17 MR. SALADINO: Second.

18 CHAIRMAN MOORE: All in favor?

19 MR. CORWIN: Aye.

20 MR. SALADINO: Aye.

21 MS. NEFF: Aye.

22 MS. GORDON: Aye.

23 CHAIRMAN MOORE: Opposed.

24 (No response.)

25 Motion carries.

1 We will bring that up next month.

2 Just jumping down the agenda, to
3 item 4, it is on hold and 5 and 6
4 remain open and wait for closing of
5 those hearings to discuss them.
6

7 We could briefly talk about
8 Mr. Foote and Mr. Tuthill's plans or
9 would you like to have some discussions
10 about the SAKD?

11 MR. SALADINO: I think we should
12 address what we can. I think
13 Mr. Pennessi's application is going to
14 take more than a couple of minutes.

15 CHAIRMAN MOORE: Would you like to
16 have a brief discussion on that?

17 (Whereupon, several members of the
18 Board spoke simultaneously.)

19 MR. CORWIN: I've got a little
20 problem with the project. I think it's
21 to intense a use, parking --

22 AUDIENCE MEMBER: Excuse me. I
23 can't hear.

24 MR. CORWIN: What I just said was
25 I have a little problem with the

1
2 project. I think it's too intense a
3 use. The parking is certainly a
4 concern. The loading space is stuck in
5 there after, asking for an
6 interpretation because the loading
7 space looks like it's going to be
8 difficult to use. The traffic on that
9 street when that ferry gets out is
10 just, in July it's pretty intense. I
11 think it's too intense a use.

12 CHAIRMAN MOORE: Another point
13 that I'd like to make and Mr. Prokop
14 pointed out that there may be a
15 requirement to re-notice the
16 coordinated review.

17 ATTORNEY PROKOP: Yes.

18 For that reason we have to keep it
19 open. We can discuss it, but we have
20 to keep it open.

21 CHAIRMAN MOORE: One point is that
22 the SEQRA determination must be done
23 before we take any actions. We're now
24 on the clock, so we have to do that and
25 we have 62 days to give you an answer,

1
2 so that has to be done anyway, but we
3 don't have to complete that today
4 before we can have substantive
5 discussions and deliberations at this
6 point. I think it would be beneficial
7 to do similar to what Mr. Corwin said,
8 to have our comments regarding the
9 different variances, so that it would
10 be more expeditious when they come up,
11 it would be very clear how we should
12 vote.

13 MR. PENNESSI: I would appreciate
14 that opportunity tonight to discuss it.
15 I did just want clarification on the
16 SEQRA.

17 CHAIRMAN MOORE: Yes.

18 MR. PENNESSI: What triggers the
19 additional time period for the
20 coordinated review and how long that
21 coordinated review will take?

22 ATTORNEY PROKOP: There's two
23 things we have to do.

24 One is to re-notice the SEQRA
25 review, it's another 45 days; and

1
2 second thing is we need to re-notice
3 the County and that would be, that will
4 have a quick turnaround.

5 MR. PENNESSI: And the 45 days
6 runs from when you submit?

7 ATTORNEY PROKOP: Yes.

8 It will be done tomorrow.

9 MR. PENNESSI: It will be sent
10 tomorrow?

11 ATTORNEY PROKOP: Yes.

12 So we closed the hearing tonight,
13 so we have 62 days to make a decision
14 and in that time, we're going to finish
15 up the SEQRA process.

16 MR. PENNESSI: I would just
17 request that as we get closer, perhaps
18 at the next meeting, provided our
19 discussions are continuing and we're
20 seeing where SEQRA is going, maybe we
21 can seek draft resolutions, but I will
22 leave it up to you, Mr. Prokop, how we
23 continue.

24 CHAIRMAN MOORE: The other point
25 is that the SEQRA could go a number of

1
2 ways and one of them is to require -- I
3 can't say that would happen -- require
4 an Environmental Impact Statement which
5 is, I don't know --

6 Was that the term, Mr. Prokop?

7 ATTORNEY PROKOP: Pardon?

8 CHAIRMAN MOORE: Is it
9 Environmental Impact or long form?

10 ATTORNEY PROKOP: It's a long
11 form. We do the -- the applicant has
12 submitted part 1 long form and the
13 Board does part 2 and part 3.

14 CHAIRMAN MOORE: That would be
15 more on us than you.

16 ATTORNEY PROKOP: I'll get the
17 copies around to the Board.

18 CHAIRMAN MOORE: It's been
19 submitted, I believe at this point in
20 time.

21 I'd just like -- unless you want
22 to clarify anything further.

23 MR. PENNESSI: Do you need me for
24 discussion?

25 CHAIRMAN MOORE: Other than you to

1
2 hear it, no. We could ask you
3 questions, perhaps.

4 MR. SALADINO: Just so I'm on the
5 same page with everybody else,
6 apparently I'm not; why are we
7 re-noticing the SEQRA?

8 ATTORNEY PROKOP: Because the
9 application changed.

10 CHAIRMAN MOORE: Anyway, I don't
11 know if I can attribute it to Mr.
12 Saladino or this project, I believe at
13 one time you said this is ambitious
14 project. I think that might have been
15 this time around, and it is. You know
16 there are some very steep hurdles.

17 My impression, the lot coverage, I
18 mean you reduced it, there is a little
19 bit remaining, to me, not a big deal.
20 You know, I would actually worry more
21 about the loss of architectural design
22 from some of the changes that are made
23 than the small percentage that has to
24 be approved.

25 The loading berth, I have a

1
2 problem with that. I joked that you
3 mine as well put it on the roof because
4 it's undersized, it's at the back of
5 the lot, there are some encumbrances on
6 it, and the parking is in front of it.
7 I just don't see it as useful.

8 Which brings me to the parking,
9 and the parking is a major obstacle.
10 My impression is, if you had a way to
11 provide parking off-site, most of your
12 problems as far as site plan go away.
13 You have ample room for a drop-off and
14 pickup area, you have room for loading
15 and handicap parking. That clarifies
16 that, and I see the parking as a major
17 hurdle. I know that the Planning Board
18 could excuse a large number of parking
19 places, but two-thirds of the parking
20 places is required by code aren't being
21 supplied, and you've heard many times
22 people talking about the burden on
23 parking. The people that come, if the
24 excuses were generated, will still have
25 to find a place to park; and that's a

1
2 problem even for customer satisfaction.

3 I see that as a problem, that's a real
4 hot issue.

5 The height issues, I don't have a
6 big problem for a third story occupied
7 by hotel rooms. We've seen it down the
8 street, and it's worked very well.

9 There are other more than two-story
10 buildings in the Business District and
11 next to the movie theater. I think
12 it's very appropriate having seen the
13 site plans and the drawings, it's very
14 pleasing.

15 I do have a problem with the use
16 of the roof which many times has been
17 referred to as a fourth story. It's
18 going to occupy, going to have
19 customer, at least, public access. It
20 adds to the variances needed for the
21 roof. I mean if the roof were not
22 occupied you wouldn't need an elevator
23 going to the roof, you wouldn't need a
24 lot of things, other than perhaps the
25 mechanicals, which I don't know if you

1
2 have dimensions on the height of HVAC
3 equipment and exhaust for a restaurant
4 space; but they clearly aren't the
5 height that's required to occupy; and I
6 think just the other issues of noise
7 and disturbing the neighborhood with
8 this amount of outdoor space. I think,
9 you know, it's something that you will
10 have trouble with.

11 I could see that there would be a
12 chance a number of these variance
13 issues would be granted, but I can see
14 that a number of these wont, and as far
15 as I'm concerned this is one that
16 doesn't really meet the standard. It
17 just adds to a fourth floor occupancy
18 in my opinion.

19 The plans, I really like the
20 plans. It is an intense, very intense
21 use, you have three different things
22 happening, but to some degree
23 coordinate together.

24 I believe that it was a very good
25 offer to not have outdoor dining. It

1
2 doesn't stop you from using that space
3 transiently, as many other restaurants
4 do as long as it's your property, but
5 it could have impact on parking, so you
6 have to be careful.

7 Overall, it's an intense plan that
8 could, I think, have an opportunity for
9 some approval, but right now, I'm not
10 very optimistic that all the variances
11 will be granted; and then you go to the
12 Planning Board and they may have their
13 own comments.

14 That my opinion.

15 MR. PENNESSI: If I may just
16 respond.

17 I said that I generally agreed
18 with how the agenda described the
19 variances that we're seeking.

20 Where I disagree with what the
21 agenda says is that we are not asking
22 again for a clear 47-foot height
23 variance. Specifically we're asking
24 for a height of 36 feet 11 inches for
25 the top of the mechanical equipment.

1
2 For the restaurant and retail uses,
3 we're asking for a height of 42 feet 9
4 inches to a proposed rooftop trellis
5 which we're not necessarily committed
6 to. It's an architectural feature that
7 can stay or go. And the last piece 46
8 feet 8 inch to the top of the bulkhead
9 for the stairwell and the elevator.
10 Again, we are not requesting a clear
11 47-foot height, we are asking for very
12 specific variances for those very
13 specific items at very specific
14 locations on the roof.

15 The loading berth as part of site
16 planning, we are open to talking about
17 where the loading berth is located. If
18 not in that left corner, perhaps closer
19 to the road, and, of course, where it's
20 located currently, we may have to
21 relocate perhaps where the trash
22 enclosures are located, but as far as
23 site planning, we're open to doing
24 that. The variance request is for a
25 loading space in that area, having

1
2 those dimensions.

3 And lastly, parking, we have been
4 very clear about what we have been
5 asking for in the interpretations and
6 disagreements with the Board's
7 discission in those matters.

8 Specifically, we have delivered parking
9 and traffic studies that show that this
10 use is not, in fact, an intensive use,
11 and we did analyze how people would be
12 traveling to the Village, whether they
13 would be by car or would be by rail.

14 We're getting a tremendous number of
15 people coming, according to our traffic
16 consultant, coming by rail to the
17 Village; and we would certainly
18 encourage that based on the number of
19 parking spaces we have on the site.

20 Of course I would love to say we
21 would go out and buy parking in the
22 Village, but people previously
23 commented that it is one-square mile,
24 it's not an easy proposition to go out
25 and find the property, particularly

1
2 when we've been in front of the Board
3 since December 2015. It's not exactly
4 an easy answer to just go find property
5 for parking.

6 MR. SALADINO: I sympathize with
7 your position. Like Mr. Moore,
8 Chairman Moore said, the loading zone
9 was always a big problem. I just can't
10 imagine servicing a hotel and doing it
11 from the street, especially that
12 street, especially those two streets;
13 so the loading zone is a big problem.
14 I have no idea how you can resolve it.
15 I don't have a problem with the
16 dimensions of the loading zone. I have
17 a problem with dumpsters in the middle
18 of it, you know it's the drywell too.

19 Unlike Chairman Moore, I don't
20 have a problem with the height. I
21 don't have a problem with the third
22 story. I don't love the idea of a
23 rooftop deck; I think it would be crazy
24 not to have a rooftop deck.

25 The lot coverage. There is a lot

1
2 of buildings there with more lot
3 coverage than you are asking for.

4 And it brings us down to the
5 parking. Again, I sympathize with your
6 position. There's a building across
7 the street from you because of the time
8 that it was built, he doesn't have to
9 worry about parking, doesn't have to
10 worry about a lot of different things,
11 unfortunately that's how our code was
12 written. I wouldn't have problem with
13 this application if it wasn't for the
14 parking.

15 As far as suggesting, again,
16 Mr. Pennessi, you're really an
17 optimistic guy that you think all your
18 customers are going to come by train.
19 I mean, only a couple weeks ago, they
20 even decided to run a train on the
21 weekends.

22 CHAIRMAN MOORE: I'd just like to
23 add one thing.

24 I'm sorry.

25 MR. SALADINO: So for any of us

1 here to believe having watched the
2 tourist industry grow and grow and
3 grow, for any one of us here to believe
4 that the majority of the people that
5 are coming to perhaps patronize your
6 hotel or coming to Greenport just to
7 experience Greenport are coming by
8 public transportation is not realistic,
9 not to me, Perhaps to my colleagues,
10 but to me it's not. I don't see lines
11 and jitneys lining up ferries, Long
12 Island Railroad trains. In the old
13 days, that was the way, but now
14 everybody drives.

15
16 MR. PENNESSI: I do appreciate
17 your sympathy. The code, while we are
18 specifically requesting a 21-space
19 variance, the code did provide for the
20 Planning Board in circumstances to
21 accept payment in lieu, as we've
22 discussed, for up to 20 spaces so that
23 there is, there was some consideration
24 that there could be a project of this
25 nature that would require an excess of

1
2 20 spaces, and there is a mechanism to
3 do that in addition to asking for a
4 variance. We've decided strategically
5 to request a 21-space variance as
6 opposed to a one-space variance and
7 then hold our breath for perhaps
8 another 275 days for the Planning Board
9 to find out we have to come back for a
10 20-space variance.

11 CHAIRMAN MOORE: We don't want to
12 go back and forth.

13 One thing I'd like to comment on
14 is, you mentioned sympathy, I think
15 we're all sympathetic, but I don't know
16 if we can allow ourself the appearance
17 of unfairness to generate sympathy to
18 grant a variance that is really well
19 documented in the code; and not do be
20 coldhearted, but I think you have more
21 chance, as you just said, to deal with
22 the Planning Board, they can allow a
23 certain amount of in-lieu-of spaces.

24 MR. PENNESSI: To be clear, I was
25 not requesting sympathy, Mr. Saladino

1
2 simply referenced it, and I certainly
3 appreciate it.

4 CHAIRMAN MOORE: We try to hide
5 our sympathy.

6 MR. PENNESSI: Perhaps we decide
7 to go forward with the Planning Board,
8 you know, as one of a variety of
9 options we have.

10 CHAIRMAN MOORE: The problem I
11 have is that, you know, it's true,
12 they're not all cars. I see more and
13 more people trailing suitcases heading
14 for the bus or the train, and that's
15 certainly a possibility, but we're
16 being faced with a lot of parking
17 places, you know, you are taking care
18 of a number that reduces it, but you
19 still have a lot of parking you need,
20 two-thirds of your needs are not being
21 supplied. That's a really big hurdle,
22 and I think we have to consider it, and
23 when the vote comes, we'll see what
24 happens; but to me, that's a major
25 obstacle.

1
2 I think you can jockey a loading
3 berth possibly around with some
4 creativity. I have coffee frequently
5 on mornings and I see the delivery
6 trucks, full size tractor trailers
7 backing down the street to come around
8 the corners, they can't expect to park
9 on the Third Street or Front Street, it
10 just won't work, so they need to be
11 off-street, and I'm not sure that you
12 want to be a block away to deliver, so
13 that is a very critical part of the
14 operation.

15 Other Board members, I don't mean
16 to stifle you.

17 MS. GORDON: Last winter when this
18 issue began to be hot for us, I started
19 paying some attention to the parking
20 around the Village and in the center of
21 town, and I was struck by how seasonal
22 the parking problem is. I mean, really
23 it's three months where it's intense,
24 and you can take a nap in the middle of
25 Front Street during January; so it's

1
2 very complicated. I recognize that,
3 and I'm not as concerned about parking
4 as everybody else, partly because I
5 think you would find imaginative ways
6 to respond to your customers.

7 And I also disagree with John
8 about the use of the train and the
9 buses, particularly the train. The
10 train used to have -- when I first
11 moved to Greenport eight years ago, the
12 train on the weekend had one car, one
13 passenger car. This summer it has
14 three, and you see people getting off
15 those trains, it's as though something
16 huge has changed, but if that will last
17 or not, I don't know.

18 I guess I'm kind of skeptical
19 about this concern about the parking,
20 and especially because I watched the
21 Harborfront parking most of the year
22 and saw that there was lots of extra
23 parking in there, and people who are
24 not guests park in there all the time,
25 so I sort of -- and I'm concerned that

1 parking should not become the sort of
2 dominant rational that we apply in
3 rejecting and deciding projects, so I'm
4 not so concerned about the parking.
5

6 I'm also not concerned about the
7 lot coverage, and it's going to be a
8 small -- it's a small lot, I don't know
9 what we could possibly fit on that lot
10 that wouldn't have a lot coverage
11 problem.

12 Like my colleagues, I am very
13 concerned about the loading berth and
14 how you make it truly off-street. I'm
15 worried that if, in fact, that area is
16 crowded and the trucks are coming in,
17 they'll just rely on the street and
18 then there will be a terrible mess, so
19 that's one area where I'm quit very
20 doubtful.

21 I'm not so concerned about the
22 third story, but I don't want the roof
23 to be a fourth story, and I take your
24 comments about the mechanisms
25 seriously; but I really wonder how

1
2 realistic it is to think that you can
3 put all that mechanical stuff into a
4 relatively, you know, not without
5 changing the vertical picture of what
6 the that third-story roof is like.

7 So I'd say the loading berth and
8 roof area are the things that concern
9 me, but I don't know how I would vote
10 if a vote were taken right now. I'm
11 glad we have a little more time.

12 MR. PENNESSI: The decision to
13 even propose this project was not
14 without a lot of consideration on A,
15 what Greenport is and has to offer, but
16 also who will be coming to the property
17 and how they would be getting there,
18 and thinking about the future of things
19 like travel and how people get from
20 where they're coming from and how
21 they're going to get there.

22 In response to the height issue,
23 there is sufficient room up there, even
24 with the size of the roof deck that's
25 being proposed to have those

1
2 mechanicals up there.

3 Just to be clear, we do have a
4 wall at the 35-foot height, so the
5 mechanicals are only just over a foot
6 above that, so there's plenty of room
7 up there on the roof from the flat roof
8 to (inaudible).

9 CHAIRMAN MOORE: I'd also like to
10 point out that these variances are
11 individually listed and would be voted
12 on one-by-one, so that obviously our
13 members have the opportunity to yea or
14 nay for whatever they like, and the
15 overall impact is you have to score a
16 hundred percent in your test to move
17 forward, so at least it's constructive,
18 or should I be pessimistic at this
19 point that you might not get all of
20 your variances, but at least it's a
21 direction.

22 MR. PENNESSI: We're still
23 optimistic.

24 MR. SALADINO: I would like to
25 make one more comment.

1
2 MR. PENNESSI: Yes.

3 MR. SALADINO: Just to clarify.

4 I believe like if you build it,
5 they will come, like with the train. I
6 believe you can fill your hotel and not
7 worry about parking if the Long Island
8 Railroad ever decided to provide the
9 service that Greenport needed.
10 Unfortunately, having worked for the
11 Long Island Railroad, sometimes they
12 don't listen to us, so, again, if there
13 was train service like there used to
14 be, I don't think that would be a
15 problem, but unfortunately, it's not, I
16 think the railroad threw the Village a
17 bone bringing back weekend service, and
18 I'm not sure it's going to last, but
19 that's just my opinion.

20 MR. CORWIN: I'd like to mention
21 one more thing, and that is the
22 purchase of parking. That's not up to
23 us, that's up to the Planning Board,
24 but I would like to say how that came
25 about.

1
2 That came about 35 years ago. I
3 was on the Planning Board, and a dollar
4 amount was put on the idea of
5 purchasing parking. It reflected 35
6 years ago what it would cost to build a
7 parking place. That has probably
8 multiplied by what? Ten, since 35
9 years ago. It's entirely up to the
10 Planning Board, it's no longer a
11 realistic figure in terms of the value
12 of the parking place.

13 MR. SALADINO: I think actually
14 there was a code change proposal by the
15 attorney or the Village Board to raise
16 the price. I don't want to scare you,
17 but I think it was about \$10,000 a
18 space.

19 MR. PENNESSI: I would say,
20 generally speaking, a surface space
21 uncovered, not a garage space is still
22 about \$2,500 worth; a garage space, the
23 cost of it is more like --

24 MR. CORWIN: Is that due to the
25 cost of the land?

1
2 MR. PENNESSI: Yeah, that's
3 construction; cost of the land is
4 notwithstanding. \$2,500 is still a
5 good number for parking.

6 CHAIRMAN MOORE: Unfortunately,
7 those spaces would be outside the
8 one-square mile, so that's the problem.

9 What I'd like to do since we're
10 waiting again on the SEQRA review is
11 table this discussion for further
12 discussion. I think we talked it out
13 pretty well tonight, and the pot still
14 has to turn and we have combined 62
15 days, 45 days, and something is going
16 to happen in October.

17 I'm make a motion to table this
18 discussion for further discussion and
19 ask for second.

20 MR. SALADINO: Second.

21 CHAIRMAN MOORE: All in favor?

22 MR. CORWIN: Aye.

23 MS. NEFF: Aye.

24 MS. GORDON: Aye.

25 MR. SALADINO: Aye.

1
2 CHAIRMAN MOORE: Opposed?

3 (No response.)

4 So that is tabled.

5 MR. PENNESSI: Thank you.

6 CHAIRMAN MOORE: Thank you again
7 for coming a long way.

8 Mr. Prokop, are we obliged to
9 accept Items Number 8 and 9 in motion
10 to variance applications?

11 My point is that I doubt that we
12 even get to them next month, the
13 schedule we've already arranged for
14 ourself to try and resolve --

15 ATTORNEY PROKOP: No, you're not
16 obliged.

17 CHAIRMAN MOORE: So are we obliged
18 to move on this?

19 I'm gonna, first of all, suggest
20 that we make a motion that we table the
21 acceptance of the these applications,
22 number 8 and 9 for another meeting; and
23 in the meantime, there were some
24 comments about number 9 as far as the
25 suitability of the application. I

1 think that time will allow it to be
2 worked out, so I'll make a motion to --

3 Is it table accepting these --

4 ATTORNEY PROKOP: Yes.

5 CHAIRMAN MOORE: -- for another
6 meeting and --

7 MR. SALADINO: What would be the
8 difference between tabling and not
9 accepting?

10 ATTORNEY PROKOP: Not accepting
11 means it goes back to the applicant.

12 MR. CHARTERS: I have a question
13 on one of those items that I wanted to
14 speak about accepting the application.

15 CHAIRMAN MOORE: It's not public
16 input at this time.

17 ATTORNEY PROKOP: The person is
18 Gary Charters.

19 MR. CHARTERS: Gary Charters
20 C-H-A-R-T-E-R-S.

21 I wasn't questioning --

22 CHAIRMAN MOORE: You have a
23 technical question, I take it?

24 MR. CHARTERS: Yes.

1
2 CHAIRMAN MOORE: It's not public
3 testimony, but --

4 MR. CHARTERS: Absolutely not.

5 MR. SWISKEY: The man was here for
6 four hours.

7 MR. CHARTERS: Gary Charters,
8 Greenport, C-H-A-R-T-E-R-S.

9 Unfortunately, I'm not like
10 Mr. Saladino, around 8:30, 9:15, I've
11 fallen asleep three times already in
12 the chair and woke myself up snoring,
13 so I'm usually home snoring by now; and
14 I'm hungry.

15 My question is: If you make a
16 motion to accept these applications,
17 are they accepted on fact or are they
18 accepted on principle?

19 CHAIRMAN MOORE: They're accepted
20 on format and content, but the
21 application --

22 MR. CHARTERS: Because I actually
23 had an opportunity to look at the plans
24 that were submitted. No dimensions, I
25 sat with Ms. Wingate, she measured with

1
2 her, one of her magical rulers, the
3 parking spaces did not even comply to
4 Village Code, the setbacks or whatever,
5 so I'm wondering why you would even
6 accept it if doesn't have dimensions or
7 it doesn't apply to present code?

8 CHAIRMAN MOORE: We haven't got
9 there because because we're actually
10 tabling them 'til --

11 MR. CHARTERS: I see that, but I
12 waited all night to --

13 It's a technical question that why
14 would you even consider it if it's not
15 factual to begin with?

16 MR. SALADINO: What I was going to
17 say before Gary decided he wanted to
18 speak was that I feel that as of this
19 moment, the application is incorrect
20 and incomplete.

21 CHAIRMAN MOORE: Okay.

22 So let's do it this way --

23 MR. SALADINO: So I would rather
24 reject the application and not, as
25 opposed to table it and what

1 deficiencies are in the application can
2 be worked out later; that would be my

3 --
4

5 CHAIRMAN MOORE: Okay.

6 MR. SALADINO: That would be my --

7 MR. CHARTERS: That would be my
8 point.

9 Thank you very much.

10 CHAIRMAN MOORE: Let me just do it
11 this way. We haven't voted yet, so
12 Item Number 8, I will make a motion to
13 table that application for
14 consideration to accept next month, and
15 that's the Ralph and Maureen Caouette,
16 447 Sixth Street, the carport addition.

17 Could I have a second?

18 MR. SALADINO: Second.

19 CHAIRMAN MOORE: All in favor?

20 MR. CORWIN: Aye.

21 MS. GORDON: Aye.

22 MR. SALADINO: Aye.

23 MS. NEFF: Aye.

24 CHAIRMAN MOORE: Opposed?

25 (No response.)

1
2 Motion carries.

3 That's tabled.

4 Now, if there are a number of
5 deficiencies, I did see some
6 correspondence back and forth about
7 some deficiencies, some of which I
8 think were cleared up, but I would go
9 at this time to make a motion to accept
10 an application for an area variance
11 from Robert Brown, Agent for Milillo
12 Main Street LLC, 912 Main Street for a
13 bed and breakfast expansion, so I'm
14 making a motion to accept it.

15 Can I have a second?

16 MR. SALADINO: Second.

17 CHAIRMAN MOORE: All in favor?

18 MS. GORDON: Mr. Chairman, can we
19 have some discussion?

20 CHAIRMAN MOORE: We will discuss
21 it.

22 MS. GORDON: I'd like to know why
23 John said -- it was you who said it was
24 incomplete, I'd like to know why.

25 MR. SALADINO: Well, the first

1
2 thing I have is that there is a problem
3 with the authorization.

4 Again, it's a Planning Board form;
5 it's not a Zoning Board form. "To
6 apply for variances on my behalf under
7 Greenport Village Planning Board,"
8 we're not the Planning Board.

9 Plus, it's not notarized, so
10 Milillo Main Street LLC really doesn't
11 have the authority to authorize Robert
12 Brown to make this application, number
13 one.

14 Number two, I have more than a few
15 problems with the EAF. Some of the
16 questions are just out-and-out wrong.

17 I also have a problem with the
18 site plan. On the site plan that I
19 received, there's only five bedrooms
20 shown, and their variance is to ask to
21 increase the number of their rental
22 rooms to five; so we all know that B&B
23 has to be owner-occupied, and I don't
24 see an owner's bedroom.

25 CHAIRMAN MOORE: Okay.

1
2 MS. GORDON: Can you explain to me
3 why isn't this authorization with
4 notary's signature?

5 MR. SALADINO: Perhaps I have a
6 different form.

7 CHAIRMAN MOORE: That's the actual
8 variance description. That's the
9 application, it's not the authorization
10 that Mr. Saladino --

11 MS. GORDON: Okay.

12 CHAIRMAN MOORE: What was done is
13 the Planning Board form was used and
14 wasn't corrected to the Zoning Board,
15 and I think the suggestion is that
16 there should be a form that has both
17 and the people can circle or cross
18 out --

19 MR. SALADINO: I would be willing
20 to concede that for future
21 applications, but also this -- unless
22 you have a different form than me.

23 CHAIRMAN MOORE: No.

24 MR. SALADINO: This one is not
25 notarized, so the reality is --

1
2 MS. GORDON: It has a notary, but
3 no seal.

4 MR. SALADINO: I don't even know
5 if I -- this is the form that I'm
6 talking about.

7 CHAIRMAN MOORE: Why don't we go
8 ahead and point out some of the issues,
9 and let's vote it.

10 ATTORNEY PROKOP: Excuse me for a
11 second.

12 Why is there a motion to accept it
13 if we don't think it's --

14 CHAIRMAN MOORE: Because the vote
15 will tell us whether we're accepting it
16 on not.

17 That's how I think it would be.

18 So we have a second, I think.

19 Yes.

20 MR. CORWIN: Before we vote on
21 this, I think we have to try to line up
22 all the things we're objecting to
23 because I have my own objection.

24 CHAIRMAN MOORE: Okay. So the
25 objections thus far are the site plan

1
2 as for as bedrooms, the other objection
3 is notarization, no authorization and
4 identification under the ZBA. There
5 is -- what else?

6 MR. CORWIN: There is a question
7 of the size of the parking places.

8 CHAIRMAN MOORE: Parking layout.
9 I understand that was revised, but I
10 haven't had a chance to review it, it
11 only came in very recently. There may
12 be a revision in the parking.

13 ATTORNEY PROKOP: We just had an
14 application two months ago where we
15 required the person to come back with
16 an architects -- the dimensions of the
17 rooms are not indicated correctly?

18 CHAIRMAN MOORE: Yeah, but
19 that's --

20 ATTORNEY PROKOP: That's something
21 we forced somebody else to come back
22 with an architects measuring of the
23 rooms.

24 MR. SALADINO: The spaces have to
25 be designated, for B&B, they do.

1
2 Parking for B&B spaces have to be
3 designated, they should also have the
4 size, you know, you can't just say here
5 is a parking space.

6 CHAIRMAN MOORE: Now, the
7 understanding that we have is that the
8 current bed and breakfast was a
9 three-room bed and breakfast with owner
10 quarters, and the plans, although they
11 are more or less overlapping additions
12 to the existing house, it depicted two
13 new bedrooms; so doing the math, I
14 would assume there are six bedrooms.

15 Why don't we ask for a complete
16 drawing that shows all the rooms?

17 MR. SALADINO: I have -- because I
18 would just like to resolve it; not
19 resolve it, but at least explain my
20 position now.

21 I have the architect's rendition,
22 if somebody can point it out to me
23 where the owner's bedroom is, I'll
24 withdraw my objection.

25 CHAIRMAN MOORE: Why don't we let

1
2 that be resolved if this is returned
3 next agenda?

4 MR. SALADINO: I see an existing
5 bedroom, that's one; a new bedroom is
6 two; an existing bedroom is three; an
7 existing bedroom is four; and a new
8 bedroom is five. I don't see an
9 owner's bedroom.

10 CHAIRMAN MOORE: That would be a
11 point to resolve.

12 We have those items. Do we have
13 sufficient information to make a vote
14 on accepting this application's.

15 MR. CORWIN: I suggest also that
16 the notary wasn't done correctly,
17 apparently that was followed up on, but
18 it wasn't given to us a week before.

19 CHAIRMAN MOORE: No. It was
20 restamped on the request.

21 MR. CORWIN: I haven't had a
22 chance to look at it again.

23 There was no letter from Karen
24 Sycotsa (phonetic) as anyone's agent,
25 but she's on the form.

1
2 CHAIRMAN MOORE: Well, my
3 understanding is that she is an
4 employee of the Mr. Brown's practice,
5 and he indicates his, you know, the
6 authorization for him and his
7 assistants, so apparently that's
8 resolved because she works for him
9 anyway.

10 MR. SALADINO: The other question
11 I have for the attorney is: On the new
12 application that they submitted that I
13 really didn't have a chance to go
14 through, they have a corporation as
15 owner, and they have the list of people
16 named in that corporation or LLC as
17 owner with their interest in the
18 business. Now we all know that a bed
19 and breakfast has to be owner occupied.
20 You know, there's one, two, three, four
21 owners, 45 percent 45 percent, 5
22 percent, 5 percent interest.

23 So my question is: Who is going
24 to live there?

25 CHAIRMAN MOORE: Somebody does.

1
2 There is a resident in the house.

3 MR. SALADINO: Can a corporation
4 be --

5 CHAIRMAN MOORE: A B&B is
6 accessory to the primary use as an
7 occupied business, so someone has to be
8 an occupant in the house.

9 We can find that out.

10 Anyway, I did make a motion to
11 accept the application.

12 MR. SALADINO: I second it.

13 CHAIRMAN MOORE: And you second.

14 Keep in mind that accepting the
15 application is ignoring the concerns,
16 so a yes vote is going forward and a no
17 vote is send it back.

18 My I have roll call, please?

19 Mr. Corwin?

20 MR. CORWIN: No.

21 CHAIRMAN MOORE: Mr. Saladino?

22 MR. SALADINO: No.

23 CHAIRMAN MOORE: Ms. Gordon?

24 MS. GORDON: No.

25 CHAIRMAN MOORE: Ms. Neff?

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MS. NEFF: No.

CHAIRMAN McMAHON: And I say no,
so it's going back.

That not accepted, and we can move
on.

Let's take a few minutes.

(Whereupon, a recess was taken at
this time.)

CHAIRMAN MOORE: Just a point of
information, the application of Steven
Bull for an improvement of a house on
24 Sandy Beach Road has been withdrawn,
so we're not going to be proceeding
with it.

We could now have the discussion
on Walter Foote's application, and we
presumably can move forward with it.

There was some discussion as to
the size of the porch and whether it
would be four-and-a-half feet as
proposed or 6 feet as requested and it
seems like the best thing to do is just
talk about what's acceptable to the
Board.

1
2 MS. GORDON: Is there any rational
3 for any other number than the 6-feet
4 proposed? Is there a rational for 4
5 feet? For example, does it make it
6 further away from the sidewalk, you
7 know, I'd like some standard.

8 MR. SALADINO: You know the deal
9 with us, there's a difference in need
10 and desire, you know, it's what is the
11 need, and what does he want.

12 I got to be honest with you, the
13 only problem I have with this is that
14 we don't have a drawing of what he
15 wants. You know we have the applicant
16 standing at the podium saying, well, I
17 could make it 6 feet or I can make it
18 6-and-a-half feet, and it would be 7
19 feet from the sidewalk. We would just
20 kind of like it in front of us, so
21 everybody signs off on it.

22 MS. GORDON: Well, I think this is
23 a historical gift to the Village to
24 have the building renovated with a
25 handsome front porch that will remind

1
2 us of what porches looked like a
3 hundred years ago.

4 You know, I would like to have a
5 better idea of why it should be 6 feet
6 or 4 feet, but we don't have that and
7 maybe we would need to get it if we
8 asked you to do some research about
9 these buildings, so I'm sort of
10 inclined to say let's embrace the
11 historical -- as I said, I feel it's a
12 historic gift to the Village and
13 appreciate and acknowledge that.

14 MR. SALADINO: Are you saying that
15 you want to know between 4 or 6 feet
16 from a historical perspective or from
17 like a --

18 MS. GORDON: There are two --
19 presumably, there's an esthetic
20 consideration and there's a functional
21 consideration, maybe it was you who
22 asked about that, and I'm sorry, I
23 don't remember your wife's name, but
24 she said we would like it to be large
25 enough so we could put a chair out

1
2 there and move around, so maybe that's
3 the difference between 4 and 6, but I
4 don't know, you know. We haven't been
5 given enough information, I think, to
6 make a judgment about that, and maybe
7 it doesn't matter a lot.

8 CHAIRMAN MOORE: Would you come to
9 the mic.

10 We had a discussion about, that
11 the original request was 4-and-a-half
12 feet which limits, by your claim, some
13 mobility, and you were thinking perhaps
14 6 feet would be more appropriate.

15 MR. FOOTE: And it's, you know,
16 looking at the photograph, I don't
17 think you can tell what the depth was,
18 you know, there wasn't a measurements.

19 It does appear to be very close to
20 what seemed to be the sidewalk back
21 then, but I don't know if it's the same
22 sidewalk as exists now, so I'm really
23 reverting back to just functionality
24 and, you know, observing for myself
25 other porches in the area, and it just

1
2 seems like 4-and-a-half is awfully
3 narrow and 6 feet is more reasonable.

4 Bearing in mind also that I'm
5 already taking -- when it's built, the
6 measurement is to the exterior of the
7 porch, right away, I'm gonna lose about
8 8 inches because of the posts and
9 railing.

10 CHAIRMAN MOORE: And the steps
11 onto the porch are contained within the
12 porch, the stoop, it doesn't stick out,
13 does it?

14 MR. FOOTE: The steps, if we're
15 gonna take it to 6 feet, since the
16 boundary is 6.2 feet, the step,
17 although it would be on top of that
18 granite slab, I guess technically, it
19 would be outside the property boundary.

20 CHAIRMAN MOORE: That's something
21 I don't think --

22 MR. SALADINO: We can't give you
23 permission to build on Village
24 property.

25 MR. FOOTE: Than the way to

1
2 address that is to just simply have the
3 step, an insert step.

4 CHAIRMAN MOORE: That's
5 historically correct and it's amenable,
6 than the porch is a porch and you don't
7 have to worry about that.

8 MR. FOOTE: Right. That way we
9 wouldn't have that issue.

10 MR. SALADINO: That's why it would
11 be nice to have plans.

12 MR. FOOTE: I know.

13 Well, we did, but it, I didn't
14 review the way he drew it before it was
15 submitted, and I should have been
16 looking at it more carefully.

17 CHAIRMAN MOORE: And the drawing
18 is really just a box at this point. I
19 know you have artic renditions.

20 MR. SALADINO: Would it be easier
21 for us or would it be easier for you to
22 say, the outside limits of the porch
23 will come within X amount of inches or
24 feet from the sidewalk?

25 MR. FOOTE: Yeah. That would be

1
2 fine.

3 MR. SALADINO: I'm not sure if
4 it's fine with us.

5 MR. FOOTE: That would be fine
6 with me as long as it's, I agree with
7 the number.

8 MR. SALADINO: What do you think,
9 David?

10 MR. CORWIN: I thought this was
11 going to be the only one we got solved
12 tonight.

13 Since the dimensions have changed,
14 it's very hard to --

15 What I was thinking of is going
16 down the street and measuring a couple
17 porches and find out what the narrowest
18 you can make it.

19 CHAIRMAN MOORE: Your schedule for
20 construction is continuing, I assume
21 without relying on --

22 MR. FOOTE: I'm not going to build
23 it until I get it approved.

24 CHAIRMAN MOORE: Okay.

25 MR. FOOTE: We're trying to

1
2 complete construction by the beginning
3 of October, and I have -- all the subs
4 are in the process of finishing up the
5 rough work.

6 CHAIRMAN MOORE: What I'd like to
7 suggest is that with those things we
8 mentioned in mind that you consider
9 providing a drawing with the dimensions
10 you would like, and where the front
11 step, including the step down would be,
12 whether it's internal, external,
13 whatever your preference is and just
14 come back.

15 I think you have a favorable view
16 of the porch overall, but the details,
17 to be politically correct, should be
18 there and then we can vote on it.

19 MR. FOOTE: That's fine.

20 CHAIRMAN MOORE: That would be in
21 September.

22 MR. FOOTE: Okay.

23 CHAIRMAN MOORE: So that works for
24 you, so would the Board --

25 MS. NEFF: Can I add one piece of

1
2 information?

3 CHAIRMAN MOORE: Yes.

4 MS. NEFF: I don't know if you're
5 familiar with the Sanborn Maps of
6 Greenport of different dates, including
7 1890, 1900, they would show dimensions
8 of this porch. They may not be exactly
9 the way your architect or you want to
10 build it, but those maps show exact
11 materials and dimensions.

12 In other words, the photograph
13 that you have is probably from the
14 period 1890 or something plus or minus
15 ten years of that, and there are such
16 maps, Eileen could help you find them.
17 They're Sanborn insurance maps, they
18 show very detailed what the roof was
19 made of -- yes, they are very detailed.

20 MR. FOOTE: Thank you.

21 MR. SALADINO: So what I'll do is
22 make a motion that we again table our
23 discussions pending resubmission of the
24 dimensions, drawings for the front
25 porch. And we will consider it next

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month.

I'll make a motion we table this
'til next month.

MS. GORDON: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Opposed?

Motion carries.

We can talk about Mr. Tuthill's
proposal if you'd like, and we can
finish that up.

I had a concern that even though
the garage or the guest house, whatever
it is, fully screens the pool, if you
stand at the point where the pool would
meet and look toward the street, there
is no problem seeing the street, so I
would think that the screen down the
front portion of the pool toward the
street might be of some benefit, just
along the pool fence.

1
2 MR. SALADINO: But the code says
3 the only time you have to provide
4 screening is if the pool is within 50
5 feet of the boundary.

6 CHAIRMAN MOORE: The boundary is
7 to the right, that could be --

8 MR. SALADINO: Or the street, and
9 it's further than 50 feet from the
10 street.

11 CHAIRMAN MOORE: Definitely, but
12 not from the property line. The
13 property line is true property line
14 because they are two independent
15 parcels.

16 MR. SALADINO: To the Mitchell
17 property.

18 CHAIRMAN MOORE: To the Mitchell
19 property, which is under their
20 ownership, but it's still a separate
21 parcel.

22 That could be a condition on the
23 event of sale.

24 MR. SALADINO: I agree. I agree
25 with that. I just didn't think we had

1
2 to concern ourselves with screening
3 from the street.

4 CHAIRMAN MOORE: But in the
5 future, if no directive is in place,
6 the new owner adjacent would have to
7 protect themselves from the pool by
8 adding a screening at their expense; so
9 I would think it would be on the
10 current applicant to have some
11 responsibility to the future owners.

12 I imagine we could put that in as
13 a condition should the property be sold
14 to a third party or second party,
15 whatever it would be, that the
16 screening would then be installed at
17 the cost of the owner.

18 MR. SALADINO: Can we say that?

19 MS. NEFF: Yes.

20 CHAIRMAN MOORE: I think so, yes,
21 we can say that.

22 MS. GORDON: And, in fact, the
23 young woman who was here sort of agreed
24 with that, accepted it.

25 CHAIRMAN MOORE: Mr. Prokop, can

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we put --

ATTORNEY PROKOP: I think that's fine, yes.

CHAIRMAN MOORE: So what is, if you're ready to move ahead on this, Board, so we can accomplish --

ATTORNEY PROKOP: The problem with this application, and this was mentioned before, we don't have an applicant right now.

CHAIRMAN MOORE: We have estate, yes. Is that --

ATTORNEY PROKOP: We don't have estate, there is no estate. There is a -- I'm sorry, but we don't --

CHAIRMAN MOORE: Is the applicant a corporation or an individual?

MR. CORWIN: It was Jerry Tuthill.

CHAIRMAN MOORE: It was Mr. Tuthill.

So where does that put the applicant process at this point.

MR. SALADINO: Didn't the attorney, didn't Mrs. Giglio say she

1 had something for you from the estate?

2 ATTORNEY PROKOP: She's not an
3 attorney, and she said she would have
4 something by the next meeting, yes.

5 MR. SALADINO: She's not an
6 attorney?

7 ATTORNEY PROKOP: No.

8 CHAIRMAN MOORE: She can certainly
9 get a document.

10 Is that than a requirement we wait
11 pending receipt of disposition of the
12 property or something else?

13 ATTORNEY PROKOP: Yes. There is
14 no applicant. For all we know someone
15 is going to show up next time and say
16 they want something else.

17 CHAIRMAN MOORE: Okay.

18 I guess we have to table.

19 ATTORNEY PROKOP: I'm sorry.

20 CHAIRMAN MOORE: I appreciate it,
21 that's a very good technical point.

22 So then I would have to purpose
23 that we table this application pending
24 clarification of an applicant who is
25

1
2 currently deceased, so I make that
3 motion.

4 MR. SALADINO: Second.

5 CHAIRMAN MOORE: Any discussion
6 further?

7 (No response.)

8 All in favor?

9 MR. SALADINO: Aye.

10 MS. NEFF: Aye.

11 MR. CORWIN: Aye.

12 MS. GORDON: Aye.

13 CHAIRMAN MOORE: That is tabled
14 pending clarification of the applicant.

15 We have left a lot of things open,
16 but we also haven't accepted any new
17 things.

18 I would just like to move to Item
19 Number 11, this is to approve the
20 minutes from the June 14, 2016 ZBA
21 meeting.

22 MS. McENTEE: May I ask a question

23 --

24 CHAIRMAN MOORE: Yes.

25 MS. McENTEE: -- on 5 and 6.

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CHAIRMAN MOORE: Let me look.

Okay. The hearing is open in both cases.

MS. McENTEE: But my understanding is that there, you're going to do another site visit; so is a time and date planned; does it have to be 10 days set in advance, and --

CHAIRMAN MOORE: It could be the day of the meeting as we customarily do. I would suggest the --

MS. McENTEE: Do you set a time?

CHAIRMAN MOORE: Um hum.

MS. McENTEE: Okay.

Because I haven't heard that yet.

And also, are you on 238, Item Number 6, will you be visiting the interior to follow through the kitchen.

CHAIRMAN MOORE: I have a note that we should look at the part to be demolished and there is also a question about the right-of-ways width requirement which is going to be checked by the Building Inspector, and

1
2 I can't guarantee we are allowed access
3 interiorly to that building because
4 it's an existing two-family, but we'll
5 talk about it, it's a consideration.

6 MS. McENTEE: Why would you not, I
7 mean, you've gone into other
8 properties, so why would you not if
9 they're having -- if they're demoing
10 part of a home, a portion of it, you've
11 had access.

12 CHAIRMAN MOORE: I guess on the
13 basis it might create an illegal space,
14 that might be a contention, but I would
15 ask the Building Inspector on that.

16 I believe the owner has the option
17 to create a kitchen of his choice, so
18 that's a point you made that has
19 bearing on the house, but I don't know
20 that it's something we're going to
21 immediately jump on and --

22 MR. SALADINO: The Building
23 Inspector would handle the demolition
24 of a building permit, that's outside
25 our --

1
2 MS. McENTEE: I completely
3 understand, but like would there be a
4 process of that being done before say
5 the back portion would be done?

6 MR. SALADINO: Are you saying,
7 would the Building Permit, a Demolition
8 Permit have to be approved and issued?

9 MS. McENTEE: Before the
10 subdivision is completed because
11 suppose they never do it, suppose they
12 never follow through with moving that
13 portion.

14 MR. SALADINO: That's an
15 enforcement issue.

16 MS. McENTEE: Okay.

17 MR. CORWIN: They don't get a
18 Certificate of Occupancy.

19 CHAIRMAN MOORE: I have, have a
20 note for the site visits which we will
21 discuss in a minute.

22 Number 11, motion to approve the
23 minutes from the June 14, 2016 ZBA
24 meeting.

25 So moved.

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MS. NEFF: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MS. NEFF: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Motion carries.

I skipped one, Number 10. It is the motion the accept the minutes from the July 19th ZBA meeting. I make that motion but abstain from voting.

Second, please.

MS. NEFF: Second.

CHAIRMAN MOORE: All in favor?

MS. NEFF: Aye.

MR. SALADINO: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Motion carries.

I abstain since I wasn't present.

Now the ZBA to schedule site visit times for items 5 and 6, I would propose we go to 221 Fifth Avenue at 5:30 and 238 at 5:45, and this is

1
2 mostly to see the marked out sites and
3 the parking spaces.

4 Is that agreeable to everybody,
5 221 First and 238 second, at 5:30, 5:45
6 prior to our meeting and the date is
7 September 20th, Tuesday; is that
8 amenable to everybody?

9 MS. GORDON: Fine.

10 MR. CORWIN: Does he have to make
11 any consideration for the Monsell
12 Place --

13 CHAIRMAN MOORE: He has to finish
14 his notification. The hearing hasn't
15 opened yet, so we could ask --

16 MR. CORWIN: No. I said to that
17 gentleman when he walked out the door a
18 month or two months ago, I said stake
19 it out.

20 CHAIRMAN MOORE: We could -- if we
21 had accepted, we have accepted the
22 application. Yes, we have, we haven't
23 started the hearing, so we might be
24 able to do a site visit up there.

25 MR. CORWIN: We mine as well.

1
2 CHAIRMAN MOORE: Nicholson on
3 Monsell would be 5:15, and it's east of
4 217.

5 MS. GORDON: Why are we doing it
6 again?

7 CHAIRMAN MOORE: He hasn't staked
8 it out, so we're doing it with the
9 stake outs.

10 And just before motion to
11 adjourn --

12 We need to schedule the next ZBA
13 meeting for Tuesday, September 30, 2016
14 at 6:00 p.m. and the Third Street Fire
15 Station conference room, so I make that
16 motion and ask for a second.

17 MS. GORDON: Second.

18 CHAIRMAN MOORE: All in favor?

19 MR. SALADINO: Aye.

20 MS. NEFF: Aye.

21 MR. CORWIN: Aye.

22 MS. GORDON: Aye.

23 CHAIRMAN MOORE: Just one
24 announcement is that I am resigning my
25 position for the end of September,

1
2 which means next will be my last
3 meeting. I sent the notice to Mayor
4 Hubbard in June indicating that I would
5 be leaving, and I am; so this will be
6 my second-to-last meeting.

7 MR. SALADINO: When's the party?

8 MS. NEFF: Chairman Moore, that's
9 not because the meetings are too long,
10 is it?

11 CHAIRMAN MOORE: I've decided it's
12 way past my bedtime.

13 With that, I would make a motion
14 to adjourn.

15 MS. GORDON: Second.

16 CHAIRMAN MOORE: All in favor?

17 MR. SALADINO: Aye.

18 MS. NEFF: Aye.

19 MR. CORWIN: Aye.

20 MS. GORDON: Aye.

21 CHAIRMAN MOORE: Thank you
22 everybody.

23 (Time noted: 10:50 p.m.)
24
25

C E R T I F I C A T E

I, STEPHANIE O'KEEFFE, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on .

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

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of August, 2016.

Stephanie O'Keefe

STEPHANIE O'KEEFFE

ATTORNEY PROKOP: [64] 7/4 8/7 25/16 42/8 43/4 43/10 44/2 48/9 48/14 60/24 61/3 61/6 62/4 68/2 68/9 68/14 68/22 69/2 69/19 70/14 75/4 92/16 93/6 100/7 100/10 100/25 102/18 103/3 103/6 106/3 106/9 126/15 126/21 143/15 149/24 153/3 164/15 185/2 185/11 187/16 188/7 203/9 217/16 218/21 219/6 219/10 220/6 220/9 220/15 221/7 241/14 242/4 242/10 242/17 249/9 250/12 250/19 267/2 267/7 267/13 268/2 268/7 268/13 268/19
AUDIENCE MEMBER: [11] 100/20 103/15 147/6 147/9 147/15 148/15 151/7 159/14 159/17 159/23 216/21
CHAIRMAN McMAHON: [5] 67/11 74/9 102/20 147/13 255/2
CHAIRMAN MOORE: [316]
DR. LIAKEAS: [28] 5/7 36/21 36/25 37/12 38/14 38/19 39/2 40/8 40/12 40/17 40/25 41/4 41/11 41/17 41/24 42/15 70/23 71/13 71/20 71/24 72/4 72/8 73/19 74/13 74/21 75/16 75/21 75/25
MR. CHARTERS: [8] 242/12 242/19 242/24 243/3 243/6 243/21 244/10 245/6
MR. CORWIN: [56] 7/7 14/8 14/12 18/2 24/16 25/14 25/23 30/24 31/20 37/9 45/11 48/3 65/18 78/9 78/18 85/3 86/12 87/4 87/7 87/25 88/16 88/19 94/7 96/4 106/17 134/19 148/2 164/24 176/4 202/3 202/21 214/10 215/18 216/18 216/23 238/19 239/23 240/21 245/19 249/19 250/5 252/14 252/20 254/19 261/9 264/8 267/18 269/10 272/16 273/5 273/17 274/9 274/15 274/24 275/20 276/18
MR. FOOTE: [30] 24/24 25/7 81/23 83/14 85/7 85/22 86/17 87/6 87/9 88/12 88/18 88/22 89/13 89/25 90/6 92/18 93/8 94/8 258/14 259/13 259/24 260/7 260/11 260/24 261/4 261/21 261/24 262/18 262/21 263/19
MR. HOLLID: [2] 176/2 176/6
MR. KEHL: [3] 54/16 91/8 177/15
MR. LIAKEAS: [1] 55/8
MR. NICHOLSON: [11] 98/9 99/23 100/9 100/13 100/16 100/18 101/8 101/14 101/17 102/5 102/17
MR. PENNESSI: [19] 208/22 210/11 210/16 218/12 218/17 219/4 219/8 219/15 220/22 225/14 230/15 231/23 232/5 236/11 237/21 237/25 239/18 239/25 241/4
MR. REID: [2] 160/15 174/19
MR. SALADINO: [125] 13/7 13/18 16/15 20/24 21/7 21/16 21/21 22/22 24/12 25/5 25/24 30/2 35/10 36/23 38/12 38/17 38/24 40/5 40/10 40/13 41/25 45/24 46/5 55/13 57/21 58/2 58/9 58/21 59/4 59/15 59/18 66/22 71/11 71/18 71/22 71/25 73/17 75/5 75/19 78/16 89/3 95/23 96/6 101/6 101/9 101/15 106/14 106/16 154/16 154/24 155/4 156/14 156/17 157/2 157/8 159/9 159/16 159/19 163/10 165/5 180/4 180/9 180/15 181/2 181/9 186/18 201/9 202/25 214/9 215/16 215/19 216/10 221/3 228/5 229/24 237/23 238/2 239/12 240/19 240/24 242/7 244/15 244/22 245/5 245/17 245/21 246/15 246/24 248/4 248/18 248/23 249/3 250/23 251/16 252/3 253/9 254/2 254/11 254/21 256/7 257/13 259/21 260/9 260/19 261/2 261/7 263/20 264/6 264/25 265/7 265/15 265/23 266/17 267/23 268/5 269/3 269/8 271/21 272/5 272/13 273/3 273/16 275/18 276/6 276/16
MR. SOLOMON: [10] 17/21 18/4 21/6 21/9 21/12 21/18 21/22 23/5 24/5 24/10
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