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VILLAGE OF GREENPORT
ZONING BOARD OF APPEALS

REGULAR MEETING
February 19, 2014
5:00 p.m.

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

APPEARANCES:

Douglas Moore - Chairman

David Corwin

Charles Benjamin

Ellen Neff (Absent)

Joseph Prokop - Village Attorney

David Abatelli - Village Administrator

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1 (The meeting was called to order at 5:05 p.m.)

2 CHAIRMAN MOORE: Okay. I'd like to open
3 tonight's meeting. This is the regular session
4 of the Greenport Zoning Board of Appeals. It's
5 about five-after-five. We have three members
6 present, so we can have our meeting tonight.
7 We may have an additional member arriving a
8 little bit late, and the Village Attorney is
9 also on his way.

10 We have two public hearings tonight and
11 then our regular agenda. The first public
12 hearing is a public hearing for an application
13 for an area variance for Marc LaMaina, 119 Main
14 Street, Greenport, New York, Suffolk County Tax
15 Map 1001-5-4-34. The applicant proposes to
16 construct a restaurant sign, which is directly

17 illuminated, and flashing sign.
18 Section 150-15G(2) of the Village Code
19 prohibits directly illuminated and flashing
20 signs.

21 Just for the record, this was noticed in
22 the Suffolk Times, along with the other public
23 hearing. The placard has been placed in the
24 store window. And the adjacent property owners
25 that were notified were Arlene Marvin; Harvey,

3

1 Joy; William Claudio, and Greenport Hedges is
2 the name. I can't read what has been written
3 here.

4 MR. CLAUDIO: It's the Hedges Building.

5 MR. LA MAINA: It is Greenport Hedges.

6 CHAIRMAN MOORE: LLC, which is your
7 property? No.

8 MR. LA MAINA: No. I think it's right
9 directly across the street, the Gazebo.

10 CHAIRMAN MOORE: Directly. It looks like
11 it's on the same side.

12 MR. ABATELLI: It was the --

13 MR. CLAUDIO: It's called the -- it used
14 to be called the Hedges Building.

15 CHAIRMAN MOORE: The Hedges Building.
16 Oh, okay. And so it's Harvey, Joy; Arlene
17 Marvin, William Claudio and Greenport Hedges
18 LLC.

19 (Joseph Prokop entered the meeting.)
20 Good evening, Joe.

21 MR. PROKOP: Hi.

22 CHAIRMAN MOORE: And so we can proceed
23 with the public comments.

24 First of all, I'll give the opportunity
25 to the owner, the applicant or representative

4

1 to describe the project and to make any
2 comments, and then we'll take any public
3 testimony.

4 MR. LA MAINA: I put the sign --

5 MR. ABATELLI: Name, please.

6 MR. LA MAINA: Marc LaMaina.

7 CHAIRMAN MOORE: And, if you would, name,

8 and address, and affiliation.

9 MR. LA MAINA: I'm the owner of
10 Lucharito's.

11 After the summer, we knew we had to do
12 something, because there was pretty much a
13 vacancy on South Main Street. Claudio's had
14 closed, and pretty much we were the only place
15 open to serve food. We were having trouble
16 attracting people to the store.

17 I took it upon myself, which I now know
18 that I shouldn't have, to go out and get a
19 sign. I was going after an old school looking
20 sign to match the feel of my building and the
21 feel of my store. We put it up and right away
22 we saw an influx in traffic, and it is doing
23 exactly what it's meant to do, bring people
24 into my store, bring people into the Town to
25 spend money.

5

1 I just ask you guys to remember that we
2 are open all year long, 365 days, closed one
3 day a week right now. And it is essential that

4 we bring people down to South Main Street when
5 there's no other business closed and
6 Scrimshaw's open two days a week.

7 It's not easy to operate a food business
8 in Greenport, especially when we're not making
9 deli sandwiches. We're different, and I think
10 that we have an appeal, and that I think that
11 that sign brings an attraction to our store
12 that I couldn't get from any other sign. And,
13 again, I apologize for doing it without the
14 initial review committee. Thank you.

15 MR. CORWIN: How do you pronounce the
16 name on the sign?

17 MR. LA MAINA: Lucharito's.

18 CHAIRMAN MOORE: All right. If there's
19 any members of the public that would like to
20 speak in regard to the sign? Yes, Mr. Claudio.

21 MR. CLAUDIO: Good evening, gentlemen.
22 Bill Claudio, 111 Main Street, Claudio's
23 Restaurant.

24 First of all, I want to say that what
25 Marc is trying to do that all of us -- all of

1 us are trying to do and that's attract business
2 down here. We are now a full blown tourist
3 town. All the industries that used to be here
4 are no longer here, no longer viable, not for
5 year-round, not even for summertime sometimes.
6 So the main influx of people is for tourism.
7 They're coming here to enjoy themselves.

8 Those of us that are in the food
9 industry, many of us consider ourselves
10 entertainment. Food is very important, but we
11 need to entertain the people, but you got to
12 get them here. I applaud Marc for at least
13 making an attempt to use a different
14 methodology to be able to do that. We've often
15 thought about doing the same thing.

16 When we look at the numerous signs that
17 we do have, that would lend itself to flashing,
18 to movement, to anything to attract the eye
19 down there at nighttime. My big wheel, which
20 is up on the restaurant in the summertime,
21 can't even be viewed anymore because it's

22 blocked by the trees as you come in that were
23 planted. When you drive down the street, you
24 have a difficult time seeing the sign. So
25 maybe turning that into a wheel that rotates,

7

1 flashing sign, flashing sign down at Crabby
2 Jerry's so that the lights are blinking. And
3 every time I thought about that and every time
4 we discussed it, what came to mind was Las
5 Vegas. Las Vegas is loaded with blinking
6 signs, hollering here, "Come here," and all
7 that jazz.

8 And I have to say that I've traveled all
9 over this world, first as a fighter pilot
10 flying in many countries, and then in business,
11 traveling throughout the world, the Far East,
12 South Africa, Africa, all throughout Europe,
13 South America, Australia, and I've seen some
14 very, very beautiful places in this world, yet,
15 every single time, in looking at those places,
16 one place kept cropping up and that was
17 Greenport. Of course it holds a special place

18 for us, for me, born and raised here, family
19 had a business here, which I ended up coming
20 back to.

21 Greenport is a beautiful, beautiful
22 little town. It has an aura and a character
23 all of its own, and that is what is attracting
24 people to come here. It's a beautiful town,
25 there are a lot of things to do, and it's

8

1 becoming a dining Mecca. People know Greenport
2 now as a place, if you want to get something to
3 eat, something good to eat, you're going to go
4 to Greenport. Where else are you going to go?
5 There's a few places, but Greenport moves to
6 the top of the pile any time somebody discusses
7 that.

8 So what Marc is doing is what all of us
9 try to do and that's attract people here. I
10 personally do not have a strenuously strong
11 opposition to the idea. However, I believe
12 that once the door is open, the door cannot be

13 closed, and there'll be others coming along
14 behind that want to do the same thing. And I
15 think the reluctance on the part of the Village
16 to not to allow would be exposing them to
17 potential court cases.

18 MR. CORWIN: Could you say that again? I
19 think you had a double negative in there.

20 MR. CLAUDIO: Which -- what was the
21 double negative?

22 MR. CORWIN: A reluctance on the part of
23 the Village not to allow.

24 MR. CLAUDIO: All right. I'll take out
25 the "not".

9

1 MR. CORWIN: Pardon me?

2 MR. CLAUDIO: I'll take out the "not".

3 MR. CORWIN: So reluctance on the
4 Village --

5 MR. CLAUDIO: To continue, right.

6 MR. CORWIN: To deny.

7 MR. CLAUDIO: Right.

8 MR. CORWIN: Which I would interpret as

9 the Village should deny.

10 MR. CLAUDIO: Well, I think -- you mean
11 in this particular case?

12 MR. CORWIN: Right.

13 MR. CLAUDIO: I merely offer it up to the
14 Board. You are the keepers of the key for this
15 Village. There are others here that are very
16 considerate of how this Village looks and how
17 it feels, the aura of the Village, the
18 comfortableness of the Village. It is what it
19 is and people love it.

20 By opening up the door to allow flashing
21 signs, and I don't want to bring up Las Vegas
22 because that's a little bit on the ridiculous
23 side, but it's along that -- along that
24 mentality.

25 I would like to see Greenport continue to

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1 maintain its reputation as a delightful,
2 beautiful local little village that the people
3 up west don't have anymore. They're crowded

4 out by traffic and getting run over in the
5 streets, buses, you know, all the activity
6 that's going. You can't drive down 25 anymore,
7 it's just one continuous mall. We're not that
8 and people appreciate it.

9 So I think the Board, in its
10 consideration as the keepers of the presence in
11 Greenport, should value what we have and find
12 another way for Marc, as we do with all kinds
13 of different things, web, advertising. We do
14 everything we can to get people here to spend a
15 lot of money in this Village. The commercial
16 establishments spend tens of thousands of
17 dollars to draw people down here.

18 That the Commercial District is important
19 to the Village I think is pretty much accepted.
20 The Commercial District generates nearly 40% of
21 the tax of the Village. It pays for almost 40%
22 of the electric plant, and perhaps rightfully
23 so, because it's a big user, and something
24 around 20% of the water usage. So it is paying
25 significant amounts of money into the coffers

1 of the Village to keep it operating.

2 I just want the Board to consider that
3 there may be other ways to do this so that we
4 can maintain the wonderful character of
5 Greenport and another way to get people in
6 here. I'll answer any questions, if you'd
7 like.

8 MR. CORWIN: What we're after here is
9 this is what is defined as a self-illuminated
10 sign.

11 MR. CLAUDIO: Self-illuminated as opposed
12 to?

13 MR. CORWIN: A sign that would have a
14 spotlight on it, just say a regular painted
15 sign with a spotlight. So do you make a
16 distinction between a neon sign and a
17 self-illuminated sign?

18 MR. CLAUDIO: I do not. The flashing is
19 what I'm talking about.

20 MR. CORWIN: Okay.

21 MR. CLAUDIO: The flashing is -- having a
22 sign up there that's illuminated, I don't think

23 there's any problem with that, that's perfectly
24 fine. But to have a sign that's flashing, and
25 a lot of people are going to see that that are

12

1 in the Business District, and they'll say,
2 "Well, gees, what a great idea," and they're
3 going to start applying to do the same thing if
4 you approve this one. And I think you would
5 recognize yourselves, as Board Members, you'd
6 be hard-pressed to deny. Once having allowed
7 it to occur, you're probably going to have to
8 continue to approve future signs like that.
9 Self-illuminated signs, perfectly fine.

10 MR. CORWIN: So, if --

11 MR. CLAUDIO: Flashing sign, no.

12 MR. CORWIN: If Mr. LaMaina's sign didn't
13 flash, but had the lights on it, you would be
14 comfortable with that?

15 MR. CLAUDIO: I'd have no problems with
16 it, of course not. I mean, there's lots of
17 signs throughout the Village like that. And

18 all the grandfathered neon signs, they're there
19 and they're lit, self-illuminated if you wish.

20 MR. CORWIN: Well, I think that's what
21 the original code was after, neon signs.

22 MR. CLAUDIO: Why were they after neon
23 signs?

24 MR. CORWIN: Well, they were -- they
25 defined it at self-illuminated signs. I'm not

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1 arguing against neon signs, I'm just trying to
2 explore this a little, because, as you have
3 said, once you say yes to somebody, everybody
4 else wants it.

5 MR. CLAUDIO: It's highly likely that
6 will occur.

7 CHAIRMAN MOORE: And we can have a
8 discussion with you, you know, after the public
9 testimony. Normally, we take testimony just
10 directly from anyone who wishes to speak and
11 don't engage too much in conversation.

12 MR. CLAUDIO: Fine.

13 CHAIRMAN MOORE: I want to ask you,

14 though, since I'm sure it will come up in our
15 discussion, your sign, which is the ship's
16 wheel, which is illuminated with neon, could
17 you explain the process that occurred for that
18 sign to be in place and to be relighted? I
19 recall it was probably 10 or 12 years ago.

20 MR. CLAUDIO: Oh, Lord, no.

21 CHAIRMAN MOORE: Or more than that --

22 MR. CLAUDIO: Oh, my gosh.

23 CHAIRMAN MOORE: -- that it was
24 renovated, along with the store front.

25 MR. CLAUDIO: Well, I'd have to check in

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1 with my father, who is no longer with us, and
2 let you know the exact -- that sign -- that
3 sign has been up there in one form or another.
4 I do have photos of the restaurant taken back
5 in the '30's and there was a neon sign hanging
6 from the side of the building in the same
7 location. It wasn't the same shape, it was a
8 vertical with an arm coming out. When it was

9 changed to the wheel, I don't know, but it's
10 been there for 70, 80 years.

11 CHAIRMAN MOORE: I remember in more
12 recent times there was a restoration of the
13 sign, either to replace it or to reestablish
14 it, where it became lighted again. And I know
15 there was an official process, but I don't
16 recall what that process was with the Village.

17 MR. CLAUDIO: I don't recall.

18 CHAIRMAN MOORE: Okay.

19 MR. CLAUDIO: All that was done to it is
20 to replace the neon bulbs, which had run out of
21 the argon, and to paint the sign, which had
22 started peeling. I mean, it was just a repair
23 job --

24 CHAIRMAN MOORE: Okay.

25 MR. CLAUDIO: -- not a rebuild job.

15

1 CHAIRMAN MOORE: I just thought I'd ask
2 while you were up there.

3 MR. CLAUDIO: Sure.

4 CHAIRMAN MOORE: Thank you.

5 MR. CLAUDIO: Sure. Any other questions?

6 CHAIRMAN MOORE: No, I don't believe so.

7 MR. CLAUDIO: Okay. Thank you.

8 CHAIRMAN MOORE: Thank you. Is there
9 anyone else that would like to speak?

10 (No Response)

11 CHAIRMAN MOORE: With that in mind,
12 before closing the public hearing, I'd just
13 like to bring to your attention, there was a
14 letter filed, and it's not too long, so I'll
15 read it, and it's from Amy Martin, who lists
16 herself as a Village resident and taxpayer.
17 And she, I believe, is also a member of the
18 Historic Preservation Board, or has been, and
19 it's regarding application to install lighted
20 and flashing sign on Main Street.

21 "I am writing what I hope is an
22 unnecessary letter of opposition to this appeal
23 before you. The quality and appeal of the
24 Historic District are at stake. There is no
25 room for such precedent to be set. I was

1 seriously disappointed that the neon was
2 allowed to disfigure the antique barn location
3 at Scrimshaw, as I believe the whole Village is
4 only allowed to repair historic neon and not
5 add new, brand new sign, etcetera, building,"
6 and I'm just trying to follow this. "Building
7 or to windows. It was definitely not a loss
8 when the Blue closed and its signs no longer
9 radiated across the bay. There is no place in
10 our Village for this type of signage.

11 As a bit of history, North Fork Bank was
12 required to replace its signage to reflect the
13 character of the neighborhood. If allowed,
14 there will be continued one-upsmanship of
15 lighted signs and we will look no better than
16 Riverhead in our lack of aesthetic appeal.

17 As another consideration, if any further
18 needs be added is that many of the businesses
19 rely on upstairs living areas to survive, and
20 those residents should not be subjected to this
21 type of signage. The sign at the Fire
22 Department is a terrible example of what should

23 not be allowed within our Village or even town
24 limit.

25 Please do not consider this application

17

1 for approval. Thank you for your time and
2 consideration of my input. Respectfully, Amy
3 Martin."

4 Well, if there are no other members of
5 the public who'd like to speak, I'll entertain
6 a motion to close the public hearing.

7 MR. CORWIN: So moved.

8 CHAIRMAN MOORE: And may I have a second?

9 MR. BENJAMIN: Second.

10 CHAIRMAN MOORE: All in favor?

11 MR. CORWIN: Aye.

12 MR. BENJAMIN: Aye.

13 CHAIRMAN MOORE: Aye.

14 So the public hearing is closed.

15 We can now have our discussion about --
16 actually, we should have our second public
17 hearing. I'm sorry.

18 Second public hearing is public hearing

19 for an application for an area variance for
20 Steven Sommer, 423 New Rochelle Road,
21 Bronxville, New York, 10708, for a property
22 located at 216 North Street, Greenport, New
23 York, Suffolk County Tax Map 1001-2-6-8. The
24 owner proposes to construct a new two-family
25 dwelling on a nonconforming lot.

18

1 Section 150-12A of the Village of
2 Greenport Code requires a 25-foot combined side
3 yard setback. The proposed combined side yard
4 setback for the new construction is 21.3 feet,
5 requiring a 3.7-foot combined side yard area
6 variance.

7 I should point out that I believe one of
8 the original notices on this had two sections
9 of the code. One was a side yard setback, and
10 that was an error. It's not actually a
11 requirement, since the 10-foot setback does
12 meet the requirement.

13 MS. WARD: Could you repeat yourself,

14 please?

15 CHAIRMAN MOORE: There -- in one of the
16 -- I believe in last month's agenda, when we
17 described the appeal for a variance, there was
18 the combined side yard requirement, which was
19 deficient. And it was also mentioned that the
20 single side yard setback was deficient and
21 needed a variance. And as it turns out, 10
22 feet is an allowable side yard setback, so that
23 was unnecessary. And this would be, of course,
24 a lesser variance, and so we can proceed with
25 that.

19

1 There may be a discussion, though,
2 regarding the lot size itself, which was not
3 posted as a variance requirement, and we'll
4 need to, you know, clear that up before we move
5 forward on that. But I think what we should do
6 tonight is take the public testimony on the
7 current variance and then proceed from there.

8 So we, first of all, should mention that
9 this was noticed in the Suffolk Times. The

10 placard has been placed on the property, as
11 required. And the property owners notified is
12 Carolie Jenner; Jill Ward and Julia Dickey;
13 Sophie Latham and Priscilla Jamieson; Jon
14 Mattson and Norma Fraser, I believe. Is that
15 correct way around?

16 MS. FRASER-MATTSON: Yes.

17 CHAIRMAN MOORE: And we do have the
18 receipts for the mailings, and those were the
19 immediate property -- adjacent property owners
20 who were notified on that matter.

21 And as we usually do, the applicant or
22 representative may give a description of the
23 project and any pertinent features they would
24 like to speak about.

25 MR. SOMMER: So good evening. My name is

20

1 Steve Sommer, I'm the owner of the property.
2 I'm going to be very short. I have a
3 representative here that will effectively and
4 accurately present the project.

5 I just wanted to share with you that I've
6 been vacationing in Greenport for about the
7 last 10 or 12 years. As Mr. Claudio indicated
8 very eloquently, I love this city. I'm
9 actually planning to retire here, hopefully
10 within the next 10 to 15 years. And it's kind
11 of my future plans to have a little bit of
12 equity at this particular point in time, so
13 that when I can retire, I can retire
14 comfortably here.

15 So I'm going to leave it to my
16 representative to explain the project.

17 MR. PELLICANI: Good evening, Board
18 Members. Folks, thank you for all of your time
19 tonight. My name is Paul Pellicani and I am
20 with Architect's Loft. We're the design firm
21 working with Mr. Sommer on this project. And
22 as the Board just previously mentioned, we are
23 here tonight seeking relief for a combined side
24 yard setback, of which 25 feet is required.
25 We're proposing a combined side yard of 21.3

1 feet, which is approximately 3.7 feet deficient
2 of the zoning code.

3 I would like to mention before I present
4 the project that we had done some research down
5 at the Village and I can -- I do have a FOILED
6 search request here, which there are seven
7 homes within a two to three block radius of
8 this property which have been approved for a
9 similar variance within the past three years.
10 The majority of them are not only including a
11 combined side yard, but additional variances,
12 side yard variances, front yard lot coverage,
13 things of that nature.

14 And for the record, I would now like to
15 read all 77 pages verbatim. Just kidding.
16 Sorry. Rough crowd. Whew.

17 What I would also like to say is that we
18 tried every effort to avoid seeking any
19 variance from the Board. Of course, as the
20 design firm and as the owner, we want to try to
21 blend in as best we can into the neighborhood
22 and the new home feel as if it were always
23 there.

24 I can tell that we did produce several
25 studies which would allow a two-family dwelling

22

1 on this property as of right without any
2 variances, and the way that that would be
3 achieved would be a two-story structure in the
4 front of the property. This is North Street
5 down here for everyone to see, this is the
6 property. This would be a two-story structure,
7 approximately 1600 square feet, single-family
8 dwelling, and at the back of the property would
9 be an approximately 700 square foot
10 single-family dwelling as a studio type unit.
11 That would be connected by a common corridor,
12 and, of course, parking in the back.

13 This proposed scheme meets all of the
14 zoning requirements for an as-of-right permit.
15 So it was certainly an option that we could
16 have pursued and not even been here tonight.
17 But we would like to suggest to everyone here
18 tonight is that we felt that was not the best

19 option for this site in that, inevitably, this
20 would become a just about front-to-back looking
21 structure. If we were to look at these
22 elevations, this is the front of the house, and
23 with the required front yard setback, and all
24 the way down at the end of property about is
25 the back of the house within the required

23

1 setback for that piece.

2 So it's just something I wanted to
3 express to the Board and everyone here tonight
4 that may have an interest that we are trying
5 to, you know, make this the best possible
6 project for the neighborhood, as well as
7 Mr. Sommer.

8 That being said, we are presenting a
9 two-story dwelling, which we feel is very much
10 in context with the homes in the neighborhood
11 that appears it was always there, and
12 essentially will be a two-family dwelling, as
13 mentioned, with two two-bedroom apartments on
14 each level, which will be in the back of the

15 home, then the required rear yard area parking
16 for the required number of automobiles, which
17 would have been either case in either scheme.

18 And so we feel that the request that we
19 are making tonight is not substantial in
20 nature. We feel that it is in context with the
21 spirit and harmony of the surrounding homes in
22 the area, and that this project could have been
23 achieved without variance in what we feel was a
24 less appropriate design for the neighborhood,
25 and, of course, that there are several homes in

24

1 the area that have received similar approval
2 from this Board within the past three years.

3 So, with that, I conclude my presentation
4 and welcome any questions you may have.

5 CHAIRMAN MOORE: I would ask a question
6 about the plans for the front setback --

7 MR. PELLICANI: Yeah.

8 CHAIRMAN MOORE: -- whether that's based
9 on the adjacent properties' setbacks and the

10 allowances for that?

11 MR. PELLICANI: It is. The home, as you
12 can see, has a covered front porch across the
13 front of the home, again, a consistent feel
14 with the flavor of the rest of the area, and
15 there is a 15-foot front yard setback to the
16 porch. The dwelling itself, the mass of the
17 house is a 20-foot front yard setback, both of
18 which, as we were told by the Building
19 Department, comply with the zoning requirement.

20 CHAIRMAN MOORE: Normally it's 30, but
21 because of adjacent properties --

22 MR. PELLICANI: That's correct.

23 CHAIRMAN MOORE: -- you can -- that's
24 allowable.

25 MR. PELLICANI: That's right.

25

1 CHAIRMAN MOORE: So it does meet the
2 calculation, then.

3 MR. PELLICANI: That was their
4 determination.

5 CHAIRMAN MOORE: One of the questions

6 that obviously comes up is the three parking
7 places in the back, and this being may be more
8 a planning issue than a zoning issue. How are
9 you calculating the size of the parking places
10 and the accessibility for them?

11 MR. PELLICANI: I believe it was
12 one-and-a-half spaces per dwelling unit.

13 CHAIRMAN MOORE: But, as far as the
14 spaces, the dimension of the parking spaces.

15 MR. PELLICANI: Oh, as far as the spaces
16 themselves? Yeah. That was based upon an
17 industry standard, essentially. So 27 feet
18 would allow for an approximate nine-foot stall
19 width per vehicle, which is a common standard
20 in most municipalities here in the Island, at
21 least in Suffolk and Nassau County, as well as
22 nationally, by a depth of approximately 20
23 feet, which would then also include a backup
24 turnaround space to be able to navigate, back
25 out the driveway facing forward, rather than

1 having to back the car out, you know, in
2 reverse all the way up the driveway.

3 MR. PROKOP: What is on this property
4 now?

5 MR. PELLICANI: It is currently vacant.
6 It was a dwelling that was there how long ago?

7 MR. SOMMER: It was a single-family
8 dwelling when I purchased it, I would say,
9 approximately four years ago.

10 MR. PROKOP: All right.

11 CHAIRMAN MOORE: One of the questions
12 that comes up is that the lot size is
13 substandard.

14 MR. PROKOP: Well, you know, there's a
15 couple of issues with this application. Do you
16 want to go into that now?

17 CHAIRMAN MOORE: Would it affect public
18 comment, do you believe, or should we continue?

19 MR. PROKOP: Well, the thing is we
20 can't -- we can't really -- if you asked me the
21 question, my advice to you is that we can't
22 really proceed because there's at least two
23 variances that are not included, one is the lot

24 size, and the second is the number of parking
25 spaces and --

27

1 CHAIRMAN MOORE: Which is required to be
2 three.

3 MR. PROKOP: Which is required to be
4 three. And then I only see two in the plans.
5 I mean, I'm not sure if there's a third one,
6 but the -- and then the second, there has been
7 -- I'm sorry, I see three in your plans. I
8 apologize.

9 CHAIRMAN MOORE: Yes.

10 MR. PROKOP: There has been an
11 interpretation at a prior meeting, and I have
12 to go back and find out where this was, but
13 that you cannot go from zero to two-family.
14 You can go from one-family to two-family, but
15 you can't go from zero to two-family, but I
16 have to go back and figure out where that --
17 where that came up. It was a recent
18 application. But, definitely, aside from that,
19 there's definitely an issue with the lot size.

20 CHAIRMAN MOORE: Okay.

21 MR. PROKOP: And you need 7500 square
22 feet.

23 CHAIRMAN MOORE: How would you propose
24 we'd proceed, then, is to renotice?

25 MR. PROKOP: It would have to be

28

1 renoticed.

2 CHAIRMAN MOORE: And then continued next
3 month?

4 MR. PROKOP: Yes. Did the Building
5 Inspector have a different interpretation on
6 this?

7 CHAIRMAN MOORE: I don't believe it
8 came --

9 MR. PROKOP: I don't know how it got to
10 us without --

11 CHAIRMAN MOORE: It didn't come up. An
12 existing house would be able to be modified --

13 MR. PROKOP: No, but I mean the lot size.

14 CHAIRMAN MOORE: -- as a substandard lot,

15 but it may still require a variance regarding
16 lot size. So this is one of the issues that's
17 just come up.

18 MR. PELLICANI: Are you referring to the
19 square footage of the lot size only?

20 MR. PROKOP: Yes.

21 CHAIRMAN MOORE: Yes.

22 MR. PELLICANI: Is that the only
23 consideration, 7500?

24 CHAIRMAN MOORE: The required is 7500,
25 and this -- we were discussing this at the site

29

1 visit and that it has not come up in the
2 discussion.

3 MR. CORWIN: Probably 279.

4 CHAIRMAN MOORE: It's fifty-two hundred
5 square feet, which is a substandard lot. So
6 that we would basically have to ask you to
7 refile your application for variance, or to
8 discuss it with the Building Inspector and
9 discuss whether that should have been denied on
10 that basis.

11 MR. PELLICANI: Well, I know we had
12 reviewed this application relatively well with
13 the Building Department, only because we had
14 two different designs, as you can see, first
15 one again being an as-of-right structure, which
16 we could proceed with tomorrow, basically. I
17 could finish my plans, file and get a building
18 permit and build a larger building, in effect.
19 With a larger footprint and a longer facade, it
20 would literally be a bigger building on that
21 lot, as opposed to something we felt was more
22 reasonable. If it's the requirement of the
23 Board, then --

24 CHAIRMAN MOORE: Obviously, that wasn't
25 being proposed for a variance.

30

1 MR. PELLICANI: Right.

2 CHAIRMAN MOORE: But it would require a
3 30-foot rear yard setback.

4 MR. PELLICANI: On which one?

5 CHAIRMAN MOORE: On

6 your what-we-could-have-done plan.

7 MR. PELLICANI: That's not what we were
8 told as an accessory structure.

9 CHAIRMAN MOORE: Oh, really? Well, you
10 can't fill an accessory structure for
11 occupancy.

12 MR. CORWIN: I don't want to hear that
13 accessory structure anymore. We've been
14 through that and we said we're not going to do
15 that. And whoever put that in your mind, it
16 just annoys me.

17 MR. PELLICANI: Good enough.

18 CHAIRMAN MOORE: Okay. I'm sorry.

19 MR. PROKOP: Unfortunately, you know,
20 you're in this situation. When you come before
21 this Board, it's basically a de novo review.
22 Unfortunately, this situation as it is now, we
23 get into this situation many times.

24 MR. PELLICANI: Sure.

25 MR. PROKOP: So the problem we have now

1 is you have a vacant lot, all right, and you're

2 trying to put something on it. So whatever you
3 wanted to put on it, it's a substandard lot.
4 Whether it's a one-family or two-family, it's a
5 substandard -- it's now a substandard lot. So
6 that's number one.

7 I don't know what the discussion was.
8 There's nothing -- so, basically, there's
9 nothing you can do as of right.

10 MR. PELLICANI: Okay.

11 MR. PROKOP: So I don't know -- I don't
12 know who gave you that information, but, you
13 know, as I said, this is basically a de novo
14 review when you get to this Board.

15 MR. PELLICANI: Okay.

16 MR. PROKOP: And it's just not the case.
17 So that's an issue, that all of that has to be
18 worked out.

19 MR. PELLICANI: Okay. So we'll proceed
20 back to the drawing board and re-file, I guess,
21 with whatever the new determination is in terms
22 of the deficiencies.

23 CHAIRMAN MOORE: So what would be our
24 action at this point? Do we have an

25 opportunity to table or --

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1 MR. PROKOP: Well, what I would do is I
2 would adjourn the public hearing and -- for
3 proper notification, and when the Building
4 Inspector determines what variances are
5 necessary for the application, then we could
6 renotice it, if that's what the applicant wants
7 to do.

8 CHAIRMAN MOORE: Okay.

9 MR. PROKOP: You know, maybe -- I would
10 -- so I would adjourn the public hearing, if
11 that's okay. That would be my recommendation.

12 CHAIRMAN MOORE: All right. So what I
13 will do is make a motion that we adjourn.

14 MR. CORWIN: Before you say it --

15 CHAIRMAN MOORE: Yes.

16 MR. CORWIN: -- I have a problem with
17 putting stuff in the paper. All these people
18 showed up, they had something to say. I don't
19 know if they're going to want to show up next

20 month and the month after, but they had
21 something to say. And my thinking would be,
22 briefly, if they have something to say based on
23 what was in the paper, they have the
24 opportunity to say it.

25 MR. PROKOP: Normally, what we do is we

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1 -- the Board's procedure is that we take the
2 testimony and we make the record of this
3 hearing part of the next hearing. But we have
4 to inform everybody that there's going to be
5 another -- there will be at least one more
6 hearing with more, with more variances.

7 MR. CORWIN: That is fair enough.

8 CHAIRMAN MOORE: So you would say it
9 would be permissible to take public testimony
10 on the current requested variance?

11 MR. PROKOP: Right. Whatever they say
12 tonight will go into the record of the next
13 hearing, even though it will be technically a
14 different hearing.

15 CHAIRMAN MOORE: And I think, in

16 addition, that with the request for an
17 additional variance, the public would once
18 again have the opportunity to comment on that
19 variance request, so you get two times.

20 So, anyway, we -- rather than adjourn the
21 public hearing at this point, we'll take public
22 testimony based on your current request, with
23 the understanding that it may not be sufficient
24 to proceed with a decision until the we consult
25 back with the Building Inspector.

34

1 MR. PELLICANI: We appreciate that.

2 CHAIRMAN MOORE: Okay. Thank you. Any
3 other comments?

4 MR. PELLICANI: If I could just clarify,
5 then the following hearing would be for two
6 variances, one of which would be combined side
7 yard, and the second potentially lot size
8 insufficiency, and that's what we're talking
9 about?

10 MR. PROKOP: With these plans, yeah.

11 MR. PELLICANI: Okay.

12 MR. PROKOP: If you didn't change
13 anything else, that's --

14 MR. PELLICANI: All right. Okay, very
15 good. Thank you.

16 MR. PROKOP: And that's based on a
17 30-second review, I mean, you know, whatever --

18 MR. PELLICANI: Sure.

19 MR. SOMMER: We understand.

20 CHAIRMAN MOORE: So, then, if the public
21 understands that we can take testimony tonight
22 based on the variance for a combined side yard
23 setback, and this is for construction of a
24 two-family house on that lot. So anybody wish
25 to speak? Just be sure to identify ourself,

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1 name and address, and then say what you would
2 like.

3 MS. WARD: My name is Jill ward. I live
4 at 220 North Street, which is directly adjacent
5 to the west of the subject property.

6 I would first like to take an opportunity

7 to read into the record a letter written by
8 Carolie Jenner, who owns the property at 208
9 North Street. She is unable to be here tonight
10 and she has asked me to read this letter for
11 her. It's dated February 16th, 2014, to the
12 Village of Greenport Zoning Board of Appeals.

13 This letter is in response to a
14 notification of a zoning variance application
15 submitted by Steve Sommer, 423 New Rochelle
16 Road, Bronxville, New York, 10708, for the
17 property located at 216 North Street,
18 Greenport, New York, 11944; Tax Map
19 1001-005-03-12. Now to the text of her letter.

20 "I currently own and occupy the adjacent
21 home located at 208 North Street, Greenport,
22 New York, 11944. I'm sorry, I will be out of
23 the town and not able to attend the public
24 hearing on this matter. At this time, I want
25 to go on record and notify all persons involved

1 with the variance application process that I

2 strongly oppose and object to any and all
3 variances for the above-mentioned property.
4 Thank you." And it's signed Carolie Jenner.

5 I would like to offer that. Can I put it
6 up there or --

7 CHAIRMAN MOORE: Yes, we'll put it in the
8 record. That would be very good to submit
9 that. Okay. Thank you.

10 MS. WARD: Thank you. Now, as I
11 mentioned, my name is Jill Ward. Julia Dickey
12 and I are the owners at 220 North Street, where
13 we've lived for some 30 years. Our property is
14 adjacent to the vacant lot that is the subject
15 of this variance application. We live
16 immediately to the west.

17 I can't speak about Mr. Sommer, but I
18 will say that from what I have heard from
19 people around the Village, Tom Spurge,
20 Mr. Sommer's partner in this application, has a
21 fairly decent reputation. He apparently owns
22 or is a joint owner of several properties in
23 Greenport. And while he has caused some
24 discontent perhaps and received opposition from

25 disgruntled neighbors on some of his variance

37

1 requests for his other properties, the
2 scuttlebutt around the Village, as well as the
3 view of some Village Hall personnel, is that as
4 a rental property owner and a landlord,
5 Mr. Spurge does decent renovations, maintains
6 his properties well, and rents only to good
7 tenants, that is to people who don't abuse his
8 properties or disturb their neighborhoods.

9 And I'm sympathetic to the fact that the
10 applicants bought this property in January of
11 2008, some six years ago, which was basically
12 near the top of the real estate market, and we
13 all know what transpired in the ensuing years
14 in that regard. That debacle, I assume, has
15 been a prime factor in their leaving the lot
16 undeveloped for so long.

17 Now, it is my understanding that a part
18 of the Village law says that in order to gain a
19 variance, an applicant must prove that current
20 zoning blocks a sufficient return on their

21 investment. I am sure, now that the real
22 estate prices and rents in Greenport have
23 recovered, the applicants would likely -- would
24 like to finally begin to realize the return on
25 that investment, and the obvious way, of

38

1 course, for them to do that is to get the most
2 bang for their buck. In other words, maximize
3 their rentable square footage in order to
4 maximize the rent roll. The bigger the house,
5 the higher the rents, the greater their income,
6 which brings us to this variance hearing for a
7 multi-family house to be built on this
8 nonconforming substandard 45-foot-wide lot that
9 lacks the appropriate side yard setbacks.

10 First, I want to give a bit of
11 background. The house that was torn down in
12 2008 by the applicants, following their
13 purchase of the property, was an old, small,
14 two-story frame single-family dwelling. It had
15 a one-story rearward projection and that served

16 as the kitchen. It also had an enclosed front
17 porch.

18 The point that I want to make here is
19 that the size of the first floor, its footprint
20 was larger than the size of the second floor.
21 Thus, the demolished house was totally in
22 keeping, both in size and character, with the
23 surrounding houses, as well as the
24 neighborhood, and, I might point out, in
25 keeping with the houses that had to be noticed

39

1 for this hearing.

2 Now, there are several houses situated on
3 nonconforming substandard lots on North Street,
4 including ours. There are at least five on the
5 block. The house immediately to the east, the
6 Jenner house, you have her statement, sits on a
7 45-foot-wide lot. It's one story. It's a
8 1,000 square foot single-family Craftsman. Our
9 house to the immediate west, and built around
10 1915, also lies on a substandard 45-foot-wide
11 lot. It's a two-story, it's 20 feet wide, a

12 single-family with 1500 square feet of living
13 space, which includes a one-story addition off
14 the back of the house that replaced an attached
15 shack used as a summer kitchen.

16 Across the street is another 1,000 square
17 foot one-story house. It used to be a
18 single-family, but it is now rented out to
19 multiple people. On Third Street, abutting the
20 subject property to the rear, that is to the
21 north, is yet another small single-family
22 house, again, comprising less than 1500 square
23 feet, the house owned by Jon Mattson and Norma
24 Fraser.

25 MR. MATTSON: A thousand square feet.

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1 MS. WARD: A thousand?

2 MR. MATTSON: One thousand.

3 MS. WARD: Thank you. Substandard lots
4 are endemic to this block, laid out many, many
5 years ago in what was, and for the most part
6 still is, a very working class area, and it is

7 a fragile area, I might add. Thirty years ago
8 all of the houses on the block were owner
9 occupied, but over the years many of them have
10 been converted to rentals. And, regrettably,
11 several of the houses on the block are poorly
12 maintained, compounding this fragility. A lot
13 width of 45 feet is not unusual here. As a
14 matter of fact, it is the norm. And the lot in
15 question, as I mentioned above, is another
16 substandard nonconforming lot, another
17 45-footer, a size I want to emphasize that is
18 just 70% the size of a conforming lot.

19 Now, when I look at the applicant's
20 plans, when I look at the plans filed with the
21 Building Department, my first reaction is that
22 I'm viewing a pleasing facade. From the front,
23 the aspect is of a pleasant Villagey looking
24 farmhouse type. However, behind that
25 attractive facade I believe lurks a monster.

41

1 The applicants are proposing to build a
2 two-family structure on this 45-footer, a

3 structure spec'd out at more than 2300 square
4 feet, wherein both the first floor and the
5 second floor would be of equal size, one
6 stacked immediately atop the other, and thus
7 presenting a massive uninterrupted wall when
8 viewed from either side. And these side views,
9 of what I have to say are unremitting monolithic
10 walls, are exacerbated by the fact that the
11 building's foundation runs up four feet above
12 grade before the two-story structure itself
13 even begins to rise, thus adding to its overall
14 enormity by virtue of this additional four
15 feet. This compares with much lower
16 above-grade foundations on which the adjacent
17 house is set. Our foundation on its east,
18 abutting the subject property, ranges from six
19 inches high in the rear to 16 inches at the
20 front corner of the house. Additionally, much
21 of our house lies only about two feet from that
22 property line.

23 I'm usually not one for hyperbole. You
24 all may disagree about that. I feel like I'd
25 be looking at the Great Wall of China just 12

1 feet from my living room. That structure would
2 dwarf its neighbors, imposing its outsized bulk
3 on all of the adjacent properties, as well as
4 on the rest of the neighborhood. It would be
5 more than one-and-a-half times the size of our
6 house and two-and-one-third times the size of
7 the Jenner house to the east.

8 Moreover, this 2300 square feet of living
9 space doesn't include the front porch, nor does
10 it include the deck that juts off the back of
11 the second story to the rear, and which extends
12 beyond the building's footprint. That deck
13 alone on the second floor measures eight feet
14 deep by 23.8 feet wide, and it runs across the
15 entire rear of the house from one side to the
16 other.

17 Now talk about an imposition. That
18 second story deck bumped up even higher going
19 to the four-foot foundation is afforded a
20 birds-eye view of all of its surroundings. It

21 would totally negate any hope of privacy in the
22 adjacent backyards, and possibly any hope of
23 peace and enjoyment in those yards as well.

24 Additionally, I fear that an outside
25 staircase running up to that deck may be added

43

1 at some point, further reducing the west side
2 setback, and further encroaching on our privacy
3 and peaceful enjoyment in both our home and our
4 yard.

5 Furthermore, the current specs call for a
6 two bedroom, two bath apartment on each floor
7 of the structure. Now, I wonder, how many
8 adult drivers might such a structure legally
9 contain? Four? Eight? Remember, this is four
10 bedrooms. Two parking spots are spec'd out for
11 the backyard. I can envision many more
12 vehicles than that with no place to put them,
13 and that doesn't even account for snow events.

14 And another point of concern that speaks
15 to this type of high density is how many baths
16 and showers? How many toilet flushes will

17 emanate from those four bathrooms on a daily
18 basis? The sewage pumping station at the
19 corner of North and Third is frequently
20 overwhelmed by the load it is already
21 struggling to carry. A methane gas stench
22 emanates on a regular basis from that pump
23 house.

24 And as an aside, I am assuming that grass
25 pave or a similar substrate will be used in the

44

1 rear yard, as well as in the driveway, to
2 enhance drainage, and that any discharge of
3 water will not be allowed to leave the
4 property. Our own property lies at a much
5 lower elevation than the applicant's, and I
6 fear erosion and damage from runoff from such a
7 massive roof.

8 Now, I know a structure of this size on
9 this nonconforming substandard lot, whether it
10 be a one-family or a two-family, requires a
11 variance because of the side yard setback

12 issue. However, it is apparent that this
13 setback issue is caused only because the
14 applicants are causing it; it is self-created.
15 The setback issue could easily be remedied if
16 the applicant were to build a 20-foot wide
17 house, instead of one that is 23.8 feet wide.
18 Several houses in the neighborhood, including
19 ours, are just 20 feet wide, and they present a
20 much more suitable footprint on their
21 substandard lots.

22 Nevertheless, the other issues that I
23 have raised would not be -- would not be
24 mitigated by such a remedy. However, if the
25 applicants were also to minimize the

45

1 massiveness, the obtrusiveness of the structure
2 by making the second floor shorter in length
3 than the first, and by eliminating the
4 privacy-impinging second-story deck, as well as
5 losing a toilet or two, then many of my
6 grievances would be addressed.

7 Now, making the second floor shorter in

8 length than the first would probably
9 necessitate that the second floor apartment be
10 just a one bedroom. This, too, would be a
11 benefit to the neighborhood in terms of
12 overcrowding, parking and toilet issues. Of
13 course, building a 20-foot-wide single-family
14 dwelling that also encompassed all the
15 aforementioned changes I believe would be the
16 optimal answer and help anchor this fragile
17 block. Obviously, a smaller structure, whether
18 it were a one-bedroom apartment over a
19 two-bedroom apartment or a single-family house
20 would reduce the income generated to the
21 applicants by their property. However, as
22 rents have climbed once again in the Village, I
23 again say I believe the applicants could still
24 realize a more than adequate return.

25 So, how to weigh the benefit or harm that

1 accrues to all of the interested parties here,
2 including the Village, which would receive

3 reduced property taxes from such a smaller
4 dwelling. I don't envy the Board in this task.
5 But, please, consider what the presence, the
6 impact of a multi-family building of that size
7 on that little lot would be. We, as well as
8 our neighbors, believe this structure would be
9 totally out of character and harmony with the
10 neighborhood and the nearby houses. The sheer
11 immensity of it, its imposition on the privacy,
12 peace and enjoyment of its neighbors, and the
13 likelihood of creating both parking and sewage
14 problems, all conflate to pose a severe and
15 unnecessary harm to the surrounding properties,
16 as well as a detriment to what is an already
17 fragile neighborhood.

18 For these reasons, I urge the Zoning
19 Board to reject this variance request, and I
20 urge the Board to suggest that the applicants
21 come forward with something smaller in scale,
22 something that does not maximize what possibly
23 could be allowed. I hope the applicants will
24 submit a more harmonious plan, one in keeping
25 with the character of both the adjacent houses

1 and the neighborhood.

2 At this point, I would like to ask if all
3 the Board members have had a chance to view the
4 submitted plans? If not, I have copies of the
5 schematics, which I'd be happy to pass along.

6 CHAIRMAN MOORE: We have the plans.

7 MS. WARD: You have them, okay.

8 In closing -- I bet you're all happy to
9 hear that phrase. In closing, I want to say I
10 know you, the Board, recognize it is important
11 that all neighborhoods in our Village be
12 accorded respect, not just the financially
13 vibrant ones. I trust the Zoning Board will
14 take all of the issues I have raised here today
15 under consideration, and I hope Mr. Sommer and
16 Mr. Spurge will do so as well. I thank all of
17 you for that consideration, and I thank you for
18 your time.

19 CHAIRMAN MOORE: Okay.

20 MR. CORWIN: Thank you.

21 CHAIRMAN MOORE: I could ask, it looks

22 like a Fire Department member, too, is here, is
23 there a meeting following this meeting tonight?

24 AUDIENCE MEMBER: Yes, there is a Wardens
25 meeting at seven o'clock.

48

1 CHAIRMAN MOORE: At seven o'clock, okay.

2 I'll take additional public testimony. I
3 would ask you to be as brief and concise as
4 possible.

5 MS. WARD: Sorry about that.

6 CHAIRMAN MOORE: No complaints about the
7 first, it was very well done, but if you could,
8 try and keep within, say, a five-minute period,
9 if possible.

10 MR. MATTSON: How about three?

11 CHAIRMAN MOORE: That is even better.

12 Thanks.

13 MR. MATTSON: My name is Jon Mattson. I
14 live at 512 Third Street with my wife, Norma
15 Fraser Mattson.

16 CHAIRMAN MOORE: I'm sorry, I was busy

17 doing something. Could you say that again?

18 MR. MATTSON: Jon Mattson.

19 CHAIRMAN MOORE: Mattson, yes.

20 MR. MATTSON: Yeah, and Norma Fraser
21 Mattson.

22 CHAIRMAN MOORE: At?

23 MR. MATTSON: 512 Third Street.

24 CHAIRMAN MOORE: 512 Third.

25 MR. MATTSON: It's adjacent to the

49

1 proposed property, it's in the back.

2 AUDIENCE MEMBER: North side.

3 MR. MATTSON: Okay. I have a letter I'll
4 read.

5 "To the Greenport Zoning Board of
6 Appeals. I, John Mattson, and my spouse,
7 Norma Fraser Mattson, residing at 512 Third
8 Street, New York, adjacent to the property of
9 Steve Sommer and Thomas Spurge, located at 216
10 North Street, Greenport, oppose the area
11 variance requested for the Sommer/Spurge
12 property, located at 216 North Street,

13 Greenport, New York.

14 We feel a smaller structure be proposed
15 for the proposed site or a new larger location
16 found for the planned structure. Approval of
17 this variance will be a step in changing the
18 nature of Greenport Village as the Village of
19 working family small residences.

20 In addition to looking at the proposed
21 outside view of the proposed structure, one
22 sees that the remaining property around the
23 structure becomes mostly driveway and parking
24 lot. Also, the rear elevated deck and lower
25 back wall of the structure appear to afford

50

1 easily installing a back door in the lower
2 floor" -- "a back door in the lower floor, rear
3 wall and a stairway to the upper deck with a
4 door into the upper rear wall. This illegal
5 modification would enable the property owners
6 to turn the property into an illegal
7 multi-family rental of more than two units."

8 It's signed by myself and my wife.

9 CHAIRMAN MOORE: Okay. If you'd like to
10 leave a copy, I'd appreciate it. Great. Thank
11 you. Any additional comments from the public?

12 MS. WARD: I'll give you my treatise for
13 the record.

14 CHAIRMAN MOORE: Sure, thanks. I will do
15 that.

16 MS. WARD: Thank you.

17 CHAIRMAN MOORE: Thank you very much.

18 MR. CORWIN: You have one plan that shows
19 three cars, and we have one plan that shows --

20 CHAIRMAN MOORE: Two cars.

21 MR. CORWIN: Two cars.

22 CHAIRMAN MOORE: Yes. We'll have to
23 clarify. Just as a point, Mr. Corwin's
24 indicating that some of your plan documentation
25 show two cars and some show three cars.

51

1 MR. PELLICANI: I can clarify that.

2 CHAIRMAN MOORE: So you'll have to be
3 sure by next time around that we have one plan.

4 MR. PELLICANI: Yeah. No, I could
5 clarify it right now. The site plan is correct
6 in showing three. What's happening, in the
7 floor plan where you see two cars is the third
8 one is cut off by the size of the sheet. So
9 for the next submission, we'll just not show
10 cars there and we'll just show them on the site
11 plan --

12 CHAIRMAN MOORE: Okay.

13 MR. PELLICANI: -- which it does afford
14 it to three cars.

15 CHAIRMAN MOORE: Just so we know we're
16 looking --

17 MR. PELLICANI: Certainly.

18 CHAIRMAN MOORE: -- at one plan.

19 MS. BUTLER: I really don't want to talk.
20 I live at 514 Third Street in Greenport. My
21 husband and I oppose it. I have a written --

22 CHAIRMAN MOORE: Your name? Name?

23 MS. BUTLER: Oh, Butler, Elizabeth
24 Butler, 514 Third Street, Greenport.

25 And I know I will not be at a further

1 meeting because I travel a lot. So, if I can
2 give you my objections in writing now, I would
3 appreciate it.

4 CHAIRMAN MOORE: Yes, that would be
5 excellent. We'll file it with the --

6 MS. BUTLER: Thank you.

7 CHAIRMAN MOORE: With the request.

8 MR. CORWIN: Could you, please, read them
9 out loud?

10 CHAIRMAN MOORE: What's that?

11 MR. CORWIN: Could you, please, read them
12 out loud?

13 CHAIRMAN MOORE: Yes. This is Michael
14 Butler, Elizabeth Butler at 514 Third Street.

15 "The proposed multi-family dwelling shall
16 be owner occupied with such owner possession at
17 least 25% share of ownership." And I should
18 indicate that it says they object to the
19 proposed two-family construction captioned
20 above in the absence of the following, so these
21 are recommendations.

22 "The number of occupant families shall be
23 limited to two related families. The building
24 shall be limited to two kitchens with
25 appropriate certificates of occupancy.

53

1 The off-street parking on the land
2 surrounding the proposed structure shall not
3 exceed two vehicles, with appropriate setbacks
4 from all adjacent property lines. The plans
5 and construction shall preclude any stairways
6 leading up to the rear of the proposed
7 structure or any other installations or points
8 of entry, so as to provide additional access to
9 any apartments.

10 The square footage of the improved
11 property shall not vary or exceed that
12 permitted by existing Village Code."

13 And that was the written comment from the
14 Butlers.

15 Would someone else care to speak
16 regarding this application? Yes. Be sure to
17 give your name and address when you reach the

18 podium.

19 MR. LEHMAN: I do apologize. I know Dave
20 is the only gentleman --

21 MR. CORWIN: Your name. Name, please.

22 CAPTAIN LEHMAN: Captain Robert H.
23 Lehman, L-E-H-M-A-N, U.S. Coast Guard. My name
24 would also be Ex-Captain Robert H. Lehman,
25 Greenport Fire Department. My name would also

54

1 be Robert H. Lehman, Suffolk County Building
2 Inspector. I'm, unfortunately, unemployed at
3 the moment, but I did take the test and pass
4 it. I live at 535, I repeat, 535 Third Street
5 in Greenport.

6 I live in Greenport since 1964. I beg
7 your pardon, I first seen Greenport and fell in
8 love with it in 1964. As I was driving down
9 Main Street looking to the left, I saw, and I
10 quote, the mansions. Millionaires must live in
11 this town in 1964. I could not believe the
12 size of those structures.

13 Greenport is a town I love. It's my
14 Village, and I can prove that only by 27 years
15 in the Greenport Fire Department, soon to be,
16 and I pray to God, on the third Thursday of
17 April to be Second Assistant Chief.

18 MR. CORWIN: Bob.

19 CAPTAIN LEHMAN: A little loud.

20 MR. CORWIN: You're loud enough. Most
21 people aren't loud enough, but --

22 CAPTAIN LEHMAN: Thank you.

23 MR. CORWIN: You're pretty loud.

24 CAPTAIN LEHMAN: Thank you very much. I
25 hope to be Second Assistant on the third

55

1 Thursday in April, going up through the ranks
2 of Second Lieutenant, of course, First
3 Lieutenant and Captain. My children are grown
4 up now, all who have grown up in Greenport, all
5 who have graduated from Greenport High School.
6 I love Greenport

7 MR. CORWIN: Excuse me. I don't want to
8 cut you short, Bob, but I know we're going to

9 run into time problems.

10 CAPTAIN LEHMAN: Well, he said five
11 minutes. Dave, he said five minutes. I think
12 I'm up to about three in four or five seconds.

13 MR. CORWIN: Well, I'm just -- if you got
14 to the nut of comments --

15 CAPTAIN LEHMAN: I will go on. I love
16 Greenport. I do not want Greenport to be
17 Southampton, where I worked, East Hampton,
18 where I worked, Westhampton, where I worked,
19 Montauk, where I worked. The whole South
20 Shore, from Shirley to Montauk, I do not want
21 Greenport like that. I do not want a
22 McMansion, okay? I don't want to be a Second
23 Assistant Chief and running up to the scene
24 when there's 14 cars there. I'm exaggerating,
25 of course, but at a party, there possibly could

56

1 be 14 cars, trying to push cars away to get a
2 line into that structure, not knowing how many
3 people are in that structure because there's a

4 party going on. I don't want that. It would
5 break my heart.

6 We do not need McMansions. We do not
7 need the inconsideration of somebody with
8 enough money to put up a two-and-a-half, almost
9 three story, structure next to that beautiful
10 little cottage that's been there for 200 years.
11 It's inconsiderate blocking that sunrise,
12 blocking that sunset, and blocking that
13 southwest wind and the summer wind that they
14 count on to cool down.

15 I do not -- I am adamantly opposed to
16 this. I will do everything within my power to
17 stop it. Put it up by the Sound. The
18 McMansions are up there now. There's
19 McMansions up there now at a quarter of a
20 million and a quarter-and-a-half when the
21 market goes up. Two million dollars they're
22 selling for. Put them up there. Do not put
23 them in my Village, please, because I will
24 continue to fight and I will continue to scream
25 when I still can. Thank you.

1 CHAIRMAN MOORE: Thank you, sir.

2 MR. CORWIN: Thank you.

3 MS. RUFFNER: I am Ruth Ruffner, 224
4 North Street.

5 MR. ABATELLI: You could use the mic.

6 CHAIRMAN MOORE: Yes. In this case, if
7 you could --

8 MR. ABATELLI: Use the mic.

9 CHAIRMAN MOORE: -- tip up the mic.

10 MS. RUFFNER: Ruth Ruffner, 224 North
11 Street. I've lived on that block my whole
12 life. I lived at 206 -- 200 North Street.

13 Now, I oppose because it's too big of a
14 place for that area we have. We have no
15 parking as it is. The neighbor across the
16 street has -- you park on the street. You have
17 no place for two building -- two-family
18 building house, it's too big. Please oppose,
19 please.

20 CHAIRMAN MOORE: Thank you.

21 MR. CORWIN: Thank you.

22 CHAIRMAN MOORE: Would anyone else care

23 to speak?

24 (No Response)

25 With no one immediately asking, I think

58

1 the procedure now would be to adjourn the
2 public hearing, leaving it open until a
3 subsequent meeting, when we anticipate a
4 refiling of the request for a variance, when
5 that issue is clarified. And so the hearing
6 will be continued next month, and there may be
7 additional variance notifications during the
8 next intervening period, for which the public
9 would be welcome to comment on any additional
10 variance issues.

11 So, with that, I would make the motion to
12 adjourn the public hearing while leaving it
13 open to a future meeting. So moved. May I
14 have a second?

15 MR. BENJAMIN: Second.

16 CHAIRMAN MOORE: And all in favor?

17 MR. CORWIN: Aye.

18 MR. BENJAMIN: Aye.
19 CHAIRMAN MOORE: Aye. So the public --
20 MR. MATTSON: Would we --
21 CHAIRMAN MOORE: Sir?
22 MR. MATTSON: Would we get a certified
23 mailing again if there's another --
24 CHAIRMAN MOORE: It will be renoticed if
25 there is an additional variance required. And

59

1 appropriate notifications will be an
2 advertisement in the newspaper, a placard on
3 the property, and adjacent property owners
4 would be notified.
5 MR. Mattson: But we wouldn't necessary
6 get a certified letter again?
7 MR. PROKOP: Whatever the notice is.
8 CHAIRMAN MOORE: Whatever the notice
9 requirement, it will be the same.
10 MR. PROKOP: Could I just say something?
11 MS. WARD: I might add --
12 CHAIRMAN MOORE: Yes.
13 MS. WARD: -- the placard is unreadable

14 because the sidewalk has never been shoveled
15 all winter long, so you really can't get over
16 there to read it.

17 MR. PROKOP: Can we just -- can we ask --

18 CHAIRMAN MOORE: Yes.

19 MR. PROKOP: -- the applicant to indicate
20 the owners of the property on the application?
21 The owner.

22 CHAIRMAN MOORE: Oh, the owner.

23 MR. PROKOP: The owner, the full --
24 whoever the owners are.

25 CHAIRMAN MOORE: The full ownership

60

1 you're requesting.

2 The other issue, too, is it may have been
3 neglected to request it, but if you would,
4 prior to the next meeting, stake out the
5 corners of the dimensions of the proposed
6 structure.

7 MR. PELLICANI: Okay.

8 CHAIRMAN MOORE: And also, hopefully,

9 snow will not still be on the lot next month,
10 that we could have access to the property, if
11 the fence could be opened. I didn't really
12 look today to see if that's possible.

13 MR. SOMMER: The four corners?

14 CHAIRMAN MOORE: The corners of the
15 building, to show its dimension and size on the
16 lot.

17 One question, too, is you mentioned that
18 you would be coming out to retire in the area.
19 Do you intend to occupy the house?

20 MR. SOMMER: I hope not to retire for the
21 next 10 or 15 years.

22 CHAIRMAN MOORE: So it will be a rental,
23 it's not owner occupied?

24 MR. SOMMER: Right now, right.

25 CHAIRMAN MOORE: Okay.

61

1 MR. PELLICANI: Okay? Thank you.

2 MR. SOMMER: Thank you.

3 CHAIRMAN MOORE: All right. Thank you.

4 Thank you for coming

5 MR. PELLICANI: Thank you.

6 CHAIRMAN MOORE: So now we'll go into our
7 regular meeting agenda. Obviously, Item #2
8 we'll be postponing for a future date.

9 But on the discussion for Item #1 is Marc
10 LaMaina, a sign request.

11 MR. CORWIN: Could I just say --

12 CHAIRMAN MOORE: Yes.

13 MR. CORWIN: -- before we start on that,
14 Item #3, Costello, I abstained when we voted
15 the last time, so we're not going to have a
16 quorum to discuss that, so maybe we should take
17 that off the agenda.

18 CHAIRMAN MOORE: Right, that would be a
19 good point. And I have a question for the
20 Attorney --

21 MR. PROKOP: Yes, sir.

22 CHAIRMAN MOORE: -- regarding a variance
23 issued. Mr. Costello is asking for an
24 extension of the variance. Is it within our
25 authority to extend a variance beyond the

1 period required by the code, because that's not
2 really part of an area --

3 MR. PROKOP: Well, you're actually --
4 it's actually a request for a variance of the
5 code, because, you know, it really is itself a
6 request for a variance.

7 CHAIRMAN MOORE: So would that need
8 noticing and --

9 MR. PROKOP: Yes

10 CHAIRMAN MOORE: -- discussion? So then
11 we can't take the issue up tonight anyway, so
12 we'll --

13 MR. PROKOP: I would do the notice
14 procedure for the next one.

15 CHAIRMAN MOORE: -- send that message
16 back to the Building Inspector that this would
17 be a variance request. A building permit had
18 been issued, so that's as well and extension of
19 that building permit, if necessary, so that we
20 can place Item #3 on hold pending that issue.

21 So, as far as the discussion is
22 concerned, Mr. LaMaina, you had -- is it

23 LaMaina?

24 MR. LAMAINA: Yup.

25 CHAIRMAN MOORE: Yes. You have -- I

63

1 believe you provided some pictures --

2 MR. LAMAINA: Yes.

3 CHAIRMAN MOORE: -- of some surrounding
4 properties. Obviously, you've sent a picture
5 of your sign as well, which pretty well depicts
6 it. And we've all visited the site, so we know
7 what it looks like.

8 The code is quite complete on what it
9 prohibits. It's almost any kind of -- you
10 know, a sign is almost anything, and that the
11 strict prohibition is a directly illuminated,
12 which is typically a box sign, those plastic
13 things that have fluorescent bulbs inside, but
14 they also include neon signs, which are
15 self-illuminated. And in your case, the sign
16 lettering itself is not internally illuminated,
17 but the border of the sign is illuminated. So
18 it's more or less decorated by lights. And

19 that's the issue which falls also within the
20 restriction on the code.

21 Now you've presented some pictures of
22 different buildings. Would you like to comment
23 on those?

24 MR. LAMAINA: Those are just the
25 illuminated signs that I saw throughout the

64

1 Village.

2 One thing about my sign is you can only
3 see it from a 55-degree angle from either side,
4 you can't see it from down the block, which
5 hurts my business. But then the flashing of
6 the lights, that's how people know that we're
7 open when they pull up to the stop sign on
8 Front Street. So, I mean, it does help that
9 they're flashing.

10 CHAIRMAN MOORE: Yeah. And is it
11 actually visible from Front Street?

12 MR. LAMAINA: Not really.

13 CHAIRMAN MOORE: Not really? Had you

14 considered using -- it is permitted, with
15 issuance of a permit, a bracket sign, which can
16 be illuminated, externally illuminated, which
17 could actually project out into the street. It
18 does require a permit to be issued for that,
19 and, apparently, appropriate insurance and
20 things like that.

21 MR. LAMAINA: Yeah. I didn't do too much
22 thinking going into this whole process, I just
23 kind of shot from the hip.

24 CHAIRMAN MOORE: Okay. And one of the
25 issues, too, that's been pointed out is

65

1 Mr. Claudio had indicated that he was concerned
2 about the snowballing, and comment from Amy
3 Martin about one-upsmanship. There are other
4 signs clearly in the Village that are
5 illuminated, mostly involve neon signs. I
6 believe some of them, and I don't have the
7 statistics on this, some of them are
8 preexisting signs --

9 MR. BENJAMIN: Right.

10 CHAIRMAN MOORE: -- which are
11 grandfathered in. Others may have been
12 permitted through a special process. I'm aware
13 it was before, I believe, my time on the Board.
14 Mr. Benjamin, I believe, was on the Board for
15 Scrimshaw. It was a long process to actually
16 issue a variance for their sign.

17 MR. LAMAINA: I know Bill had a problem
18 with that sign as well.

19 CHAIRMAN MOORE: Yeah.

20 MR. LAMAINA: I think that's why they had
21 to move it the second time.

22 CHAIRMAN MOORE: And what I think the
23 data is lacking here for fairness is what is
24 the status of the various signs around the
25 Village? I've had a couple of verbal responses

66

1 from Eileen Wingate, the Building Inspector, on
2 the status of some signs. I believe some signs
3 may not be preexisting, grandfathered in, and
4 are illuminated, perhaps even more so than

5 yours and --

6 MR. LAMAINA: I believe Crabby Jerry's
7 has illuminated LED lights around one of their
8 signs and a big lobster on the side of their
9 building. I don't know if they went through
10 approval for that.

11 CHAIRMAN MOORE: I'm not familiar with
12 that. I was just thinking, for the benefit of
13 the Board, whether we might, you know, reserve
14 decision pending possibly some more specific
15 information from the Building Inspector on more
16 or less an inventory of signs that may be in
17 compliance due to being grandfathered, and
18 others which may not be in compliance. And the
19 question would be why they are not also seeking
20 variances to clean up the issue, because it
21 would -- you know, it could be claimed to be
22 unfair to this applicant if others are allowed
23 to exist without any authorization as well.

24 MR. LAMAINA: Well, I don't want to get
25 tarred and feathered here by my fellow business

1 owners.

2 CHAIRMAN MOORE: Right. Well, it's just
3 a -- it's a point of fairness and whether you
4 had considered any other options. One of the
5 questions that's asked when we consider a
6 variance, and I don't know if you had looked at
7 them as far as what -- you know, the test
8 questions is, you know, whether the benefit
9 sought by the applicant can be achieved by some
10 method feasible for the applicant to pursue
11 other than an area variance, which means a
12 compliant sign, something that's permitted.
13 I'm not sure that part would pass a test,
14 because there's clearly other ways that it
15 could be done.

16 So what I think I would suggest to the
17 Board is that we reserve judgment at this point
18 that we could, you know, table. I don't know
19 if that's the appropriate term, but to not make
20 a decision tonight, not go through the process,
21 ask the Building Inspector to provide us with
22 some additional information on inventory of
23 current signs and their status that we can

24 actually review one by one. And perhaps, in
25 that period of time, you could consider what

68

1 your options might be and you might be able to
2 propose.

3 The sign, obviously, may have some use to
4 you as, you know, decoration within your
5 business as well, so that if we were to, you
6 know, consider the application and reject it,
7 perhaps not all is lost, but that's still to be
8 determined.

9 So I would like to suggest to the Board
10 that we do that. And perhaps if one of you
11 would like to make a motion that we table
12 decision pending some more information, I would
13 accept that.

14 MR. CORWIN: Well, my feeling is I'd
15 like to let Mr. LaMaina know what my thinking
16 is. I have no objection to what you're saying,
17 it makes sense, but people get stuck here and
18 they get held up for month after month.

19 CHAIRMAN MOORE: Well, I would hope that
20 we could come to a decision next month. What's
21 your feeling, Mr. Benjamin, regarding tonight?
22 I mean, we could go through the process.

23 MR. BENJAMIN: Well, there's two things,
24 one about what you said, and one about what's
25 going on here with the application. And I

69

1 think that if you're going to apply for a sign,
2 you have to check the laws and then apply
3 accordingly. And if you can't for some reason
4 meet the requirements, then you apply for a
5 variance. But it seems that it was done a
6 different way, put up the sign and then apply
7 for them. So I really have no way of dealing
8 with that, but only give you relief from the
9 law.

10 So, as far as the other signs in town
11 where there are not the laws enforced or not --
12 I don't -- it's not my jurisdiction. But I
13 understand what you need, and I understand that
14 there's, you know, a problem this time of the

15 year and you're trying to, you know, make a
16 living. So our code says that you should be
17 probably fined for having a sign up every day
18 you have it up, or whatever, you know, because
19 it's a violation. So it's not a good thing,
20 it's not a good thing to do. But, you know, we
21 might have to address that issue.

22 And the other thing is, is there any way
23 that sign could exist the way it is without
24 flashing lights and without -- you know, that's
25 another question.

70

1 MR. LAMAINA: Have the lights remain on
2 constant?

3 MR. CORWIN: Remain off constant.

4 MR. LAMAINA: Off constant?

5 CHAIRMAN MOORE: It would have to be --

6 MR. LAMAINA: It kind of defeats the
7 purpose of the sign.

8 CHAIRMAN MOORE: It would have to be
9 externally illuminated, in other words, with

10 the typical lights that are extended out beyond
11 the sign.

12 MR. BENJAMIN: The other issue is that
13 historic. You know, I mean history is made one
14 time or another, you know. I mean, yesterday
15 history was made, so you might be making
16 history now. But, in the meantime, we have to
17 make a decision based on what we have for law.
18 You can't have a relief from the law if you
19 don't have it, you know, so --

20 CHAIRMAN MOORE: Now -- yes. One of the
21 points I'd like to make, as far as the current
22 number of votes we have tonight, if I were to
23 move that we table the discussion pending more
24 information until next month, any one of us can
25 say no and continue the process, and then we

71

1 could be here all night.

2 And I also think that when an applicant
3 is before the Board, what you're looking for is
4 enough support from the Board where you would
5 need three votes. Whether the Board has three

6 members, four members or five members present,
7 you need three votes, and the situation is that
8 anybody opposed tonight essentially has veto
9 power to reject an application for variance.
10 And I would encourage that we would have more
11 members present when we make a vote of
12 significance other than an administrative
13 matter, so that if --

14 MR. CORWIN: I agree with that.

15 CHAIRMAN MOORE: With that in mind, I
16 would then like to make a motion that we table
17 our proceedings to a future meeting where we
18 get a little more information, and that you may
19 consider any options you have. With that in
20 mind, I would make that motion, that we
21 postpone --

22 MR. CORWIN: Before you make that motion,
23 can I say --

24 CHAIRMAN MOORE: Yes.

25 MR. CORWIN: -- that I think the lights

1 should be turned off until this is resolved,
2 because, as it stands now, it's an illegal
3 sign. So it's kind of saying to the Village,
4 "I'm doing what I want." And we're trying to
5 accommodate this gentleman and maybe he can
6 accommodate us and just turn the lights off
7 until we can straighten this out.

8 MR. LAMAINA: (Nodded yes).

9 CHAIRMAN MOORE: Not that you can't shine
10 a light on it, if you wish to light it up with
11 some other means.

12 MR. LAMAINA: Yeah.

13 CHAIRMAN MOORE: But with that in mind, I
14 would like to, you know, postpone decision to a
15 future meeting, and I would make that motion
16 and ask for a second.

17 MR. BENJAMIN: Second.

18 CHAIRMAN MOORE: And any discussion,
19 further discussion? All in favor?

20 MR. CORWIN: Aye.

21 MR. BENJAMIN: Aye.

22 CHAIRMAN MOORE: Aye.

23 So the motion is passed and we'll be

24 discussing it again next month.

25 MR. CORWIN: Let me just ask you one more

73

1 thing, is this has -- my understanding is this
2 has to go to the Historic Preservation
3 Commission; you're aware of that?

4 MR. LAMAINA: I wasn't.

5 MR. CORWIN: Mr. Abatelli, would you fill
6 him in on that?

7 CHAIRMAN MOORE: Didn't you say there was
8 an issue with the Historic Review?

9 MR. ABATELLI: Yeah. Eileen never
10 mentioned it. I mean, it really would be after
11 this, depending on what this Board decided. If
12 this Board decided the sign -- couldn't have
13 the sign, you know, then it wouldn't matter.
14 But if they approve -- if they resolve the
15 lighting problem, the sign itself would also
16 need to go. And, actually, the other two signs
17 in the window as well would go before Historic.
18 I'm actually surprised you didn't know that,
19 but it is a step. I mean, you don't do them

20 both at the same time.

21 MR. PROKOP: You could ask the Historic
22 Board for their input for the decision, because
23 the way that he just described it, it's sort of
24 backwards, you know, because we -- you know,
25 for us to approve it without input from the

74

1 Historic Board doesn't seem to make sense,
2 then.

3 CHAIRMAN MOORE: Yes. And to avoid
4 dragging things out, I think what we would do
5 is in the intervening period, ask them for
6 their input. Whether they would have to have a
7 formal meeting, I guess they would have to
8 gather and discuss it. If we wait until next
9 month, then there would be an additional delay.

10 MR. ABATELLI: Well, they meet at the
11 beginning of the month, and they don't need to
12 have hearings, so we could --

13 CHAIRMAN MOORE: Yes.

14 MR. ABATELLI: You know, we already have

15 the information on the signs.

16 CHAIRMAN MOORE: Perhaps they could take
17 it up next week.

18 MR. ABATELLI: It could be dealt with
19 before your next variance -- before your next
20 meeting.

21 CHAIRMAN MOORE: It would be in about a
22 week or so. That would be good. Would we need
23 a motion to do that or --

24 MR. PROKOP: Yes, I think it's a good
25 idea.

75

1 CHAIRMAN MOORE: Okay.

2 MR. PROKOP: It's a resolution motion.

3 CHAIRMAN MOORE: So then I would like to
4 make a motion before the Board that we refer
5 this application to the Historic Review Board
6 for their input. And with that in mind, I make
7 that motion.

8 MR. CORWIN: Second.

9 CHAIRMAN MOORE: And all in favor?

10 MR. CORWIN: Aye.

11 MR. BENJAMIN: Aye.

12 CHAIRMAN MOORE: Aye.

13 So that we get additional input and that
14 actually may be helpful to you.

15 MR. LAMAINA: I guess I'll get notice
16 about the next meeting?

17 CHAIRMAN MOORE: Yes.

18 MR. LAMAINA: All right.

19 CHAIRMAN MOORE: Yes, certainly.

20 MR. LAMAINA: Thank you very much.

21 CHAIRMAN MOORE: Thank you. I'm sorry
22 for the delay, but it may be beneficial
23 overall.

24 MR. PROKOP: Well, the next meeting is
25 March 19th or something. You're not going to

76

1 get a notice.

2 MR. CORWIN: It's going to be the third
3 Wednesday. It's always the third Wednesday,
4 unless something --

5 CHAIRMAN MOORE: I believe it's the 19th.

6 Since this is February, it will be the same
7 day.

8 MR. LAMAINA: Thank you.

9 CHAIRMAN MOORE: Thank you. All right.
10 Now we can move along.

11 Item 2, obviously, has been postponed
12 until next month, when we perhaps will have a
13 new application, that new public hearing.

14 Item #3 we have to delay, because we
15 don't have sufficient votes to make a decision
16 on that. And we also have to refer this back
17 to the Building Inspector, so that an
18 application for a variance in the code can be
19 filed, because this was simply filed by a
20 Letter of Request for an extension.

21 Item #4 is interesting. It's a motion to
22 accept a request from the Planning Board,
23 publicly notice and schedule a hearing for an
24 interpretation of Section 150-9 A & B,
25 permitted and conditional uses in the Retail

1 Commercial District. The Planning Board is

2 considering an application for establishment of
3 a car service, a taxi service, proposed to be
4 located on a parcel designated as Retail
5 Commercial.

6 This is the property which is across from
7 the Greenporter. And is it pronounced Layla
8 (phonetic)?

9 MR. KAHN: Layyah.

10 CHAIRMAN MOORE: Layyah?

11 MR. KAHN: Yes.

12 CHAIRMAN MOORE: The retail convenience
13 store currently. And they've asked us for
14 input, because they are concerned that the code
15 for Retail Commercial does not currently
16 support this activity. So that we'll take that
17 up next month and have a public hearing for any
18 public input, and, obviously, input from the
19 applicant before the Planning Board. And then
20 we'll make that consideration an issue of -- an
21 opinion back to the Planning Board regarding
22 that section of the code.

23 So, with that, I make a motion to accept
24 the request from the Planning Board. May I

25 have a second?

78

1 MR. CORWIN: Second.

2 CHAIRMAN MOORE: And is there any further
3 discussion on that?

4 (No Response)

5 CHAIRMAN MOORE: If so, all in favor?

6 MR. CORWIN: Aye.

7 MR. BENJAMIN: Aye.

8 CHAIRMAN MOORE: Aye.

9 So that request is accepted.

10 I have a motion to approve the Findings,
11 Determinations and Decision Document approving
12 area variances for Eastern Long Island
13 Hospital, 201 Manor Place; Suffolk County Tax
14 Map 1001-2-3-2.

15 The property is located in the Waterfront
16 Commercial District. Variances were
17 conditionally approved to construct two
18 detached and illuminated hospital signs.

19 Just to recap the Decision Document,

20 there are conditions in that document which
21 regard the height of the signs. We have
22 reduced the allowable size of the signs from
23 what was proposed. And we also have imposed an
24 inspection following the construction to
25 determine whether the illumination of the sign

79

1 is appropriately bright and can be reduced, if
2 so requested.

3 And then, lastly, while it's not a
4 requirement for the approval of variances for
5 the current two proposed signs, the ZBA is
6 recommending that the Eastern Long Island
7 Hospital revise their facility site plan to
8 identify signage requirements. Should there be
9 additional appeals for variances regarding
10 additional signs at the facility, the ZBA will
11 not consider such additional requests until the
12 Planning Board reviews such revised site plan
13 regarding signage.

14 The Planning Board may then refer any
15 plans for new or modified signs to the ZBA for

16 variances, as required by the Village code.
17 The reason for that requirement is to avoid a
18 one-by-one variance request for any signs at
19 the facility that may be needed in the future,
20 at least the foreseeable future.

21 They are actually having an additional
22 addition to the hospital. I believe there's
23 some requests coming in, so it seemed like an
24 appropriate time, since the Planning Board will
25 be reviewing this additional expansion plan for

80

1 the hospital.

2 So has the Board had the opportunity to
3 review the document? And if so, I would make a
4 motion that we accept the Decision Document as
5 presented, and I would ask for a second.

6 MR. BENJAMIN: Second.

7 CHAIRMAN MOORE: And any discussion?

8 (No Response)

9 CHAIRMAN MOORE: If not, all in favor?

10 MR. CORWIN: Aye.

11 MR. BENJAMIN: Aye.

12 CHAIRMAN MOORE: Aye.

13 So that document is approved. And I'll
14 sign that and we'll let the Hospital know that
15 they can proceed.

16 Next is a -- #6, a motion to accept the
17 ZBA minutes for January 15, 2014. So moved.
18 May I have a second?

19 MR. BENJAMIN: Second.

20 CHAIRMAN MOORE: All in favor?

21 MR. CORWIN: Aye.

22 MR. BENJAMIN: Aye.

23 CHAIRMAN MOORE: Aye.

24 And the motion carries.

25 Motion to approve the ZBA minutes for

81

1 December 18, 2013. May I have a second,
2 please?

3 MR. BENJAMIN: Second.

4 CHAIRMAN MOORE: All in favor?

5 MR. CORWIN: Aye.

6 MR. BENJAMIN: Aye.

7 CHAIRMAN MOORE: Aye.

8 Motion carries.

9 And then motion to schedule the next
10 regular ZBA meeting for March 19, 2014. I,
11 myself, will not be able to be at that meeting.
12 I hope that our other member, Ellen Neff, will
13 be. And if the other members of the Board are
14 available, we can schedule it for that day, but
15 it will likely be a three-member meeting again.

16 MR. ABATELLI: I also won't be here, not
17 that matters too much.

18 CHAIRMAN MOORE: Okay.

19 MR. PROKOP: I'll be here.

20 CHAIRMAN MOORE: If we don't have a
21 meeting -- I would not want to suspend the
22 meeting for another month, because we do have
23 business before us.

24 So we are short a member. Denise Rathbun
25 has indicated that she's no longer able to

1 participate and no longer lives in the Village.

2 So the Village Board will be at some point
3 nominating a new member, but we don't know at
4 what time.

5 MR. ABATELLI: I doubt it could happen
6 before the next meeting.

7 CHAIRMAN MOORE: No. So we're very
8 likely to have a three-member Board again next
9 month.

10 So, anyway, I will make the motion that
11 we schedule it for March 19, 2014. I need a
12 second, please.

13 MR. CORWIN: Second.

14 CHAIRMAN MOORE: And all in favor?

15 MR. CORWIN: Aye.

16 MR. BENJAMIN: Aye.

17 CHAIRMAN MOORE: Aye.

18 So it's scheduled for March 19.

19 And then I'd make a motion to adjourn.

20 Second, please.

21 MR. CORWIN: Second.

22 CHAIRMAN MOORE: All in favor?

23 MR. CORWIN: Aye.

24 CHAIRMAN MOORE: Aye.

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MR. BENJAMIN: Aye.

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CHAIRMAN MOORE: And the meeting is

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adjourned. Thank you.

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(Whereuupon, the meeting was adjourned at

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6:36 p.m.)

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

STATE OF NEW YORK)

) SS:

COUNTY OF SUFFOLK)

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

THAT, the above and foregoing contains a
true and correct transcription of the
proceedings taken on February 19, 2014.

I further certify that I am not
related to any of the parties to this action by

16 blood or marriage, and that I am in no way
17 interested in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 27th day of February, 2014.

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Lucia Braaten

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