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

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

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

Section 150-15G(2) of the Village Code prohibits directly illuminated and flashing signs.

Just for the record, this was noticed in the Suffolk Times, along with the other public hearing. The placard has been placed in the store window. And the adjacent property owners that were notified were Arlene Marvin; Harvey, Joy; William Claudio, and Greenport Hedges is the name. I can't read what has been written here.

MR. CLAUDIO: It's the Hedges Building.

MR. LA MAINA: It is Greenport Hedges.

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

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

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

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

CHAIRMAN MOORE: The Hedges Building.

Oh, okay. And so it's Harvey, Joy; Arlene Marvin, William Claudio and Greenport Hedges LLC.

(Joseph Prokop entered the meeting.)

Good evening, Joe.

MR. PROKOP: Hi.

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

First of all, I'll give the opportunity to the owner, the applicant or representative to describe the project and to make any comments, and then we'll take any public testimony.

MR. LA MAINA: I put the sign --

MR. ABATELLI: Name, please.

MR. LA MAINA: Marc LaMaina.

CHAIRMAN MOORE: And, if you would, name,
and address, and affiliation.

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

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

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

I just ask you guys to remember that we are open all year long, 365 days, closed one day a week right now. And it is essential that
we bring people down to South Main Street when there's no other business closed and Scrimshaw's open two days a week.

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

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

MR. LA MAINA: Lucharito's.

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

MR. CLAUDIO: Good evening, gentlemen.

Bill Claudio, 111 Main Street, Claudio's Restaurant.

First of all, I want to say that what Marc is trying to do that all of us -- all of
us are trying to do and that's attract business
down here. We are now a full blown tourist
town. All the industries that used to be here
are no longer here, no longer viable, not for
year-round, not even for summertime sometimes.
So the main influx of people is for tourism.
They're coming here to enjoy themselves.

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

When we look at the numerous signs that
we do have, that would lend itself to flashing,
to movement, to anything to attract the eye
down there at nighttime. My big wheel, which
is up on the restaurant in the summertime,
blocked by the trees as you come in that were
planted. When you drive down the street, you
have a difficult time seeing the sign. So
maybe turning that into a wheel that rotates,
flashing sign, flashing sign down at Crabby
Jerry's so that the lights are blinking. And
every time I thought about that and every time
we discussed it, what came to mind was Las
Vegas. Las Vegas is loaded with blinking
signs, hollering here, "Come here," and all
that jazz.
And I have to say that I've traveled all
over this world, first as a fighter pilot
flying in many countries, and then in business,
traveling throughout the world, the Far East,
South Africa, Africa, all throughout Europe,
South America, Australia, and I've seen some
very, very beautiful places in this world, yet,
every single time, in looking at those places,
one place kept cropping up and that was
Greenport. Of course it holds a special place
for us, for me, born and raised here, family
had a business here, which I ended up coming
back to.
Greenport is a beautiful, beautiful
little town. It has an aura and a character
all of its own, and that is what is attracting
people to come here. It's a beautiful town,
there are a lot of things to do, and it's
becoming a dining Mecca. People know Greenport
now as a place, if you want to get something to
eat, something good to eat, you're going to go
to Greenport. Where else are you going to go?
There's a few places, but Greenport moves to
the top of the pile any time somebody discusses
that.
So what Marc is doing is what all of us
try to do and that's attract people here. I
personally do not have a strenuously strong
opposition to the idea. However, I believe
that once the door is open, the door cannot be
closed, and there'll be others coming along behind that want to do the same thing. And I think the reluctance on the part of the Village to not to allow would be exposing them to potential court cases.

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

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

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

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

MR. CORWIN: Pardon me?

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

MR. CORWIN: So reluctance on the Village --

MR. CLAUDIO: To continue, right.

MR. CORWIN: To deny.

MR. CLAUDIO: Right.

MR. CORWIN: Which I would interpret as
the Village should deny.

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

MR. CORWIN: Right.

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

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

I would like to see Greenport continue to maintain its reputation as a delightful, beautiful local little village that the people up west don't have anymore. They're crowded
out by traffic and getting run over in the streets, buses, you know, all the activity that's going. You can't drive down 25 anymore, it's just one continuous mall. We're not that and people appreciate it.

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

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

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

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

MR. CLAUDIO: Self-illuminated as opposed to?

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

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

MR. CORWIN: Okay.

MR. CLAUDIO: The flashing is -- having a sign up there that's illuminated, I don't think
there's any problem with that, that's perfectly fine. But to have a sign that's flashing, and a lot of people are going to see that that are in the Business District, and they'll say, "Well, gees, what a great idea," and they're going to start applying to do the same thing if you approve this one. And I think you would recognize yourselves, as Board Members, you'd be hard-pressed to deny. Once having allowed it to occur, you're probably going to have to continue to approve future signs like that. Self-illuminated signs, perfectly fine.

MR. CORWIN: So, if --

MR. CLAUDIO: Flashing sign, no.

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

MR. CLAUDIO: I'd have no problems with it, of course not. I mean, there's lots of signs throughout the Village like that. And
all the grandfathered neon signs, they're there and they're lit, self-illuminated if you wish.

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

MR. CLAUDIO: Why were they after neon signs?

MR. CORWIN: Well, they were -- they defined it at self-illuminated signs. I'm not arguing against neon signs, I'm just trying to explore this a little, because, as you have said, once you say yes to somebody, everybody else wants it.

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

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

MR. CLAUDIO: Fine.

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

MR. CLAUDIO: Oh, Lord, no.
CHAIRMAN MOORE: Or more than that --
MR. CLAUDIO: Oh, my gosh.
CHAIRMAN MOORE: -- that it was
renovated, along with the store front.
MR. CLAUDIO: Well, I'd have to check in
with my father, who is no longer with us, and
let you know the exact -- that sign -- that
sign has been up there in one form or another.
I do have photos of the restaurant taken back
in the '30's and there was a neon sign hanging
from the side of the building in the same
location. It wasn't the same shape, it was a
vertical with an arm coming out. When it was
changed to the wheel, I don't know, but it's been there for 70, 80 years.

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

MR. CLAUDIO: I don't recall.

CHAIRMAN MOORE: Okay.

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

CHAIRMAN MOORE: Okay.

MR. CLAUDIO: -- not a rebuild job.

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

MR. CLAUDIO: Sure.

CHAIRMAN MOORE: Thank you.
MR. CLAUDIO:  Sure. Any other questions?

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

MR. CLAUDIO:  Okay. Thank you.

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

(No Response)

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

"I am writing what I hope is an unnecessary letter of opposition to this appeal before you. The quality and appeal of the Historic District are at stake. There is no room for such precedent to be set. I was
seriously disappointed that the neon was
allowed to disfigure the antique barn location
at Scrimshaw, as I believe the whole Village is
only allowed to repair historic neon and not
add new, brand new sign, etcetera, building,"
and I'm just trying to follow this. "Building
or to windows. It was definitely not a loss
when the Blue closed and its signs no longer
radiated across the bay. There is no place in
our Village for this type of signage.

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

As another consideration, if any further
needs be added is that many of the businesses
rely on upstairs living areas to survive, and
those residents should not be subjected to this
type of signage. The sign at the Fire
Department is a terrible example of what should
not be allowed within our Village or even town
limit.

Please do not consider this application
for approval. Thank you for your time and
consideration of my input. Respectfully, Amy
Martin."

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

MR. CORWIN: So moved.

CHAIRMAN MOORE: And may I have a second?

MR. BENJAMIN: Second.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye.

So the public hearing is closed.

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

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

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

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

MS. WARD: Could you repeat yourself,
CHAIRMAN MOORE: There -- in one of the -- I believe in last month's agenda, when we described the appeal for a variance, there was the combined side yard requirement, which was deficient. And it was also mentioned that the single side yard setback was deficient and needed a variance. And as it turns out, 10 feet is an allowable side yard setback, so that was unnecessary. And this would be, of course, a lesser variance, and so we can proceed with that.

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

So we, first of all, should mention that this was noticed in the Suffolk Times. The
placard has been placed on the property, as required. And the property owners notified is Carolie Jenner; Jill Ward and Julia Dickey; Sophie Latham and Priscilla Jamieson; Jon Mattson and Norma Fraser, I believe. Is that correct way around?

MS. FRASER-MATTSON: Yes.

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

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

MR. SOMMER: So good evening. My name is Steve Sommer, I'm the owner of the property. I'm going to be very short. I have a representative here that will effectively and accurately present the project.
I just wanted to share with you that I've been vacationing in Greenport for about the last 10 or 12 years. As Mr. Claudio indicated very eloquently, I love this city. I'm actually planning to retire here, hopefully within the next 10 to 15 years. And it's kind of my future plans to have a little bit of equity at this particular point in time, so that when I can retire, I can retire comfortably here.

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

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

We're proposing a combined side yard of 21.3
feet, which is approximately 3.7 feet deficient of the zoning code.

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

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

What I would also like to say is that we tried every effort to avoid seeking any variance from the Board. Of course, as the design firm and as the owner, we want to try to blend in as best we can into the neighborhood and the new home feel as if it were always there.
I can tell that we did produce several studies which would allow a two-family dwelling on this property as of right without any variances, and the way that that would be achieved would be a two-story structure in the front of the property. This is North Street down here for everyone to see, this is the property. This would be a two-story structure, approximately 1600 square feet, single-family dwelling, and at the back of the property would be an approximately 700 square foot single-family dwelling as a studio type unit. That would be connected by a common corridor, and, of course, parking in the back.

This proposed scheme meets all of the zoning requirements for an as-of-right permit. So it was certainly an option that we could have pursued and not even been here tonight. But we would like to suggest to everyone here tonight is that we felt that was not the best
option for this site in that, inevitably, this
would become a just about front-to-back looking
structure. If we were to look at these
elevations, this is the front of the house, and
with the required front yard setback, and all
the way down at the end of property about is
the back of the house within the required
setback for that piece.

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

That being said, we are presenting a
two-story dwelling, which we feel is very much
in context with the homes in the neighborhood
that appears it was always there, and
essentially will be a two-family dwelling, as
mentioned, with two two-bedroom apartments on
each level, which will be in the back of the
home, then the required rear yard area parking
for the required number of automobiles, which
would have been either case in either scheme.
And so we feel that the request that we
are making tonight is not substantial in
nature. We feel that it is in context with the
spirit and harmony of the surrounding homes in
the area, and that this project could have been
achieved without variance in what we feel was a
less appropriate design for the neighborhood,
and, of course, that there are several homes in
the area that have received similar approval
from this Board within the past three years.
So, with that, I conclude my presentation
and welcome any questions you may have.
CHAIRMAN MOORE: I would ask a question
about the plans for the front setback --
MR. PELLICANI: Yeah.
CHAIRMAN MOORE: -- whether that's based
on the adjacent properties' setbacks and the
allowances for that?

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

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

MR. PELLCANI: That's correct.

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

MR. PELLCANI: That's right.

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

MR. PELLCANI: That was their determination.

CHAIRMAN MOORE: One of the questions
that obviously comes up is the three parking
places in the back, and this being may be more
a planning issue than a zoning issue. How are
you calculating the size of the parking places
and the accessibility for them?

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

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

MR. PELLCANI: Oh, as far as the spaces
themselves? Yeah. That was based upon an
industry standard, essentially. So 27 feet
would allow for an approximate nine-foot stall
width per vehicle, which is a common standard
in most municipalities here in the Island, at
least in Suffolk and Nassau County, as well as
nationally, by a depth of approximately 20
feet, which would then also include a backup
turnaround space to be able to navigate, back
out the driveway facing forward, rather than
having to back the car out, you know, in
reverse all the way up the driveway.

MR. PROKOP: What is on this property
now?

MR. PELICANI: It is currently vacant.

It was a dwelling that was there how long ago?

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

MR. PROKOP: All right.

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

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

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

MR. PROKOP: Well, the thing is we
can't -- we can't really -- if you asked me the
question, my advice to you is that we can't
really proceed because there's at least two
variances that are not included, one is the lot
size, and the second is the number of parking
spaces and --

CHAIRMAN MOORE: Which is required to be
three.

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

CHAIRMAN MOORE: Yes.

MR. PROKOP: There has been an
interpretation at a prior meeting, and I have
to go back and find out where this was, but
that you cannot go from zero to two-family.
You can go from one-family to two-family, but
you can't go from zero to two-family, but I
have to go back and figure out where that --
where that came up. It was a recent
application. But, definitely, aside from that,
there's definitely an issue with the lot size.
MR. PROKOP: And you need 7500 square feet.

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

MR. PROKOP: It would have to be renoticed.

CHAIRMAN MOORE: And then continued next month?

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

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

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

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

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

CHAIRMAN MOORE: -- as a substandard lot,
but it may still require a variance regarding lot size. So this is one of the issues that's just come up.

MR. PELlicAnI: Are you referring to the square footage of the lot size only?

MR. PROKOP: Yes.

CHAIRMAN MOORE: Yes.

MR. PELlicAnI: Is that the only consideration, 7500?

CHAIRMAN MOORE: The required is 7500, and this -- we were discussing this at the site visit and that it has not come up in the discussion.

MR. CORWIN: Probably 279.

CHAIRMAN MOORE: It's fifty-two hundred square feet, which is a substandard lot. So that we would basically have to ask you to refile your application for variance, or to discuss it with the Building Inspector and discuss whether that should have been denied on that basis.
MR. PELLCANI: Well, I know we had reviewed this application relatively well with the Building Department, only because we had two different designs, as you can see, first one again being an as-of-right structure, which we could proceed with tomorrow, basically. I could finish my plans, file and get a building permit and build a larger building, in effect. With a larger footprint and a longer facade, it would literally be a bigger building on that lot, as opposed to something we felt was more reasonable. If it's the requirement of the Board, then --

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

MR. PELLCANI: Right.

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

MR. PELLCANI: On which one?

CHAIRMAN MOORE: On
your what-we-could-have-done plan.

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

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

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

MR. PELLICANI: Good enough.

CHAIRMAN MOORE: Okay. I'm sorry.

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

MR. PELLICANI: Sure.

MR. PROKOP: So the problem we have now

is you have a vacant lot, all right, and you're
trying to put something on it. So whatever you
wanted to put on it, it's a substandard lot.
Whether it's a one-family or two-family, it's a
substandard -- it's now a substandard lot. So
that's number one.

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

MR. PELlicani: Okay.

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

MR. PELlicani: Okay.

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

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

CHAIRMAN MOORE: So what would be our
action at this point? Do we have an
opportunity to table or --

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

CHAIRMAN MOORE: Okay.

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

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

MR. CORWIN: Before you say it --

CHAIRMAN MOORE: Yes.

MR. CORWIN: -- I have a problem with putting stuff in the paper. All these people showed up, they had something to say. I don't know if they're going to want to show up next
month and the month after, but they had
something to say. And my thinking would be,
briefly, if they have something to say based on
what was in the paper, they have the
opportunity to say it.

MR. PROKOP: Normally, what we do is we

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

MR. CORWIN: That is fair enough.

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

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

CHAIRMAN MOORE: And I think, in
addition, that with the request for an
additional variance, the public would once
again have the opportunity to comment on that
variance request, so you get two times.

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

MR. PELLICANI: We appreciate that.
CHAIRMAN MOORE: Okay. Thank you. Any
other comments?

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

MR. PROKOP: With these plans, yeah.
MR. PELLICANI: Okay.

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

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

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

MR. PELLICANI: Sure.

MR. SOMMER: We understand.

CHAIRMAN MOORE: So, then, if the public understands that we can take testimony tonight based on the variance for a combined side yard setback, and this is for construction of a two-family house on that lot. So anybody wish to speak? Just be sure to identify ourself, name and address, and then say what you would like.

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

I would first like to take an opportunity
to read into the record a letter written by

Carolie Jenner, who owns the property at 208
North Street. She is unable to be here tonight
and she has asked me to read this letter for
her. It's dated February 16th, 2014, to the
Village of Greenport Zoning Board of Appeals.

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

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

with the variance application process that I
strongly oppose and object to any and all
variances for the above-mentioned property.
Thank you." And it's signed Carolie Jenner.

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

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

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

I can't speak about Mr. Sommer, but I
will say that from what I have heard from
people around the Village, Tom Spurge,
Mr. Sommer's partner in this application, has a
fairly decent reputation. He apparently owns
or is a joint owner of several properties in
Greenport. And while he has caused some
discontent perhaps and received opposition from
requests for his other properties, the
scuttlebutt around the Village, as well as the
view of some Village Hall personnel, is that as
a rental property owner and a landlord,
Mr. Spurge does decent renovations, maintains
his properties well, and rents only to good
tenants, that is to people who don't abuse his
properties or disturb their neighborhoods.
And I'm sympathetic to the fact that the
applicants bought this property in January of
2008, some six years ago, which was basically
near the top of the real estate market, and we
all know what transpired in the ensuing years
in that regard. That debacle, I assume, has
been a prime factor in their leaving the lot
undeveloped for so long.

Now, it is my understanding that a part
of the Village law says that in order to gain a
variance, an applicant must prove that current
zoning blocks a sufficient return on their
investment. I am sure, now that the real
estate prices and rents in Greenport have
recovered, the applicants would likely -- would
like to finally begin to realize the return on
that investment, and the obvious way, of
course, for them to do that is to get the most
bang for their buck. In other words, maximize
their rentable square footage in order to
maximize the rent roll. The bigger the house,
the higher the rents, the greater their income,
which brings us to this variance hearing for a
multi-family house to be built on this
nonconforming substandard 45-foot-wide lot that
lacks the appropriate side yard setbacks.

First, I want to give a bit of
background. The house that was torn down in
2008 by the applicants, following their
purchase of the property, was an old, small,
two-story frame single-family dwelling. It had
a one-story rearward projection and that served
as the kitchen. It also had an enclosed front
porch.

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

for this hearing.

Now, there are several houses situated on
nonconforming substandard lots on North Street,
including ours. There are at least five on the
block. The house immediately to the east, the
Jenner house, you have her statement, sits on a
45-foot-wide lot. It's one story. It's a
1,000 square foot single-family Craftsman. Our
house to the immediate west, and built around
1915, also lies on a substandard 45-foot-wide
lot. It's a two-story, it's 20 feet wide, a
single-family with 1,500 square feet of living space, which includes a one-story addition off the back of the house that replaced an attached shack used as a summer kitchen.

Across the street is another 1,000 square foot one-story house. It used to be a single-family, but it is now rented out to multiple people. On Third Street, abutting the subject property to the rear, that is to the north, is yet another small single-family house, again, comprising less than 1,500 square feet, the house owned by Jon Mattson and Norma Fraser.

MR. MATTSON: A thousand square feet.

MS. WARD: A thousand?

MR. MATTSON: One thousand.

MS. WARD: Thank you. Substandard lots are endemic to this block, laid out many, many years ago in what was, and for the most part still is, a very working class area, and it is
a fragile area, I might add. Thirty years ago all of the houses on the block were owner occupied, but over the years many of them have been converted to rentals. And, regrettably, several of the houses on the block are poorly maintained, compounding this fragility. A lot width of 45 feet is not unusual here. As a matter of fact, it is the norm. And the lot in question, as I mentioned above, is another substandard nonconforming lot, another 45-footer, a size I want to emphasize that is just 70% the size of a conforming lot.

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

The applicants are proposing to build a two-family structure on this 45-footer, a
structure spec'd out at more than 2300 square feet, wherein both the first floor and the second floor would be of equal size, one stacked immediately atop the other, and thus presenting a massive uninterrupted wall when viewed from either side. And these side views, of what I have to say are unremitted monolithic walls, are exacerbated by the fact that the building's foundation runs up four feet above grade before the two-story structure itself even begins to rise, thus adding to its overall enormity by virtue of this additional four feet. This compares with much lower above-grade foundations on which the adjacent house is set. Our foundation on its east, abutting the subject property, ranges from six inches high in the rear to 16 inches at the front corner of the house. Additionally, much of our house lies only about two feet from that property line.

I'm usually not one for hyperbole. You all may disagree about that. I feel like I'd be looking at the Great Wall of China just 12
feet from my living room. That structure would dwarf its neighbors, imposing its outsized bulk on all of the adjacent properties, as well as on the rest of the neighborhood. It would be more than one-and-a-half times the size of our house and two-and-one-third times the size of the Jenner house to the east.

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

Now talk about an imposition. That second story deck bumped up even higher going to the four-foot foundation is afforded a birds-eye view of all of its surroundings. It
would totally negate any hope of privacy in the adjacent backyards, and possibly any hope of peace and enjoyment in those yards as well.

Additionally, I fear that an outside staircase running up to that deck may be added at some point, further reducing the west side setback, and further encroaching on our privacy and peaceful enjoyment in both our home and our yard.

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

And another point of concern that speaks to this type of high density is how many baths and showers? How many toilet flushes will
emanate from those four bathrooms on a daily basis? The sewage pumping station at the corner of North and Third is frequently overwhelmed by the load it is already struggling to carry. A methane gas stench emanates on a regular basis from that pump house.

And as an aside, I am assuming that grass pave or a similar substrate will be used in the rear yard, as well as in the driveway, to enhance drainage, and that any discharge of water will not be allowed to leave the property. Our own property lies at a much lower elevation than the applicant's, and I fear erosion and damage from runoff from such a massive roof.

Now, I know a structure of this size on this nonconforming substandard lot, whether it be a one-family or a two-family, requires a
issue. However, it is apparent that this setback issue is caused only because the applicants are causing it; it is self-created. The setback issue could easily be remedied if the applicant were to build a 20-foot wide house, instead of one that is 23.8 feet wide. Several houses in the neighborhood, including ours, are just 20 feet wide, and they present a much more suitable footprint on their substandard lots.

Nevertheless, the other issues that I have raised would not be -- would not be mitigated by such a remedy. However, if the applicants were also to minimize the massiveness, the obtrusiveness of the structure by making the second floor shorter in length than the first, and by eliminating the privacy-impinging second-story deck, as well as losing a toilet or two, then many of my grievances would be addressed.

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

So, how to weigh the benefit or harm that
accrues to all of the interested parties here,
including the Village, which would receive
reduced property taxes from such a smaller
dwelling. I don't envy the Board in this task.
But, please, consider what the presence, the
impact of a multi-family building of that size
on that little lot would be. We, as well as
our neighbors, believe this structure would be
totally out of character and harmony with the
neighborhood and the nearby houses. The sheer
immensity of it, its imposition on the privacy,
peace and enjoyment of its neighbors, and the
likelihood of creating both parking and sewage
problems, all conflate to pose a severe and
unnecessary harm to the surrounding properties,
as well as a detriment to what is an already
fragile neighborhood.

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

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

CHAIRMAN MOORE: We have the plans.

MS. WARD: You have them, okay.

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

CHAIRMAN MOORE: Okay.

MR. CORWIN: Thank you.

CHAIRMAN MOORE: I could ask, it looks
like a Fire Department member, too, is here, is there a meeting following this meeting tonight?

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

CHAIRMAN MOORE: At seven o'clock, okay.
I'll take additional public testimony. I would ask you to be as brief and concise as possible.

MS. WARD: Sorry about that.

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

MR. MATTSON: How about three?

CHAIRMAN MOORE: That is even better.
Thanks.

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

CHAIRMAN MOORE: I'm sorry, I was busy
doing something. Could you say that again?

MR. MATTSON: Jon Mattson.

CHAIRMAN MOORE: Mattson, yes.

MR. MATTSON: Yeah, and Norma Fraser Mattson.

CHAIRMAN MOORE: At?

MR. MATTSON: 512 Third Street.

CHAIRMAN MOORE: 512 Third.

MR. MATTSON: It's adjacent to the proposed property, it's in the back.

AUDIENCE MEMBER: North side.

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

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

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

In addition to looking at the proposed outside view of the proposed structure, one sees that the remaining property around the structure becomes mostly driveway and parking lot. Also, the rear elevated deck and lower back wall of the structure appear to afford easily installing a back door in the lower floor" -- "a back door in the lower floor, rear wall and a stairway to the upper deck with a door into the upper rear wall. This illegal modification would enable the property owners to turn the property into an illegal multi-family rental of more than two units."
It's signed by myself and my wife.

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

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

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

MS. WARD: Thank you.

CHAIRMAN MOORE: Thank you very much.

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

CHAIRMAN MOORE: Two cars.

MR. CORWIN: Two cars.

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

MR. PELLICANI: I can clarify that.

CHAIRMAN MOORE: So you'll have to be sure by next time around that we have one plan.
MR. PELICANI: Yeah. No, I could clarify it right now. The site plan is correct in showing three. What's happening, in the floor plan where you see two cars is the third one is cut off by the size of the sheet. So for the next submission, we'll just not show cars there and we'll just show them on the site plan --

CHAIRMAN MOORE: Okay.

MR. PELICANI: -- which it does afford it to three cars.

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

MR. PELICANI: Certainly.

CHAIRMAN MOORE: -- at one plan.

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

CHAIRMAN MOORE: Your name? Name?

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

And I know I will not be at a further
meeting because I travel a lot. So, if I can
give you my objections in writing now, I would
appreciate it.

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

MS. BUTLER: Thank you.

CHAIRMAN MOORE: With the request.

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

CHAIRMAN MOORE: What's that?

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

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

"The proposed multi-family dwelling shall
be owner occupied with such owner possession at
least 25% share of ownership." And I should
indicate that it says they object to the
proposed two-family construction captioned
above in the absence of the following, so these
are recommendations.
"The number of occupant families shall be limited to two related families. The building shall be limited to two kitchens with appropriate certificates of occupancy.

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

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

And that was the written comment from the Butlers.

Would someone else care to speak regarding this application? Yes. Be sure to give your name and address when you reach the
MR. LEHMAN: I do apologize. I know Dave is the only gentleman --

MR. CORWIN: Your name. Name, please.

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

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

I live in Greenport since 1964. I beg your pardon, I first seen Greenport and fell in love with it in 1964. As I was driving down Main Street looking to the left, I saw, and I quote, the mansions. Millionaires must live in this town in 1964. I could not believe the size of those structures.
Greenport is a town I love. It's my Village, and I can prove that only by 27 years in the Greenport Fire Department, soon to be, and I pray to God, on the third Thursday of April to be Second Assistant Chief.

MR. CORWIN: Bob.

CAPTAIN LEHMAN: A little loud.

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

CAPTAIN LEHMAN: Thank you.

MR. CORWIN: You're pretty loud.

CAPTAIN LEHMAN: Thank you very much. I hope to be Second Assistant on the third Thursday in April, going up through the ranks of Second Lieutenant, of course, First Lieutenant and Captain. My children are grown up now, all who have grown up in Greenport, all who have graduated from Greenport High School. I love Greenport

MR. CORWIN: Excuse me. I don't want to cut you short, Bob, but I know we're going to
run into time problems.

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

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

CAPTAIN LEHMAN: I will go on. I love Greenport. I do not want Greenport to be Southampton, where I worked, East Hampton, where I worked, Westhampton, where I worked, Montauk, where I worked. The whole South Shore, from Shirley to Montauk, I do not want Greenport like that. I do not want a McMansion, okay? I don't want to be a Second Assistant Chief and running up to the scene when there's 14 cars there. I'm exaggerating, of course, but at a party, there possibly could be 14 cars, trying to push cars away to get a line into that structure, not knowing how many people are in that structure because there's a
party going on. I don't want that. It would
break my heart.

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

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

MR. CORWIN: Thank you.

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

MR. ABATELLI: You could use the mic.

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

MR. ABATELLI: Use the mic.

CHAIRMAN MOORE: -- tip up the mic.

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

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

CHAIRMAN MOORE: Thank you.

MR. CORWIN: Thank you.

CHAIRMAN MOORE: Would anyone else care
23 to speak?

24 (No Response)

25 With no one immediately asking, I think

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.
MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye. So the public --

MR. MATTSON: Would we --

CHAIRMAN MOORE: Sir?

MR. MATTSON: Would we get a certified mailing again if there's another --

CHAIRMAN MOORE: It will be renoticed if there is an additional variance required. And

appropriate notifications will be an advertisement in the newspaper, a placard on the property, and adjacent property owners would be notified.

MR. Mattson: But we wouldn't necessary get a certified letter again?

MR. PROKOP: Whatever the notice is.

CHAIRMAN MOORE: Whatever the notice requirement, it will be the same.

MR. PROKOP: Could I just say something?

MS. WARD: I might add --

CHAIRMAN MOORE: Yes.

MS. WARD: -- the placard is unreadable
because the sidewalk has never been shoveled all winter long, so you really can't get over there to read it.

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

CHAIRMAN MOORE: Yes.

MR. PROKOP: -- the applicant to indicate the owners of the property on the application?

The owner.

CHAIRMAN MOORE: Oh, the owner.

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

CHAIRMAN MOORE: The full ownership you're requesting.

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

MR. PELLICANI: Okay.

CHAIRMAN MOORE: And also, hopefully,
snow will not still be on the lot next month, that we could have access to the property, if
the fence could be opened. I didn't really
look today to see if that's possible.

MR. SOMMER: The four corners?

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

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

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

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

MR. SOMMER: Right now, right.

CHAIRMAN MOORE: Okay.

MR. PELLICANI: Okay? Thank you.

MR. SOMMER: Thank you.

CHAIRMAN MOORE: All right. Thank you.

Thank you for coming
MR. PELLICANI: Thank you.

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

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

MR. CORWIN: Could I just say --

CHAIRMAN MOORE: Yes.

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

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

MR. PROKOP: Yes, sir.

CHAIRMAN MOORE: -- regarding a variance issued. Mr. Costello is asking for an extension of the variance. Is it within our authority to extend a variance beyond the
period required by the code, because that's not
really part of an area --

    MR. PROKOP: Well, you're actually --

it's actually a request for a variance of the
code, because, you know, it really is itself a
request for a variance.

    CHAIRMAN MOORE: So would that need
noticing and --

    MR. PROKOP: Yes

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

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

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

    So, as far as the discussion is

concerned, Mr. LaMaina, you had -- is it
LaMaina?

MR. LAMAINA: Yup.

CHAIRMAN MOORE: Yes. You have -- I believe you provided some pictures --

MR. LAMAINA: Yes.

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

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

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

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

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

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

MR. LAMAINA: Not really.

CHAIRMAN MOORE: Not really? Had you
considered using -- it is permitted, with
issuance of a permit, a bracket sign, which can
be illuminated, externally illuminated, which
could actually project out into the street. It
does require a permit to be issued for that,
and, apparently, appropriate insurance and
things like that.

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

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

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

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

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

CHAIRMAN MOORE: Yeah.

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

CHAIRMAN MOORE: And what I think the data is lacking here for fairness is what is the status of the various signs around the Village? I've had a couple of verbal responses from Eileen Wingate, the Building Inspector, on the status of some signs. I believe some signs may not be preexisting, grandfathered in, and are illuminated, perhaps even more so than
yours and --

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

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

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

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

So what I think I would suggest to the Board is that we reserve judgment at this point that we could, you know, table. I don't know if that's the appropriate term, but to not make a decision tonight, not go through the process, ask the Building Inspector to provide us with some additional information on inventory of current signs and their status that we can
actually review one by one. And perhaps, in that period of time, you could consider what your options might be and you might be able to propose.

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

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

MR. CORWIN: Well, my feeling is I'd like to let Mr. LaMaina know what my thinking is. I have no objection to what you're saying, it makes sense, but people get stuck here and they get held up for month after month.
CHAIRMAN MOORE: Well, I would hope that we could come to a decision next month. What's your feeling, Mr. Benjamin, regarding tonight? I mean, we could go through the process.

MR. BENJAMIN: Well, there's two things, one about what you said, and one about what's going on here with the application. And I think that if you're going to apply for a sign, you have to check the laws and then apply accordingly. And if you can't for some reason meet the requirements, then you apply for a variance. But it seems that it was done a different way, put up the sign and then apply for them. So I really have no way of dealing with that, but only give you relief from the law.

So, as far as the other signs in town where there are not the laws enforced or not -- I don't -- it's not my jurisdiction. But I understand what you need, and I understand that there's, you know, a problem this time of the
year and you're trying to, you know, make a
living. So our code says that you should be
probably fined for having a sign up every day
you have it up, or whatever, you know, because
it's a violation. So it's not a good thing,
it's not a good thing to do. But, you know, we
might have to address that issue.

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

MR. LAMAINA: Have the lights remain on
constant?

MR. CORWIN: Remain off constant.

MR. LAMAINA: Off constant?

CHAIRMAN MOORE: It would have to be --

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

CHAIRMAN MOORE: It would have to be
externally illuminated, in other words, with
The typical lights that are extended out beyond the sign.

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

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

And I also think that when an applicant is before the Board, what you're looking for is enough support from the Board where you would need three votes. Whether the Board has three
members, four members or five members present, you need three votes, and the situation is that anybody opposed tonight essentially has veto power to reject an application for variance. And I would encourage that we would have more members present when we make a vote of significance other than an administrative matter, so that if --

MR. CORWIN: I agree with that.

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

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

CHAIRMAN MOORE: Yes.

MR. CORWIN: -- that I think the lights
should be turned off until this is resolved, because, as it stands now, it's an illegal sign. So it's kind of saying to the Village, "I'm doing what I want." And we're trying to accommodate this gentleman and maybe he can accommodate us and just turn the lights off until we can straighten this out.

MR. LAMAINA: (Nodded yes).

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

MR. LAMAINA: Yeah.

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

MR. BENJAMIN: Second.

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

MR. CORWIN: Aye.

MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye.

So the motion is passed and we'll be
discussing it again next month.

MR. CORWIN: Let me just ask you one more thing, is this has -- my understanding is this has to go to the Historic Preservation Commission; you're aware of that?

MR. LAMAINA: I wasn't.

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

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

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

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

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

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

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

CHAIRMAN MOORE: Yes.

MR. ABATELLI: You know, we already have
the information on the signs.

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

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

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

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

CHAIRMAN MOORE: Okay.

MR. PROKOP: It's a resolution motion.

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

MR. CORWIN: Second.

CHAIRMAN MOORE: And all in favor?

MR. CORWIN: Aye.
MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye.

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

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

CHAIRMAN MOORE: Yes.

MR. LAMAINA: All right.

CHAIRMAN MOORE: Yes, certainly.

MR. LAMAINA: Thank you very much.

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

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

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

CHAIRMAN MOORE: I believe it's the 19th.
Since this is February, it will be the same day.

MR. LAMAINA: Thank you.

CHAIRMAN MOORE: Thank you. All right.

Now we can move along.

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

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

Item #4 is interesting. It's a motion to accept a request from the Planning Board, publicly notice and schedule a hearing for an interpretation of Section 150-9 A & B, permitted and conditional uses in the Retail Commercial District. The Planning Board is
considering an application for establishment of
a car service, a taxi service, proposed to be
located on a parcel designated as Retail
Commercial.
This is the property which is across from
the Greenporter. And is it pronounced Layla
(phonetic)?
MR. KAHN: Layyah.
CHAIRMAN MOORE: Layyah?
MR. KAHN: Yes.
CHAIRMAN MOORE: The retail convenience
store currently. And they've asked us for
input, because they are concerned that the code
for Retail Commercial does not currently
support this activity. So that we'll take that
up next month and have a public hearing for any
public input, and, obviously, input from the
applicant before the Planning Board. And then
we'll make that consideration an issue of -- an
opinion back to the Planning Board regarding
that section of the code.
So, with that, I make a motion to accept
the request from the Planning Board. May I
MR. CORWIN: Second.

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

(No Response)

CHAIRMAN MOORE: If so, all in favor?

MR. CORWIN: Aye.

MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye.

So that request is accepted.

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

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

Just to recap the Decision Document,
there are conditions in that document which regard the height of the signs. We have reduced the allowable size of the signs from what was proposed. And we also have imposed an inspection following the construction to determine whether the illumination of the sign is appropriately bright and can be reduced, if so requested.

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

The Planning Board may then refer any plans for new or modified signs to the ZBA for
variances, as required by the Village code. The reason for that requirement is to avoid a one-by-one variance request for any signs at the facility that may be needed in the future, at least the foreseeable future.

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

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

MR. BENJAMIN: Second.

CHAIRMAN MOORE: And any discussion?

(No Response)

CHAIRMAN MOORE: If not, all in favor?

MR. CORWIN: Aye.
MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye.

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

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

MR. BENJAMIN: Second.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye.

And the motion carries.

Motion to approve the ZBA minutes for December 18, 2013. May I have a second, please?

MR. BENJAMIN: Second.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MR. BENJAMIN: Aye.
CHAIRMAN MOORE: Aye.

Motion carries.

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

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

CHAIRMAN MOORE: Okay.

MR. PROKOP: I'll be here.

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

So we are short a member. Denise Rathbun has indicated that she's no longer able to participate and no longer lives in the Village.
So the Village Board will be at some point nominating a new member, but we don't know at what time.

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

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

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

MR. CORWIN: Second.

CHAIRMAN MOORE: And all in favor?

MR. CORWIN: Aye.

MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye.

So it's scheduled for March 19. And then I'd make a motion to adjourn.

Second, please.

MR. CORWIN: Second.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

CHAIRMAN MOORE: Aye.
MR. BENJAMIN: Aye.

CHAIRMAN MOORE: And the meeting is adjourned. Thank you.

(Whereupon, the meeting was adjourned at 6:36 p.m.)
CERTIFICATION

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
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 27th day of February, 2014.

____________________
Lucia Braaten