VILLAGE OF GREENPORT
COUNTY OF SUFFOLK     STATE OF NEW YORK
----------------------------------------x
PLANNING BOARD
WORK SESSION/REGULAR SESSION
----------------------------------------x

Third Street Fire Station
Greenport, New York

January 9, 2020
4:00 p.m.

BEFORE:
WALTER FOOTE - CHAIRMAN
LILY DOUGHERTY-JOHNSON, MEMBER
PATRICIA HAMMES - MEMBER
REED KYRK - MEMBER

NOT PRESENT:  JOHN COTUGNO - MEMBER

ROBERT CONNOLLY - PLANNING BOARD ATTORNEY
PAUL PALLAS - VILLAGE ADMINISTRATOR
AMANDA AURICHIO - CLERK TO THE BOARD
(The meeting was called to order at 4:01 p.m.)

CHAIRMAN FOOTE: Good afternoon.

This is the Village of Greenport Planning Board work session and regular meeting of January 9, 2020 at approximately 4:00 p.m.

Item 1 is a motion to accept and approve the Minutes of the December 5, 2019 Planning Board meeting. Do I have a second?

MEMBER HAMMES: Second.

CHAIRMAN FOOTE: All those in favor?

MEMBER KYRK: Aye.

MEMBER DOUGHERTY-JOHNSON: Aye.

MEMBER HAMMES: Aye.

CHAIRMAN FOOTE: The motion carries.

The next item, we're going to address several regular session items, and the first one I want to call -- well, first I want to make an announcement on one of the items on
the agenda was for 111 Main Street, which is Claudio's, and we are not going to have a public meeting at this time because we are still awaiting a letter from the Suffolk County Planning Commission, so for those of you that were planning to be here for that Public Hearing, it's not going to happen today. It will happen at the next scheduled meeting for February 6th, Thursday at 4:00 p.m.

I make a motion, and I'd like a second on that.

MEMBER HAMMES: Second.

CHAIRMAN FOOTE: All those in favor to reschedule to that date?

MEMBER KYRK: Aye.

MEMBER DOUGHERTY: Aye.

MEMBER HAMMES: Aye.

CHAIRMAN FOOTE: The motion carries.

The next item is 424 Fourth Street, a Public Hearing regarding site plan approval for the application
of the Miller Family 2012 Irrevocable
Trust, represented by attorney
Patricia C. Moore. The applicant
proposes the addition of two new
rooms, for a total of five rooms, in
the Bed and Breakfast located at
424 Fourth Street. This property is
located in the R-2 District, One and
Two-family District. This property is
not located in the Historic District.
It's Suffolk County Tax Map
1001-6.-6-18.1.

Would anybody like to speak at
this Public Hearing?

MS. MOORE: Good evening.
Patricia Moore on behalf of the Miller
Family Trust. I have Ms. Miller here
as well if there are any issues I
can't address.

This application is for, as you
know, they reenacted a law that allows
for up to five rooms for a B&B. This
is Harbor Knoll B&B, which had been
given approval back in 2001. The law
at that time was three bedrooms. They've been operating there since
2001, and two additional bedrooms are being requested.

It's no surprise that B&B's now have to compete against short-term
rentals, which in the Village of Greenport, an owner-occupied home can
rent rooms in their home without the benefit of the B&B process -- site
plan, license, all those things. This B&B is going through the
process to enable the business to continue and thrive and certainly
compete against Airbnb short-term rentals; again, which is unregulated.
The Planning Board approval is required, as you know, because by the
law, it allows the use and does require site plan review, as was the
law that was in place in 2001. We provided for you the site plan that
shows that we meet all of the criteria under the B&B ordinance -- no more
than two guests per room for a maximum of ten guests total will occupy these rooms. The size of this property is over 26,000 square feet, much more than 10,000, which is the required minimum. The house is two and a half stories with ten bedrooms and four bathrooms, so that is well over the 2,000 square foot minimum to convert a single-family into a B&B.

There is ample room for off-street parking. There are five spaces, which will easily be accommodated. My client owns one car. Her husband's truck is no longer owned by them, so all the parking spaces that are there in place are for their guests. One is used by the owner. The parking, again, is set back more than five feet from the property line. The parking area is screened from neighbors by both a fence and plantings that are more than five feet in height.
The existing rooms all meet the minimum size requirements with the required window size openings, again, required under your Code. As required, guests will stay no longer than the one month. It is typical for a B&B that it is for a shorter duration.

We've gone through a very long process to try to add two rooms to this existing B&B. We hope you'll approve this site plan so that the Miller family can go on and continue to serve the Village and all its guests. Thank you.

If you have any questions, I'd be happy to address them.

CHAIRMAN FOOTE: I don't have any questions at this time. Anybody else?

(No response).

CHAIRMAN FOOTE: At this time, would anyone from the public like to speak about this? It's open to the
public right now.

(No response).

CHAIRMAN FOOTE: No? Okay.

Motion to close this Public Hearing.

Do I have a second?

MEMBER HAMMES: Second.

CHAIRMAN FOOTE: All those in favor?

MEMBER KYRK: Aye.

MEMBER DOUGHERTY-JOHNSON: Aye.

MEMBER HAMMES: Aye.

CHAIRMAN FOOTE: I hereby move to approve the application.

Do I have a second?

MEMBER HAMMES: Second.

MEMBER KYRK: Aye.

MEMBER DOUGHERTY-JOHNSON: Aye.

MEMBER HAMMES: Aye.

CHAIRMAN FOOTE: The application is approved. Thank you.

MS. MOORE: Thank you very much.

CHAIRMAN FOOTE: The next item is the Public Hearing regarding site plan approval for the application of
Emily Demarchelier, represented by architect Robert I. Brown. The applicant proposes interior renovations to accommodate the new use of a cafe and bar for the property located at 471 Main Street. This property is located in the Commercial Retail District. This property is also located in the Historic District at Suffolk County Tax Map 1001-4.-7-21.

MR. BROWN: Robert Brown, architect. The application is for interior renovations only, no changes whatsoever to the outside of the building except for the signage, as indicated.

We're looking for a quiet bistro next door to the existing sushi restaurant.

Really, if there are any questions, I think we described it pretty well at the last meeting, so if there are any questions.
MEMBER HAMMES: The one versus two bathrooms issue that we --

MR. BROWN: Two bathrooms.

MEMBER DOUGHERTY-JOHNSON: Is there a new plan?

MR. BROWN: Yes. I believe it was submitted. I do have additional copies, if you don't have that.

MEMBER DOUGHERTY-JOHNSON: The signage is also on the plan?

MR. BROWN: Yes.

MEMBER DOUGHERTY-JOHNSON: Where is the second bathroom?

MR. BROWN: This is the second bathroom (pointing).

MEMBER DOUGHERTY-JOHNSON: The signage is just the window?

MR. BROWN: Yes, and over the entry door.

CHAIRMAN FOOTE: Flush with the facade of the building?

MR. BROWN: Yes.

MEMBER DOUGHERTY-JOHNSON: You also increased the seats?
MR. BROWN: No, decreased by one table to accommodate the bathroom.

CHAIRMAN FOOTE: Did we ever discuss the garbage disposal? Are you sharing with the other restaurant?

MR. BROWN: Yes.

CHAIRMAN FOOTE: Is it quite clear that the capacity there is enough to cover two restaurants?

MR. BROWN: Yes. It's been two retail facilities, and then a retail facility and a restaurant.

CHAIRMAN FOOTE: Well, I know, but the prior retail facilities is not the same garbage --

MR. BROWN: No, to my knowledge, it's sufficient.

CHAIRMAN FOOTE: Is there a Code regulation in terms of the amount of --

MR. BROWN: I believe if there was -- it has been discussed that if there was an issue regarding capacity, then the frequency of pickup would be
increased.

MR. CONNOLLY: You can make that a condition of approval.

CHAIRMAN FOOTE: I have no further questions.

MEMBER DOUGHERTY-JOHNSON: I remember John having a question about which way the door opened.

MR. BROWN: Yes, and it does comply with Code. The front door can swing in based on the number of occupants. The rear door happens to swing out. If there was an issue with it, it's covered.

CHAIRMAN FOOTE: Okay. Well, I don't believe we have anymore questions at this time, but we'll allow the public -- if anyone would like to speak regarding this application.

Yes, sir?

MR. BYRNE: Before becoming a permanent resident here, I lived in New York City and used to frequent
their former restaurant. What I just wanted to say is, I think they'll be a welcome addition to our village. They have a quality --

MEMBER DOUGHERTY-JOHNSON: Can you please state your name and address?

MR. BYRNE: I'm sorry. My name is Thomas Byrne (phonetic), 2345 Bayview Avenue. I believe they'd be a great addition to our community, providing good service and another outlet for a fine restaurant with good dining, also, very conscientious people. I just wanted to give my voice to the application.

MR. NATHALYA: (Phonetic). Hi, my name is Lucas Nathalya, 3925 North Road, Greenport. I've known Emily since 1996, when we went to Skidmore College. I've always known her to be friendly and welcoming person of high intelligence. The restaurant is, I
know, is a community pub where local
people gather to eat and drink. She
is well loved, along with her family,
in the community.

I would just like to advocate
for the restaurant here in Greenport.
Thank you.

MS. KRAILING: (Phonetic).
Lorraine Krailing, Central Avenue. My
husband and I owned a house on Central
Avenue for 22 years, and we rented it
for ten years before that. I lived
the same amount of time on 86th Street
in Manhattan, and the Demarchelier's
have been there almost the same amount
of time. I think it's 28 years. If
you know anything about Manhattan
restaurants, that's quite a feat to
stay in business that long. Most of
our favorite restaurants have gone by
way of the CD player.

One of the concerns was brought
to me by a Board member was that there
was maybe one too many bars on Main
Street. What I would say is that --

about the Demarchelier's, it was

hardly -- I mean, it was a really nice

bar and a restaurant where you had a

drink with something to eat if you

weren't having a whole dinner. When I

would be coming back from the East

Village at 10:30 from having dinner

Downtown, their chairs would be over

the tables and already sweeping the

restaurant out, so it was never a

loud, rowdy place. It was always very

pretty and simple and pleasant, a

place for good conversation, which is

what I like to do over dinner; which

doesn't mean I don't like -- I mean, I

was young once, so the whole music

and, you know, loud scene that is now

part of Main Street, I don't begrudge

the next generation their good time,

although I would rather not hear the

music in my backyard. When my husband

and I go for late-night walks and

there are bouncers standing out in
front of some of these establishments,
we joked that they are carding people
because they want to make sure you're
not over 50.

What I want to say about
Demarchelier is that it was always
just this great place, and the only
reason it's not anymore is that
they're knocking the building down to
put up luxury high-rises, which
another one I should say because
they're popping up everywhere in our
neighborhood. More homeless people
are sleeping on the street, but this
is not about that. I think Greenport
would be well served by this
restaurant/bar.

CHAIRMAN FOOTE: Thank you.

MR. HILBRANT: Jaab Hilbrant,
160 Sterling Street in Greenport and
also 82nd Street in New York.

You know where I'm going
already. I'm probably surprised that
I'm standing here and that
Demarchelier is all of a sudden is planning to be in Greenport. Yay.

More restaurants like that should be in Greenport. It's an establishment, I've been there, good food, fun place, nice decorations. What else can I say? I'm greatly surprised that they are coming to Greenport. Thank you for coming, and I hope you're approved.

CHAIRMAN FOOTE: Would anybody else like to speak?

(No response).

CHAIRMAN FOOTE: Okay. Before I move to close the Public Hearing, just a couple of points, if we're going to have an approval, it's going to be subject to the increased garbage pickup, if needed.

The other thing I believe we talked about during the Presubmission was a discussion about the hours of operation, if I recall correctly.

We'll have to go back and check the
Minutes about that. I believe there was a discussion about that. In any event, there should be a limit as to how late they can serve food and/or alcohol. Like anything else, we should probably put some sort of sunset provision.

MR. CONNOLLY: With respect to hours of operation, that's come up before this Board. If the applicant consents to it, we can put a condition in the approval. That's a legislative action in the purview of the Trustees.

CHAIRMAN FOOTE: Is the applicant here? Would you step up for a moment and talk about it?

MS. DEMARCHELIER: Hi, Emily Demarchelier.

CHAIRMAN FOOTE: Hi. You spoke once before about this application?

MS. DEMARCHELIER: Yes, I did.

CHAIRMAN FOOTE: And did we have a discussion regarding the hours of operation, do you recall?
MS. DEMARCHELIER: Yes, we did.

CHAIRMAN FOOTE: What are your intended hours of operation?

MS. DEMARCHELIER: I intend to be open for lunch and dinner. I had said 11:00 a.m. to about 11:00 p.m. with the kitchen being open until 10:00 p.m., and shortly after that, the place would close. I live on Shelter Island. I'm a Shelter Island resident, so I'm restricted by the ferry.

CHAIRMAN FOOTE: What about the bar, how late?

MS. DEMARCHELIER: It wouldn't -- I don't anticipate it. I know my bar in Manhattan, our kitchen would be open until 10:00 p.m., people would finish their meals, and we would be locked up and closed by 11:30 p.m. I don't anticipate it to be much later than that. It's not that kind of place. It's not going to have DJ's. It's not going to have overly
loud music. It's a dining/bar establishment.

CHAIRMAN FOOTE: Okay. So would you agree to our Stipulation that the hours of operation would be so limited along those lines?

MS. DEMARCHELIER: Yeah, within reason, sure.

CHAIRMAN FOOTE: Well, I mean, I'm saying by 11:00. In other words, it would be closed for the restaurant.

MS. DEMARCHELIER: Yes.

CHAIRMAN FOOTE: Good.

Thank you.

Does anybody else have any comments at this time?

(No response).

CHAIRMAN FOOTE: All right. I'd like move to close the Public Hearing on this matter.

May I have a second?

MEMBER HAMMES: Second.

CHAIRMAN FOOTE: All those in favor?
MEMBER KYRK: Aye.

MEMBER DOUGHERTY-JOHNSON: Aye.

MEMBER HAMMES: Aye.

CHAIRMAN FOOTE: Aye.

The Public Hearing is closed.

I would also like to move to approve this application subject to the Stipulations outlined in terms of the --

MEMBER HAMMES: Walter, your point on the timing, I personally think we should give them until midnight. If the last seating is at 10:00, my concern is they would suddenly tripwire with an 11:00 closing time. Maybe 11:30. I'm just concerned we're putting them in a position where they can't serve their last patrons. I understand your concerns about the timing.

CHAIRMAN FOOTE: We need to limit it, and she mentioned 11:00 is fine.

MEMBER DOUGHERTY-JOHNSON: Well,
I think she said the kitchen. That's the difference. If the kitchen is closed from 10:00 to 11:00, that doesn't stop them from being open past -- but I hear what you're saying.

CHAIRMAN FOOTE: All right. I don't want to put them out of business.

MEMBER HAMMES: All the Code violations we have going on around here, that's not one I want to add to the list.

CHAIRMAN FOOTE: To your point, it not an unreasonably noisy venue, so that's really the biggest concern. That's a good point. I appreciate that.

For that reason, I would recommend approving the application subject to being closed by midnight and the as needed additional garbage pickup.

Do I have a second?

MEMBER HAMMES: Second.
CHAIRMAN FOOTE: All those in favor?

MEMBER KYRK: Aye.

MEMBER DOUGHERTY-JOHNSON: Aye.

MEMBER HAMMES: Aye.

CHAIRMAN FOOTE: The application is approved. Thank you very much.

The next item is 230 Main Street. This is a Public Hearing regarding site plan approval for the application of Northwell Health Services, represented by architect Robert Brown. The applicant proposes interior renovations to accommodate the new use of medical offices for the property located at 230 Main Street.

This property is located in the Commercial Retail District. This property is also located in the Historic District, Suffolk County Tax Map 1001-4.-10-10.1.

MR. BROWN: Good afternoon.

Robert Brown, architect.

This also is entirely an
interior modification of an existing structure. It is in the Historic District, although it is not technically a historic building.

There are no changes planned to the exterior of the building or to the site. There is adequate parking for the use intended.

Just full disclosure, there is the possibility that there are details of the interior layout that may change. The tenant is considering different options about the layout of the building, but in terms of use and general layout, there would be no changes.

If there are any questions?

CHAIRMAN FOOTE: The last time we had Presubmission on this, there was a discussion about providing updated plans with parking required.

Is that done?

MR. BROWN: I believe that was submitted. The terms of parking, I
have copies of the survey that I can
distribute. I think there was a
question about the survey, but in
terms of the interior layout, it's not
going to change. There are no changes
anticipated.

MR. PALLAS: The only thing I
have is the same survey that indicates
the number of spaces.

MR. BROWN: The plan that was
submitted previously, I believe has
calculations regarding the number of
required, which is less than the
number of available parking spaces.

MEMBER DOUGHERTY-JOHNSON: Are
you leaving the drive-through?

MR. BROWN: For now, yes.

MEMBER HAMMES: Are you going to
close it off from the inside?

MR. BROWN: Yes.

CHAIRMAN FOOTE: There was also
some discussion both in this
application as well as the Claudio's
application about making parking
available on off hours.

MR. BROWN: To my knowledge, nothing has come of that. That would be a totally separate conversation from the application for the change of use of the building.

MEMBER HAMMES: A related point to that though, is this being rented by the --

MR. BROWN: Yes.

MEMBER HAMMES: Does the lease prohibit them from allowing parking to be left open on the weekends?

Just to the parking point, I recall at the very first meeting --

MR. BROWN: The owner of the building is here.

MEMBER HAMMES: What I recall at the very first meeting on this is that the applicant had indicated that they would be amenable to leaving the parking open on the weekends.

There was a conversation where Claudio's talked about renting it,
which to me is smoke and mirrors. If it's being left open, why would we want Claudio's to charge everyone ten dollars to park there, so I think the real question is, are we going to a Claudio's arrangement and whether or not the parking will be roped off on the weekends or left open?

I recognize the insurance or liability --

MR. BROWN: The owner can address that more directly.

MR. SALICE: Charles Salice. I'm the owner of the Capital One.

When choosing a tenant -- and we've had a lot of people interested in the property -- we chose a tenant that we thought was best for the community. There was a lot of parking discussions, and we had restaurants that were interested, retail that was interested, that wouldn't really serve the community well. I also opened a Capital One on Love Lane as well,
which has been vacant for two years.

So in doing so, Northwell, last year, said they would be open from roughly 8:30 to 5:00 p.m. Monday through Friday, but in order to keep it open on the weekend, there needs to be some form of policing. We've all been here on the weekends in the summertime, there's garbage thrown about and things like that.

I initially met with the Mayor at one point in time about opening it up during last summer, but we couldn't come to an understanding for insurance or who would clean the parking lot after the fact.

Northwell is willing to keep it open as long as it can be done in a way that serves both the community and the tenant.

MEMBER HAMMES: So there's an open issue, in other words, about how it's going to be policed, not --

MR. SALICE: Right. I mean --
(Simultaneous speaking).

MEMBER HAMMES: -- maybe a cost you're not willing to incur --

MR. SALICE: It's a discussion to be had. It is private property. There are insurance issues, and there is also some policing issues. No one is objecting to keeping it open.

MEMBER HAMMES: I totally understand. I just want to get to the bottom of where we're at.

MR. SALICE: Right. Also, the lights have to stay on at night for security reasons and things of that nature, keep it well lit.

CHAIRMAN FOOTE: This is what I don't quite understand, you've owned the building for a while before it was Capital One?

MR. SALICE: No. I bought it when Capital One closed. I've owned the other one for a while, which I had a lot of issues getting that dealt with.
CHAIRMAN FOOTE: Oh, I see. The reason I'm confused is because for years, the Capital One parking was always open after hours, something like from 2:00 p.m. on weekends.

MR. SALICE: It was an insurance issue when I purchased the property with keeping it open in a vacant building. I met with George to discuss it, and we tried to come up with a short-term lease because I knew Northwell was coming. We weren't able to get a short-term lease where the Town could insure the property, and they said they had no money to maintenance it.

I think, quite frankly, this is the best use for the property concerning their hours and being willing to keep it open on the weekends for the public to use.

CHAIRMAN FOOTE: So is it the negotiations broke down over the amount of money to be reimbursed for
maintenance?

MR. SALICE: It was an insurance issue as well in the sense of getting proper insurance certificates, so if something should happen in there, my insurance company would actually take the additionally insured lease; but Northwell came in very shortly thereafter, and that's when they took possession of the property. It's still vacant at this time, as you know. Is there a concern?

CHAIRMAN FOOTE: No, just trying to figure out a solution so when the lot is not being used, it can be used by the public without damaging you.

MR. SALICE: I think -- and I don't want to speak for Northwell -- but I think they want to support the community and find a proper way for both people can use it well. They have to do business during the week, but on the weekends, I think they're open to it, but there is a lot of
traffic that comes in and out of there as well.

CHAIRMAN FOOTE: Is there a way to formulate a conditional approval subject to good faith negotiation on resolving the parking?

MR. SALICE: I don't think it's fair to have a conditional approval subject to.

CHAIRMAN FOOTE: I'm asking him, so let him respond to my question.

MR. CONNOLLY: I don't know how we would police it. I don't think you can make a condition and withhold an approval because they don't want public parking on their private property.

CHAIRMAN FOOTE: It's in the public interest to find more parking solutions. We're not requiring them to do it, we're just asking them to do it in good faith.

MR. CONNOLLY: You can ask them, but I don't think --
CHAIRMAN FOOTE: Would you object to that? Would you agree to continue to discuss it in good faith?

MR. SALICE: Oh, yeah, without a doubt in good faith.

CHAIRMAN FOOTE: So it's common sense. I don't see what the big deal is.

MR. SALICE: This is a Northwell representative.

MS. LOEB: Amy Loeb, Peconic Bay Medical Center, Mattituck.

We have committed to being good neighbors. Right now, the building is still vacant pending approvals, of course, but we have all intentions of being good neighbors and being able to operate our business, and when we are not there, being able to leave the parking lot available. That's our intention.

Contingencies are a challenge.

As a private property, as has been discussed, how that works insofar as
approval, but it is our intention, as
I mentioned on my first visit here, we
intend to be good neighbors.

CHAIRMAN FOOTE: Under the terms
of your lease, does the Town have the
right to control the parking lot all
week long? You don't have a separate
right to rent it out?

MR. SALICE: No. They don't
have a right to sublease it without my
approval.

CHAIRMAN FOOTE: Given her level
of cooperation, would you agree to a
condition to allow her to sublease it?

MR. SALICE: I'm not a lawyer.
I can't answer that question. As I
said earlier, I'm more than happy to
negotiate in good faith. If you
remember, over the summer, the parking
at Chase had a security guard to
monitor the parking lot there in order
to let their people in, so there needs
to be some kind --

MR. CONNOLLY: I just think it's
problematic to have that kind of condition on this type of application when the site plan is for the interior use of the building.

CHAIRMAN FOOTE: It may be problematic, but we have an empty parking lot, people get upset when they see it and they can't park in it because there's a big chain bolted across. It just seems like a bad plan, and I'm just trying to help solve it.

MR. SALICE: And we are too. What we're saying is we're more than happy to negotiate in good faith to figure out how to best service the community. At the moment, it's a vacant property, and we can't just let everyone come in and out. I mean, they can at this point, but there will be construction going on there, hopefully soon, so while construction is going on, it has to be secured properly.
CHAIRMAN FOOTE: Okay. I'm pretty familiar with sublease clauses and commercial leases, so the landlord typically has a lot of approval rights and sole discretion often being the standard of approval. All I'm saying is, as the tenant, if she wanted to sublet to the Village, assuming all the costs are going to be passed through so you're not incurring additional costs to sublet, would you be willing to allow her to sublet it?

MR. SALICE: I would be willing to look at the wording and the insurance that goes with it.

MEMBER HAMMES: Can I ask, while you're both there, I have a question that's not related to this. The use changes to the internal, I just want to make sure it doesn't result in the intensification of the use.

MS. LOEB: No.

MR. SALICE: No, absolutely not.

MEMBER HAMMES: So we're still
talking two to three doctors a day, is
that what you were thinking?

MS. LOEB: Yes, no more than

two.

CHAIRMAN FOOTE: Thank you both.

Would anybody from the public

like to speak on this?

MS. ALLEN: Chatty Allen, 3rd

Street.

I am one hundred percent behind
this project. I feel, as someone who
has more health issues than one person
should have to deal with, having to
travel so far west to see specialists
-- I have to see three different ones
-- it would be nice to have one in my
backyard. We don't have the kind of
specialists out here, you have to go
to Riverhead and west pretty much for
anything.

I would rather see this there
than another restaurant, which brings
its own problems too. I think it's a
win/win for the Village and for our
older people, and I put myself in that category at my age now.

What's disturbed me today is you have an application in front of you for a building, I personally feel I don't like the conversation that just took place. Once they're in there, if they decide to work with the Village to leave their private property opened -- that would be like telling any business, you have to leave your parking lot open to the public when you're not in business. I don't feel any Board has the right to ask that. Legally, I don't think you can ask them or make it a condition to approve this application.

This conversation really bothered me, and believe me, I know the issues with parking. I, myself, a lot of times have a hard time finding a place to park for my own residence where I live. I know we have an issue between even April and October.
Everyone is trying to work together on this solution, but I don't feel that you can make a contingency on an application to open it up to the public. This is private property. This isn't a municipal parking lot. If they want to put a chain across when they're not there and protect their private property, that is their right. That is their legal right, and they should not have to put anything in writing or have this approved contingent to them letting the Village use it on the weekends. I feel that's inappropriate to even ask that of them.

They said they are willing to work with the Village to work something out, but that would be like if I owned a home with a large driveway that could hold six cars in it -- because there are some places that do -- and say that people can park in there. We're going to charge
you to park in there, but then you
have to hire someone to watch it, you
have to hire someone to cleanup after
it. I don't think that is
appropriate.

I really hope this application
can be put through without any
Stipulation like that on it.

Thank you.

CHAIRMAN FOOTE: Thank you.

MS. BERTON: Hi, Kerry Berton of
516 Sterling Place and 41 Butterfield
Drive, Greenlawn.

Full disclosure, I am an
employee of Northwell Health. My
husband's entire family grew up here
and my mother-in-law lived on Sterling
Lane for the majority of her life, and
she was the youngest of nine siblings,
all of whom this full-time aging
population lived out here on the far
east end of the North Fork.

I just wanted to voice my
support for not only the ability for
us to have access to primary care and some subspecialties so far out, which would be, quite frankly, a luxury for the population here; also, response for the technology strategies for Northwell or Suffolk County, and this site would have the connectivity that should you need to be at Peconic where they have connectivity to images and everything, just like if you were there; so bringing that ability for those physicians and practitioners here to be able to have that at their fingertips is something we really haven't had out here before, which I know my mother-in-law would have loved to have had while she was living.

Also, I want to say, as an aside, is the 9:00 to 5:00 or 8:00 to 5:00 kind of thing, having -- you know, as somebody who comes out a lot on the weekends myself, I think that it's a nice ratio of hours and everything to have the business open
versus weekend activity and stuff as well; so it brings activity for tax money and everything to the area, but it doesn't overburden what pulls everyone here for the weekend.

Thank you.

MS. WADE: Randy Wade, 446 1st Street.

I was confused, Mr. Brown said that there wasn't enough parking for the proposed use?

MR. BROWN: No, there is more than enough.

MS. WADE: Is this -- you know how there's permitted uses and the other kind, would this be the first category or the second, do you know?

MR. BROWN: It is permitted.

MEMBER HAMMES: It's a permitted use.

MS. WADE: Anyway, I thank you for trying to encourage a negotiation because the guard who was there when it was a bank was only there when it
was the operation of the bank. Late at night, into the night, I never saw trash there, but people came and went and the Village picks up litter from the cans, and the Village has a Code Enforcement Officer that can go around, so I appreciate you trying to come up with an agreement that works for everybody.

I'm looking forward to a new business there. Thanks.

MS. MOORE: Patricia Moore. I also give credit to the Planning Board and the parties that seem to be willing to allow for the additional parking. I think that is a good thing. It seems to me that the negotiations are very straightforward that if the Village gives an indemnification to the owner and Northwell and that the public, when they're using the parking on the weekends, they're protected; and there's either a garbage can that gets
collected on the weekend or just
general cleanup. Those two issues
seem to address the ability of a
private owner to be able to allow for
the additional parking.

Chatty is correct, you can't
make it a condition, but everybody
here is open-minded and willing to
allow it. Certainly as a visitor of
the village, you see parking, and it's
always nice. It would be nice to use
it.

Do a trial. If it turns out
that on the weekends it becomes overly
burdensome, trash, and people are not
respectful, then that can be addressed
by the Village and additional
monitoring will have to take place;
but the IGA faces that issue with
their parking lot, larger businesses
face that issue.

Certainly, the village could use
more parking, and until a parking lot
is provided for by these private
properties, if there's a willingness
to do it, it seems to me that all the
parties getting together doesn't
appear to be insurmountable at all, as
long as both sides are, you know --
certainly the owner and the tenant
should be protected, but parking,
let's encourage to the extent possible
providing additional parking where
possible. Thank you.

DR. CERVONE: Good afternoon.

I'm Dr. Agostino Cervone. I'm a
general surgeon. I've been out on the
eastern end of Long Island for
20 years, 13 years servicing Eastern
Long Island Hospital as one of its
primary surgeons there. I may have
operated on some of you in the room or
some members of the Board. I
currently just practice at Peconic
Bay, but recently I've been servicing
a satellite office in Cutchogue.

So one might say, you're in
Riverhead, why do you need to go to
Cutchogue? I will tell you this, in moving to Cutchogue, people will come mostly because they don't want to travel west to Riverhead to see a specialist; so as much as the comment going to Riverhead is going too far, I believe that's true. Certainly, the population out here is aging. I think my average patient when I was at Eastern Long Island Hospital was about 85 years old and certainly with health issues; so I think providing specialists coming out to Greenport where Greenport residents have access other than traveling down to Riverhead or further west, I think that would be beneficial. I would highly advocate for the health facility to move out here as well.

(Fire sirens sounding).

MR. ISRAEL: That's enough of an introduction for me.

(Laughter).

MR. ISRAEL: My name is Richard
Israel. I am a Northwell Trustee.

I've been a resident of the Greenport area for the last 35 years. I've been a builder/developer in this area and the like.

In reference to the parking or in reference to being a Greenport neighbor, I think you have to let people be good neighbors, just like North Fork Bank. They kept their parking lot open because they service their clients in the community, and so does Northwell. As you heard from Northwell's Chief Operating Officer, we're here to be good neighbors. We're not looking to chain off. As soon as we could, we opened that parking lot for the Christmas parade, and it remains open to this day for people to use.

To make it a Stipulation, it brings up so many legal issues and questions that we all heard very quickly here. I think what would be
important to Northwell is that possibly there be no overnight parking there. If it's for people coming to visit our village during the day, early evening and the like, that could be one thing. If all of a sudden people start parking overnight, who's responsibility is it to make sure the cars are out of there for the people needing service first thing in the morning; so there might be some rules and regulations that Northwell will have to put on as time goes on for the quiet enjoyment of all parties concerned. I think people are always willing to work together; and I think we have to leave that to the human kindness and the human race that exists.

If we're trying to over-stipulate and govern everybody to the last thing, it puts everybody at exposure of liability. I think you should look at this and say, let's be
good neighbors. The previous tenant
to this property was always a good
neighbor. Allow Northwell to become a
good neighbor for your community,
become part of the community, which
they will, and you'll see it will be a
win/win situation without over
legalizing or whatever you want to
call it to make it happen. Allow us
to come in and allow us to become a
good neighbor within our neighborhood.
That's all I have to say.

CHAIRMAN FOOTE: Thank you.

MR. HILBRANT: My name is still
Jaab Hilbrant, and I'm still at
160 Sterling Street.

I find these meetings
fascinating. I've come in many times
as an interested party and as a
non-interested party, and as the
meeting goes on, I become more and
more interested.

I don't know whether I'm the
oldest resident here. I have lived
here for 48 years in Greenport. If anyone knows the history of what we're talking about, does anyone know what the Klipp Building was?

AUDIENCE MEMBER: Yep. I'm one of the older ones here.

MR. HILBRANT: The Klipp Building was a beautiful, Greenport-type building where now the North Fork/Capital One building stands. It was a big controversy. When that building was taken down, it was offered for sale for a dollar if you moved the building. You can well imagine antique or old buildings where now the present building stands, it is ugly to a large degree compared to what was there before.

The parking was also a controversy because there was parking smack in the middle of Greenport where there used to be a lot of foot traffic.

I only wanted to mention this,
that the Planning Board had a
tremendous task, and the building, the
North Fork Bank was built there, and
instead of the Klipp Building, it
didn't do its duty all too well
because it barely existed in Greenport
45 years ago [sic]. A lot of things
went that shouldn't have went or gone.

I'm not here to be for or
against something. I just want to let
you know there used to be a beautiful
building here and now parking is
thrown into your lap. It should never
have been there in the first place.

MR. COLLINS: Good evening. My
name is Michael Collins. I live at
232 Manor Place in Greenport. I would
just like to support the idea of being
good neighbors and having the use of
that parking after hours and on
weekends. I've lived in Greenport for
30 years. I remember it was North
Fork Bank and now Capital One. That
parking area was always open for the
public to use after hours.

Yes, during banking hours, Capital One had to have an officer there to check the people that were parking, if they were actually using the bank; but after hours, that's always been open. I never recall there being an issue with trash or problems that I'm aware of.

I would think there's an opportunity to discuss this with maybe the previous Capital One owners or the North Fork Bank people to just -- I just feel it's a priority in Greenport, as fast as Greenport is growing, we need to have every parking space available that we can.

Thank you.

CHAIRMAN FOOTE: Thank you.

Would anybody else like to add to the discussion?

MEMBER HAMMES: I mean, I guess I'm supportive -- we haven't voted on it -- of the proposed use. I think
it's great that it's not going to be another restaurant or hotel.

On the parking, I understand all the concerns. As you all know, I suggested at the last meeting to send a letter to the Board asking for a meeting to discuss parking, whether or not to go forward with the Village Board for this recurring issue.

Having said that, while I would vote to support this, I don't want a caveat on their negotiations with the Village because the two parties, it sounds like they act in good faith. I really think the Village needs to talk to them and work out what's going to be acceptable and not be acceptable, but I don't know that putting in a Stipulation that they act in good faith would be saying anything more than what people are probably going to do. So that's it.

MEMBER DOUGHERTY-JOHNSON: I second that.
CHAIRMAN FOOTE: Just a legal question, Rob, the last person that spoke mentioned the fact -- Michael Collins, I think -- that this has been in use for the public for many years.

Is there an argument that a public easement has been created?

MR. CONNOLLY: No.

CHAIRMAN FOOTE: Why is that?

MR. CONNOLLY: It's private property. It's not an adverse possession question or prescribed usage question. It's a private parking lot. You can't contain property rights on individuals just by -- it's not the same people that occupy the property.

CHAIRMAN FOOTE: Well, that's why it would be a public easement. In other words, the public has been using it openly for many, many years.

MR. CONNOLLY: I think that's way off the top for this Board. This Board can't bind the Village to create
such an easement.

CHAIRMAN FOOTE: All right.

MEMBER KYRK: I tend to be more of a trust but verify or trust but make things explicit, so I would actually typically be in favor of your suggestion, Walter; but, on the other hand, I look at the people that have come in front of us, you know, I'd be willing to go without a Stipulation, but it's largely through the experience today.

MEMBER DOUGHERTY-JOHNSON: My issue is any Stipulation is more enforcement. If you're saying you're going to negotiate in good faith -- I mean, I think it seems they're going to do that anyway. I don't thing we'll really have a lawsuit to say who didn't negotiate. I think they'll negotiate in good faith, and it doesn't seem something like that is going to happen.

MEMBER HAMMES: Well, I don't
think -- again, I'm not trying to play devil's advocate here, but I don't think it's fair to put them in a position like we require in opening a restaurant where they agree to negotiate in good faith, but they have certain requirements that they require -- insurance, indemnity -- and the Village is not in a position to provide those, and then we get into an argument about whether it's a valid position for them to take; so I, personally, would vote for this, but I would not vote for stipulations.

CHAIRMAN FOOTE: All right.

Well, then, I move to close the Public Hearing.

Do I have a second?

MEMBER HAMMES: Second.

CHAIRMAN FOOTE: All those in favor?

MEMBER KYRK: Aye.

MEMBER DOUGHERTY-JOHNSON: Aye.

MEMBER HAMMES: Aye.
CHAIRMAN FOOTE: I move for a vote on the approval of the application as submitted.

May I have a second on that?

MEMBER HAMMES: Second.

CHAIRMAN FOOTE: All those in favor?

MEMBER KYRK: Aye.

MEMBER DOUGHERTY-JOHNSON: Aye.

MEMBER HAMMES: Aye.

CHAIRMAN FOOTE: The motion carries.

I vote aye as well.

The next item is 415 Kaplan Avenue. This is a Public Hearing that was kept open pending ZBA approval.

It's my understanding that we're still awaiting ZBA approval.

Am I right?

MR. PALLAS: Yes.

CHAIRMAN FOOTE: So as a result of that, we're going to have to keep this open until the next meeting, which is scheduled for February 6th.
May I have -- do I need second on that just keeping the Public Hearing open?

MR. CONNOLLY: It's okay.

CHAIRMAN FOOTE: Okay.

The next and last item is 123 Sterling Avenue.

This is a continued discussion on a Presubmission Conference regarding the application submitted by Paul Pawlowski on behalf of 123 Sterling Avenue Corp. The application is for possible amendments to a Stipulation Agreement dated March 12, 2007 for the property located at 123 Sterling Avenue. This property is located in the Waterfront Commercial District. This property is located in the Historic District, Suffolk County Tax Map 1001-3.-5-16.4 and 16.5.

Good evening.

MR. PAWLOWSKI: Good evening.

I'm Paul Pawlowski, owner of
123 Sterling. The boards that I put facing the audience, you have copies of, I believe. I submitted the renderings of what's new.

From the last work session to today, there have been minor changes to our proposed proposal or application before you. In all, the principal of those merits have stayed the same. I would like to point out the one or two merits that were adjusted.

We last submitted for 20 market-rate, single-family condos. We're revising that, and we're asking for 19 market-rate, single family condos. The five affordable-rate condos, we would -- instead of -- as of last time, we were going to put them in the proposed outbuilding, we want to keep all residential units, both market-rate and affordable-rate, in the main building, as the original Stipulation has.
The goal of the outbuilding is that would be the proposed commercial space.

That is the main difference between what you heard last work session and the current work session.

Also, with that outbuilding, last time we were talking about a three-story outbuilding; now we're talking about a single-story outbuilding mainly for the commercial space and for, potentially, a rooftop pool.

All other merits that were discussed last time are the same, such as the perimeter landscaping, no parking along Sterling, and relocating that parking to the potential first floor of this building, public access at the Sterling Basin that would be donated by us; so those merits on the proposal before you stay the same.

Another item that we took a lot of comments and feedback over the last
month or two, we changed the look and
design of the building to a more
traditional look while in keeping with
the approved size, height, and shape
of the building.

Those are the major changes from
the last meeting to now. I'm happy to
answer any questions.

MEMBER HAMMES: Can you just
remind me on what the size of the
units are?

MR. PAWLOWSKI: They're all
one-bedroom units, roughly around
600 square feet.

MEMBER HAMMES: And have there
been any further discussions or
resolution whether it's rent versus
owned?

MR. PAWLOWSKI: Not at this
time. I think whenever the timing
needs to be, we would be amicable to
however that should be addressed,
whether rental or for sale.

MEMBER DOUGHERTY-JOHNSON: Have
you discussed what that actually means, affordable? Are there income requirements?

MR. PAWLOWSKI: Our goal -- as of now, the Stipulation requires them, if they're sold, to be sold at one hundred seventy-five thousand per unit, but there's no in perpetuity to that.

MEMBER HAMMES: So only split the proceeds.

MEMBER DOUGHERTY-JOHNSON: So is it that anybody can buy it?

MR. PAWLOWSKI: No, it's residents restricted, so you'd have to live in the village.

MEMBER DOUGHERTY-JOHNSON: But you have to be under a certain income is what I'm saying?

MR. PAWLOWSKI: It's mainly resident restricted.

MEMBER DOUGHERTY-JOHNSON: So then what would it be, first come, first serve or is up to you as the
MEMBER HAMMES: There may be an income limit in there, but to me, the bigger concern is they can buy it and flip it.

MEMBER DOUGHERTY-JOHNSON: I was just curious about what that means. Who it's for and how fairly that gets --

MR. PAWLOWSKI: Currently, the main rules in there, as the Stipulation provides, the sale price is one seventy-five, it's resident restricted to a resident of the Village of Greenport or work in Greenport or the school district.

To answer your question, in due time, I'll be meeting with whoever I have to meet with. If it goes to rentals, we would look to mirror whatever your affordable housing guidelines are.

MEMBER DOUGHERTY-JOHNSON: It looks like on this proposed site plan
I have right here, it's back to the 20. This isn't the updated one you were talking about, right?

MR. PAWLOWSKI: It should be.

MEMBER DOUGHERTY-JOHNSON: It has the affordable ones in the outbuilding. It still says three-story.

MR. PAWLOWSKI: If you have the merits, it outlines it, but what we're proposing is to keep the affordable and all residences in the main building.

MEMBER DOUGHERTY-JOHNSON: So we may want to see more detailed plans.

MR. PAWLOWSKI: Absolutely.

CHAIRMAN FOOTE: It says that the outbuilding footprint increased to 30 by 50, what was the original footprint?

MR. PAWLOWSKI: 30 by 40, so the proposed outbuilding would increase by 450 square foot from what's already approved. It wouldn't change any of
the setbacks or drainage requirements
or anything like that.

CHAIRMAN FOOTE: Some of these
adjustments, such as the change to the
facade, is that based on the feedback
from the last meeting we had?

MR. PAWLOWSKI: Combination.

Since I took some notes at that
meeting, I've heard from a lot of
residents from the village, I've heard
from neighbors on the immediate block,
and a culmination of all of that made
us look at it through a different
lenses for this building.

CHAIRMAN FOOTE: For the record,
I prefer the brick, myself, the used
brick look. You made a point, and I
agree with it, it tends not to
standout as much. It tends to blend
more with the background. I don't
know when you have that kind of -- is
the replacement like a cedar shake
shingle, is that what you're
proposing, wood siding?
MR. PAWLOWSKI: No, no. It's stained, reclaimed brick.

CHAIRMAN FOOTE: Oh, it is?

MR. PAWLOWSKI: Yes.

MEMBER HAMMES: He's got shiplap.

(MSimultaneous speaking).

MR. PAWLOWSKI: It's reclaimed brick, just to be clear, and then some trim details are shiplap, and there's some more traditional columns and railings throughout and just different trim package. If you do look at the -- you know, renderings only do so much -- but the brick, the Watchcase in Sag Harbor, it's the same exact wood color. If anyone is driving through there, it's the same exact style and color of the trim that we're proposing. It's a nice looking building, you know, Sag Harbor Watchcase. That's our goal. It's got this rendering, and this architecture has much more traditional lines and
details than the one we proposed
earlier, however, it's the exact same
footprint and height that's already
been approved by Building.

CHAIRMAN FOOTE: Did the
Building Department engage an
architect? We talked about having
somebody review it. That was brought
up, I believe, at that Special Session
that we had.

MR. PALLAS: The Village has
hired someone to review the original
building. It has a permit. It's
being reviewed.

CHAIRMAN FOOTE: I thought there
was going to be a separate review. I
thought we were going to engage an
architect to review the application in
terms of the whole deal of the
neighborhood and that sort of thing.
We had a discussion about that.

MR. PALLAS: I don't recall
that. I don't recall that. I
apologize.
MEMBER HAMMES: I know we talked about the fact that part of it being in the Historic Preservation District, whether or not we wanted someone from the Historic Preservation Committee in on this.

CHAIRMAN FOOTE: It wasn't just for that though, just the overall feel and look of it, just making sure we're getting a professional opinion whether or not it fits into the neighborhood.

MR. CONNOLLY: It has to go before the Historic Preservation Board.

MEMBER DOUGHERTY-JOHNSON: Isn't the historic part the empty parking lot?

MR. PALLAS: They would review the site.

MEMBER DOUGHERTY-JOHNSON: So then the whole thing has to be under their -- even if only part of the site is in the Historic District, they get to say?
MR. PALLAS: Yeah, they have to review it.

MEMBER DOUGHERTY-JOHNSON: And it would have to fit their guidelines or they just get to review it and give us their opinion?

MR. PALLAS: There are guidelines that they would have to follow in the Code, yes.

CHAIRMAN FOOTE: But whether or not it's in the Historic District or part of it is in the Historic District or subject to the jurisdiction of the Historic Board, it's such a monumental project, you know, I thought it would be a good idea if we're permitted to engage a professional to look at it in terms of the overall design and whether it reflects the desires of the community.

We all have our own opinions of what we like and don't like. For example, as a member of the Board, I actually thought that the prior
rendering was more attractive than this one. That's my own personal feeling, but I don't have the expertise, I have an opinion. For something like that, it would be more important to hear the opinion of a professional on something like that. Is there someone we can have do that?

MR. CONNOLLY: That's the purpose of the Historic Preservation Committee to look at it through that lens.

MEMBER DOUGHERTY-JOHNSON: Should it have come in front of them first? Isn't that what we sort have done in the past?

MEMBER HAMMES: Well, it seems like this project, as I understand it, is going to have to go before Zoning and the HPC before we ultimately sign off on it.

My question though is, and we're having a number of Presubmission
Hearings and obviously people from the public -- there's a lot people here I'm sure that are going to speak tonight. At some point there's going to be an official Public Hearing on this as well, and my question is whether or not the process of having HPC and then Zoning and then us all having public hearings separately doesn't make sense because we'll be hearing a lot of the same things.

CHAIRMAN FOOTE: Actually, let me clarify something, you said a lot of people -- this is a Presubmission Conference. We're not opening this up to the public.

MEMBER HAMMES: Yeah, I didn't realize. I didn't know that.

CHAIRMAN FOOTE: Now that we did that, just to clarify, if there is anyone here to speak about the application tonight, there's not a forum to do that tonight. There will be when we have a Public Hearing, but
this is a Presubmission just discussing among the Board members and the applicant.

MR. PALLAS: Mr. Chairman, if I may, just to answer the question, and the Planning Board attorney can correct me if I'm wrong; procedurally, this Presubmission Conference is not a Hearing. There will need to be a Zoning Board Hearing and then the Historic Preservation Commission will hear the case as well. Because there's a Stipulation in place, the Village Board actually has to hold a Hearing on the Stipulation, so there's a series of things before you can hold a Site Plan Hearing on it as well. Some of those details still needs to be worked out. That would be the process, as I understood it. We had discussed that with the applicant before, and this is the process we had outlined.

CHAIRMAN FOOTE: When you say
Site Plan Hearing, you mean a Public Hearing?

MR. PALLAS: Yes, a Public Hearing.

MEMBER HAMMES: But by that point, we will have had HPC either approve it or preliminary approval or something. Zoning approval is required and the Board has to approve any deviations from the Stipulation.

CHAIRMAN FOOTE: One of the other things I recall coming up at the last meeting was the increase in the number of units, and from what I can tell, the only increases -- I know you reduced it from 20 to 19, is that right?

MR. PAWLOWSKI: (Nodding).

CHAIRMAN FOOTE: So, but still, the net increase, seven additional units, and they are all the market rate. There are no increases in the affordable units.

Did you consider that?
MR. PAWLOWSKI: We're basically trying to -- we increased the market-rate units to basically give us the ability to reduce the commercial space.

To answer your immediate question on the affordable-rate units, this is the quantity that we're going with, 19 and five. It's still the highest percentage of affordable units out of any other development of the Village of Greenport, percentage-wise.

Based on the size, we're trying to relocate 20 parking spots, put it on the first floor, so there's no parking along Sterling. We're trying to get rid of a large quantity of commercial space, so given the footprint we have to work with, this is the number of affordable units that we're proposing, which is five.

MEMBER DOUGHERTY-JOHNSON: At the last meeting, someone did bring it up, and you seemed amenable to
1 thinking about it.

MR. PAWLOWSKI: The biggest question last time was whether they were one-bedroom or two-bedroom.

MEMBER DOUGHERTY-JOHNSON: There was one question about keeping the ratio the same, so like before if you had 15 and five of them were -- it seemed at the time that you were willing to think about, but if you thought about it and decided not to go with it, that's --

CHAIRMAN FOOTE: Also, this new material you provided, you said -- I'm sorry.

MEMBER JOHNSON-DOUGHERTY: That's all right.

CHAIRMAN FOOTE: You said the parking required is 49 spaces, and you've provided 77 spaces, so you're providing more than the number of spaces that you're required to provide?

MR. PAWLOWSKI: Yes. The main
reason for that is we're not looking to change the site plan drastically except for taking the parking along Sterling and add in sidewalks and green space. When you have residential property, it's nice to have the ability for overflow. There's nothing else we're looking to do with that property.

We're also proposing, to answer your question, we definitely would rather have more parking than just the required Code amount. If you look at the new proposed site plan, especially with the landscape buffer, there's going to be very limited parking spaces viewable from the road; so you'll be able to see them from the entrances on the property, which are roughly 24 feet wide each. So we would like to have more than the required amount of parking, and that's why we're leaving it.

The biggest change to the site
plan was to relocate the parking that was directly on Sterling where 20 cars would be backing out.

CHAIRMAN FOOTE: There are 20 cars along Sterling in the original plan?

MR. PAWLOWSKI: Yes.

CHAIRMAN FOOTE: But the net difference between what you're required to provide and what you are providing is nearly 30 spaces, right?

MR. PAWLOWSKI: Correct.

CHAIRMAN FOOTE: So if you just went back to what you're required to provide, you could have just eliminated those spaces in the front and still comply with parking.

Am I missing something?

MR. PAWLOWSKI: Technically, by parking Code, yes, we'd be able to do that, but if you look at the site plan, the goal was to relocate them to the first floor so there's somewhat of a convenient walk for the residents to
get into their units. We want them in no way to walk from the back parking lot into the elevator and up.

CHAIRMAN FOOTE: Okay. But that's a little different than the way it was described at the last meeting. The idea was that you needed the parking on the first floor because it was the only way to eliminate the parking along the street.

That's not really true, right?

MR. PAWLOWSKI: No, it's absolutely true because if we eliminated along the street and don't have it on the first floor, it's absolutely not convenient for the person living there to get to their unit.

CHAIRMAN FOOTE: But there's still, technically, enough parking space on the site.

MR. PAWLOWSKI: Technically, yes, but in reality, the reason why we would not -- we would only be able to
get rid of that parking. It wouldn't even be a good selling product, let alone efficient for -- picture if you lived there. Where would you prefer to walk from, in the first floor garage or 150 feet away?

That was what I said last time and always one of the big points here is we can relocate that parking along Sterling as long as it's still within a sufficient walking distance.

CHAIRMAN FOOTE: The other thing is, I know that -- I see what you did with moving the affordable condos back to the main building, consistent with the original plan. Your earlier proposal had it moved to the outbuilding, the commercial building. I know there were comments along the lines of why are you separating the two, but if this was a puzzle where we're trying to -- you know, this is an opportunity. You're asking us for some changes to your plans, it's an
opportunity for us, on behalf of the
direct public to figure out, okay, if we're
going to agree to some of these
changes, how can we do it in a way
that's also going to promote something
in the public interest, and affordable
housing is a big issue. I'm not
saying it's your burden, it's not your
burden, per say, but in this context,
it's something that's we're obviously
discussing in part because the
original plan had a component of
affordable housing; so to the extent
that we could increase the
affordable-housing units and still
make it commercially viable to you,
and let's say still do it by building
on that outbuilding. I don't mean to
suggest that I'm moving backwards. It
seems to me that if we can accomplish
that role as long as you have the
space to build it and at the same time
-- well, anyway, if we could work
along those lines, are you amenable to
discussing that?

MR. PAWLOWSKI: I'm one hundred percent amicable to that. The biggest challenge we all have is trying to focus on density. If all parties would like a little more affordable housing, I'm all for it. I just want to be conscientious of the density of this project, and that's one of the biggest components of losing the commercial space.

CHAIRMAN FOOTE: I understand, but that's the big tradeoff here is giving up on the original plans for commercial space. In addition, if we're going to increase and deal with the density problems by decreasing the number of market units, not necessarily one on one, but just something that has a little bit more balance to it, would you amenable to that?

MR. PAWLOWSKI: One hundred percent.
CHAIRMAN FOOTE: Good. I'd like to go on the record, I think from the perspective of affordable housing, I personally think it's more worthwhile to make it as rentable units than to be sold as condos. I think it gets very complicated when you set the price. It's going to be like a lottery where people are going to be vying to buy them. I'm not sure that's really in the public interest to do that. I think it's more important to have long-term affordable housing built for our residents. That's my own personal feeling.

MEMBER HAMMES: I agree with that.

MEMBER KYRK: I agree with that as well.

CHAIRMAN FOOTE: Anybody else want to talk more about this application?

MEMBER HAMMES: It sounds like there's a fair amount of work to do.
MR. PAWLOWSKI: On that subject, that's basically why we're here is to -- this is step one in a long process we're going through.

Procedurally, what is the next step -- I think I know what the next step is, but is this now -- you know, procedurally, what is the next step?

MR. CONNOLLY: You have to go to the Zoning Board next.

MR. GILMARTIN: David Gilmartin, Jr. I'm the attorney for Mr. Pawlowski, 123 Sterling.

Procedurally, there is a Stipulation in place. There are parties to that Stipulation. For the Stipulation to be changed, all parties need to agree with that; so when you say go to the Zoning Board, we're going to the Zoning Board to a sort of work session setting to see if they're amenable to changing the Stipulation. We're not looking for relief from the Zoning Board, just what they're
amenability is, and then we have to go to the Trustees and the Neighborhood Association and all the groups on that Stipulation. I just wanted that to be understood that that's why we're here, to see if you're amenable to changing the Stipulation.

CHAIRMAN FOOTE: I agree with that assessment.

MEMBER HAMMES: I'm still not clear. So is it the case that what's being contemplated is that each party to the Stipulation Agreement is ultimately going to have a Public Hearing? Like in the case of the Neighborhood Association, if they're amenable to it by themselves and at that point make a determination whether or not they're amenable to modifying -- are we modifying the Stipulation Agreement, in which case, does it have to go back to court or are we actually considering a different, possible new site plan,
which might require a different variance, which requires Historic Board approval, and then because the whole thing was blessed by the Trustees, it also has to go to the Trustees?

I'm sorry, I'm still not very clear.

MR. CONNOLLY: I think the applicant and his representative are taking the opportunity and asking the Boards for their input to see if they are amenable to altering/modify the Stipulation and talk about it in session, and if that's the case, they'll go forward with the Public Hearings that are required.

MEMBER HAMMES: So they want a soft yes that generally we're okay with this?

MR. GILMAN: We have four groups other than -- there are five groups that have to sign. There's the applicant and four groups have to
sign it and getting them organized into a plan that everyone agrees to that they would agree to do the Stipulation, is what we're looking for. We're not interested in going back to the beginning and starting all over and going through the SEQR process and the three years and the four Boards that we have to get through, so that's why we're here in the pre-app process to try and get some sort of consensus on a change; and I think the way it's best understood, by at least the Village, government, is we're looking to take what is now a 15,000 square foot commercial operation and changing what we hope will be a significant portion of that to residential. How that shakes out is working through the Boards. In a general way, I think that's the way it's best understood. If we can get guidance so we can come back with a plan that we think
you will all agree with, then you have
to go to a Public Hearing, each of
you. Each of the Boards have to go to
a Public Hearing and make a vote to
agree to amend the Stipulation. It
can't be done behind the scenes, it
has to be done in front of the public.

So at some point, there will be,
hopefully, a final plan, and then
you'll have the Public Hearing and a
vote to agree to change the
Stipulation and sign onto the change.

That's at least the way we view
the process.

MEMBER HAMMES: For what it's
worth, maybe we should go down and say
kind of what our current thinking is.

CHAIRMAN FOOTE: Sure, yeah.

MEMBER HAMMES: I guess I kind
of put this in three buckets. I have
the important housing bucket, which to
me is on the top of my list of things
that I'm considered about that I'd
really like to see made rental, and
I'd love to see the proportionality of the affordable units maintained. I would like to see it not necessarily -- and this may different from other Board members -- segregated because I think that kind of sends a bad message.

The second bucket I have is the reduction of the commercial waterfront, which I'm very conflicted over, and I don't know where I am on that. I believe in maintaining the commercial waterfront nature of the village, although I recognize that a significant amount of that was given away for the existing condo additions. That's something I personally continue to struggle a little bit with.

The last one is more the aesthetics. On that, I think I liked the brick, actually. I don't object to this either. I would like to hear, eventually, what the Historic Preservation Commission has to say. I
know they've done a lot of work in the last couple of years looking at what they think things in the village should look like and, obviously, the neighborhood. To me, the appearance is something that I will want input from HPC and the neighborhood on. But those kind of are my three buckets and where my thinking is right now.

MR. GILMAN: Just quickly, with appearance, I think you can do that as a referral and bring in anybody, an expert or another Board that you want; but you're the party, the Zoning Board is a party, the Trustees are the party. Whoever you bring in as a referral is welcome, but they would only be a referral.

MEMBER HAMMES: Understood.

MR. GILMAN: With respect to proportionality, we can't increase the size, the square footage that was eventually approved. If that happens,
that triggers us going back to the
beginning, so that's not an option; so
as we work through the process, keep
that in mind that we're limited to the
square footage that was approved.

MEMBER HAMMES: I understand
that you're asking to increase the
number of market apartments, and so
it's just a question of --

MR. GILMAN: But you are also
getting --

MEMBER HAMMES: -- as Walter
said earlier, there were 12 and five,
and now there's 19 and five. Again,
I'm giving you my initial thoughts.

MR. GILMAN: We're reducing the
commercial.

MEMBER HAMMES: I understand.

MR. GILMAN: That's the
tradeoff. I understand --

MEMBER HAMMES: I look at the
reduction of commercial as largely for
parking.

MR. Gilman: Well, from our
view, taking it off the street is the
benefit. We think that --

MEMBER HAMMES: But that's
different than -- that's, that's --
you can't have it both ways. You
can't say we're reducing commercial to
get the 19 and/or we're reducing the
commercial for the parking. It's not
-- if you had just said, well, we
can't increase because we're doing the
19 because you're reducing the
commercial space; but then you say,
well, it's the parking is the reason
you're reducing it.

MR. GILMAN: No, that's not the
reason we're not doing commercial
space. It's our preference, and, I
believe, it's the neighbors
preference. As we started this, we
were inundated with the neighbors
saying we don't want commercial there,
we want residential; so it was an
effort to accommodate the neighbors,
which brought about the residential,
which, frankly, we prefer.

MEMBER HAMMES: But then you allocated it all to market rate.

MR. GILMAN: Well, sure, it's a tradeoff from market-rate commercial to market-rate residential, and that's the way we did it. I think there were site plan benefits to doing that.

MEMBER HAMMES: Again, I'm just giving you my initial --

MR. GILMAN: Sure, and we're happy to have it.

MEMBER HAMMES: Having sat through a number of meeting including not just the Planning Board meeting on this, I thought maybe at this point, it makes sense for us to give you a little bit of a view of what we're thinking rather than having you just sitting here battling and just cutting to the chase.

MR. GILMAN: That's great. This is good for us.

MEMBER HAMMES: Does anyone have
anything to say or add?

MEMBER DOUGHERTY-JOHNSON:  I don't think I have much to add. You said it pretty well.

I guess the only thing I would add is about the flooding issues and just the density, what are the consequences of increasing the density to the neighborhood and to the environment?

MR. PAWLOWSKI:  Paul Pawlowski again, 123 Sterling.

Just to hit on your points, I really do appreciate the discussion. It is still brick. I said that before. It's still reclaimed brick we're proposing. That's just the facade.

We will look at the proportionality between the additional market-rate to the affordable-rate, so we will look at that number and see how best to make that happen without increasing the density.
The biggest thing I want to stress though, when it comes to the parking, our proposal to reduce commercial has nothing to do with parking. They do go hand-in-hand though. Our goal is to get rid of parking along Sterling, not just for ourselves but also for the immediate neighborhood. The only way, like I said before, is to keep it within close proximity. The only close proximity is the first floor, which is now the current approved commercial location; but that has nothing to do with our main goal. We're trying to offset, reducing that commercial with more market-rate. Bottom line. I just wanted to make that clear.

We don't know what that number is going to be. We're proposing a square footage number, and the reason we're proposing that number is it works well with the already approved outbuilding without changing setbacks.
and drainage. We're going to have to hear the ZBA out on this or the Town Board, and we're looking forward to that discussion again.

It is our goal to reduce the commercial, mainly so we have less density.

MEMBER HAMMES: Okay. I appreciate that clarification.

MR. PAWLOWSKI: As far as the meeting with the Historical Review Board, we look forward to that. We will continue to hear comments. We are -- the biggest thing here is, we are working with a fixed footprint, height and shape, and improving on that; and we'll continue to improve on that, and we'll do what we have to do with the Historic Review Board. We're going to continue speaking with neighbors. We're here to make sure that this process is in a public forum that's fair for everyone -- ourselves as the applicants, the Neighborhood
Association, and the rest of the village. That's why we're here. We'll go through the process, but the biggest thing is, we're working through a process with an already approved site plan and building permit, so we kind of want to stay there and improve on that.

Communication with the Neighborhood Association has been phenomenal, and we want to keep that going. I definitely appreciate hearing your comments because it makes it easier for us, rather than trying to find out what you like, don't like as a Planning Board, just like with the ZBA. As an applicant, it's the hardest thing to understand what people will like or not like, so I appreciate that.

MEMBER DOUGHERTY-JOHNSON: Just to clarify, you wouldn't be as locked into the footprint if you hadn't poured the foundation?
MR. PAWLOWSKI: We would never
whether the foundation --

MEMBER DOUGHERTY-JOHNSON: There
is a Stipulation, but you're asking
for changes.

MR. PAWLOWSKI: Our goal, after
looking at the logistics of
campus-style or not, we weren't going
to mess with the site plan. The
modification of the parking on the
site plan, you could always take it
away as long as you meet parking Code,
and we have that ability.

We're not looking to recreate
the wheel with setbacks and location
or anything like that, so whether or
not the foundation was done -- and
maybe it was done to beat the bad
weather -- we'd be here today if it
wasn't done saying the same thing.

CHAIRMAN FOOTE: Reed, do you
have anything?

MEMBER KYRK: No. The
discussions that I think I maybe
brought up about the affordable
housing.

CHAIRMAN FOOTE: Okay. So I'm
just going to throw in my two cents.
To reiterate, I'd like to see more, as
I said earlier, see more affordable
units and fewer, frankly, market
units, you know, just to kind of
handle the density issue. I don't
have a good feel for what the total
number of units are between the two,
but I just think the proportion has to
be a little different, without, you
know, denying you of an appropriate
profit for your development.

I personally don't object to
having the affordable units in the
separate building, particularly if it
enables you to decrease the overall
density and still get the profit, you
know, you're going for as the
developer. This is my thought
process.

I think that, you know, there's
been suggestions that there's a concern for stigmatizing people who are in a separate building being affordable housing. I think the most important objective that we should have is to create as much affordable housing under the circumstances as this project will allow; and if it allows for more affordable housing by moving it to a separate building, that, to me, outweighs any stigma that might be otherwise attached to it. Frankly, I think people who are looking for affordable housing, it's more important to find the housing and maintain it than to worry about whether or not they're next door to someone who's in a three million dollar condo. Personally, I think that's --

MR. PAWLOWSKI: Just to speak on that, I agree with you one hundred percent. If it was to stay for sale in the main building, it's fine, it's
a new owner -- you know, whether it affordable or market-rate, there's a difference between somebody who owns it and rents it. If we did go to the rental, which I agree with as an applicant and I've said it from day one, it probably would be better suited because they're rental -- I'm not talking about the person or the buyer -- if it was in the potential outbuilding. I'm only just bringing this up because so when we talk later to the Neighborhood Association and neighbors, so we'll look at that, and we would go either way.

CHAIRMAN FOOTE: Let's assume that we have some objective to achieving density, would we not be able to possibly achieve it if you could reduce the number of units with the same amount of square foot, but make it instead like two-bedroom or three-bedroom?

MR. PAWLOWSKI: I'm going to
make the ratio equal of the increase,
and then the discussion is how we get
to make them rentals, if they are
rentals.

As the applicant, I would prefer
for even that renter to be in the
outbuilding, just because if it's
rented, we, as the landlord, would be
taking care of that property. It
would be a privacy issue, the sold
versus -- you know, if they're all
sold condos. It's just a logistical
decision.

I'm even -- and this is for the
record, and it's a public forum --
like I said, we have to be conscious
of increasing density. We're not
going to do that, we're going to go
proportionally. I'm going to look at
the drawing prepared. I'm a big
advocate of affordable housing. If
there was a way to double the amount
within the village, I'd be amicable to
that, and take it off the property.
We could have all sorts of those discussions. I would even bond it. My partner and I, we put forth the largest workforce housing project in North Fork history. It wasn't supported. We firmly believe in it. If it stays within the village, we would double that rate and that ratio and decrease the density on this property, and we would make them affordable in perpetuity. We can have all those discussions. That's the point of these meetings, and the goal is to make this a better project for all and it make more affordable, for sure.

CHAIRMAN FOOTE: On the exterior, I prefer the earlier design relative to this. I didn't think it was perfect, but I think that it had -- I think if we're stuck with this footprint, then I think that the best kind of a structure is something that mimics what used to be an old
industrial building that's been renovated. It's got that industrial feel to it.

I'm not a neighbor. Maybe everybody in the neighborhood objects and thinks I'm crazy, and, frankly, they don't want it there, but we're dealing with this, so if we -- personally, I just think it looks more like what used to be an old, historical factory or something like that. Kind of bring up that vibe, I think it would be nice. I don't like the wooden trim. It kind of looks like you're trying to do two things at once.

As far as the decking, I think I had a discussion with you about the decking. I think that takes away from the look of an industrial building to suddenly throw decks out there, so I prefer not to see them then to see them. I don't know how much that impacts the value of the units for
you. If you are going to actually
insist on having them, I think it
would important to minimize how much
you see them in terms of hiding them.
The way they look here, they look like
Motel 6, not the whole structure, but
the decking itself doesn't look very
appealing to me.

That's really my thoughts right
now.

MR. PAWLOWSKI: In fact, I agree
with the repurposed industrial look.
I think the old drawing and this
drawing achieves that and will achieve
it. I understand it's a big building.
There's so many undulations of this
building, it's not going to look like
a big box. There's so much depth in
and out on the front of this building
where it's -- and that's just -- and
when it's built, you'll appreciate
what I just said that it won't look
like a box.

The coloring, you know, some of
the comments I heard was the gray --
you know, this is the exact shiplap.
This isn't wood, this is shiplap with
the reclaimed brick. It's exactly the
same as the previous drawing. What we
did is we changed that shiplap color
to a lighter color based on comments.
What that did was brought us to a more
traditional look versus a more modern,
contemporary look. As the applicant,
I'm glad that happened. We like it a
lot.

These balconies, they're five
foot in nature, you know, in depth.
We did a big improvement. The
original ones had columns going all
the way to the ground, all the way to
the second floor. These will be five
foot cantilevered with a lot of
traditional trim details.

We're going to take all those
comments into consideration, again,
with the Neighborhood Association and
the Historical Review Board, but I
guarantee you the building is a lot
nicer than the one permitted, and
we'll continue and improve on it.
Thank you for your time.
CHAIRMAN FOOTE:  Appreciate it.
MEMBER HAMMES:  I think they
should go ahead to the next step.
CHAIRMAN FOOTE:  Okay.  You know
what our thoughts are in the
Presubmission.
MEMBER DOUGHERTY-JOHNSON:  I
would just remind the public that they
can always write to us.
CHAIRMAN FOOTE:  So I would
recommend that it's referred to
Zoning.
MEMBER HAMMES:  Second.
CHAIRMAN FOOTE:  All those in
favor?
MEMBER KYRK:  Aye.
MEMBER DOUGHERTY-JOHNSON:  Aye.
MEMBER HAMMES:  Aye.
CHAIRMAN FOOTE:  Approved.
Last item, motion to adjourn.
Second?

MEMBER DOUGHERTY-JOHNSON:

Second.

CHAIRMAN FOOTE: All those in favor?

MEMBER KYRK: Aye.

MEMBER DOUGHERTY-JOHNSON: Aye.

MEMBER HAMMES: Aye.

(Time noted: 5:45 p.m.)
CERTIFICATE

STATE OF NEW YORK )
 ) ss.
COUNTY OF SUFFOLK)

I, Deborah A. Cirabisi, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That the foregoing transcript is a true record of the proceedings.

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.

_______________________
Deborah A. Cirabisi


A

a.m 19:7
ability 40:25 41:12
44:4 74:5 76:8
97:14
able 30:13 33:18,20
41:14 44:5 76:19
77:21 78:25
100:20
absolutely 36:24
64:17 78:14,17
accept 29
acceptable 53:18
53:18
access 41:2 46:15
60:20
accommodate 9:5
11:3 23:15 91:24
accommodated 6:15
accomplish 80:21
achieve 100:20
104:15
achieves 104:15
achieving 100:19
act 53:15,20
action 18:14 108:16
activity 42:2,3
add 7:11 22:12
52:21 76:5 93:2,4
93:7
addition 4:5 13:4
13:13 81:16
additional 5:4 10:8
22:22 36:12 43:16
44:6,18 45:10
73:21 93:21
additionally 31:8
additions 88:17
address 2:22 4:20
7:18 13:8 27:13
44:4
daddressed 44:17
61:23
adequate 24:8
adjourn 106:25
adjusted 59:13
adjustments 65:5
ADMINISTRAT...