

1 VILLAGE OF GREENPORT
2 COUNTY OF SUFFOLK STATE OF NEW YORK
3 -----X.

4 ZONING BOARD OF APPEALS
5 SPECIAL MEETING
6 -----X

7
8 December 6, 2016
9 5:00 P.M.
10 Third Street Fire Station
11 Greenport, New York

- 12 B E F O R E:
13 JOHN SALADINO - Chairman
14 DAVID CORWIN - Member
15 DINNI GORDON - Member
16 ELLEN NEFF - Member
17 ARTHUR TASKER - Member
18
19 EILEEN WINGATE - Village Building Inspector
20 JOSEPH PROKOP - Village Attorney

21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

ITEM	DESCRIPTION	PAGE
1	DISCUSSION/ACTION SAKD HOLDINGS	3-44
2	MOTION TO ADJOURN	44-45

1 CHAIRMAN SALADINO: This is a
2 special meeting of the ZBA, Greenport
3 Zoning Board of Appeals. It's an
4 application from SAKD Holdings.
5 Tonight we're going to vote for SEQRA,
6 we're going to vote on the SEQRA
7 resolution, and we're going to vote on
8 six variances. So I think we should do
9 SEQRA first to get it out of the way.
10 Just as a reminder to the public, we
11 took a consensus vote on five of these
12 variances on October 18th so we're
13 going to vote for those five and one
14 was omitted. There was a variance
15 request for parking. We'll do that
16 this evening also. I have a resolution
17 prepared by the attorney, a motion
18 prepared by the attorney for SEQRA.
19 I'll read it for the Board. Zoning
20 Board of Appeal, Village of Greenport,
21 SEQRA resolution regarding applications
22 for variances, application of SAKD
23 Holdings LLC by Daniel Pennessi,
24 president, southeast corner of Front
25 and Third Street, Suffolk County Tax

1 Map Number 1001-5-4-5. Whereas the
2 applicant, SAKD Holdings LLC, 60
3 Parkway Road, Bronxville, New York by
4 its representative, Daniel Pennessi,
5 president, submitted an application to
6 the Zoning Board of Appeals of the
7 Village of Greenport for
8 interpretations and in the alternative
9 variances for the application for a
10 mixed used project at the vacant lot on
11 the southeast corner of Front and Third
12 Streets, Greenport, New York; and

13 Whereas the applicant submitted a
14 full EAF Part 1 on March 5, 2016; and

15 Whereas the Zoning Board of
16 Appeals preliminarily accepted lead
17 agency status and determined that the
18 application is an unlisted action for
19 the purposes of SEQRA and initiated a
20 coordinated review; and

21 Whereas the Zoning Board of
22 Appeals of the Village of Greenport
23 received draft comments from the Board
24 of Trustees of the Village of
25 Greenport, and a comment letter from

1 the New York State Department of
2 Transportation and no other comments;
3 and

4 Whereas the Zoning Board of
5 Appeals subsequently denied the
6 application for various
7 interpretations, and then scheduled a
8 special meeting for consideration and
9 action on the request for variances for
10 December 6, 2016; and

11 Whereas the Zoning Board of
12 Appeals completed Parts 2 and 3 of the
13 long for EAF indicating no significant
14 negative impact to be caused to the
15 environment by the consideration or
16 granting of the requested variances; it
17 is therefore:

18 Resolved that the Zoning Board of
19 Appeals hereby adopts Lead Agency
20 status for the purposes of SEQRA, and
21 it is further;

22 Resolved that the Zoning of
23 Appeals hereby determines that this
24 application for variances is an
25 unlisted action for the purposes of

1 SEQRA; and it is further;

2 Resolved that the Zoning Board of
3 Appeals hereby determines that the
4 approval of the application for
5 variances will not have a significant
6 negative impact on the environment in
7 the action, and that thereof a negative
8 declaration is adopted. So moved.

9 MS. GORDON: Second.

10 CHAIRMAN SALADINO: All in favor?
11 David?

12 MR. CORWIN: We're going to have a
13 roll call vote, or we're going to vote
14 all at once? If it's roll call vote, I
15 vote yes.

16 CHAIRMAN SALADINO: We'll have a
17 roll call vote. Diana?

18 MS. GORDON: Yes.

19 CHAIRMAN SALADINO: Ellen?

20 MS. NEFF: Yes.

21 CHAIRMAN SALADINO: Arthur?

22 MR. TASKER: Yes.

23 CHAIRMAN SALADINO: And I'll vote
24 yes. The next order of business will
25 be various votes on -- and folks, I'm

1 not hurrying -- I'm not trying to rush
2 our way through this, you's all know
3 me, I like to chat, I like to talk, but
4 the fire guys are going to eat in an
5 hour, and they all look pretty hungry,
6 so we're going to try to get through
7 this as fast as we can.

8 The first order of business is a
9 variance for Chapter 150-12B, lot
10 coverage. I'll read from the public
11 notice. The applicant requests a lot
12 coverage variance of 590 square feet.
13 That's not correct. To explain, the
14 applicant submitted a revised plan, and
15 the original public notice had 590
16 square feet for a 6 percent variance,
17 and the fact of the matter is the
18 applicant changed it, and it's a 41.6
19 percent -- 1.6 percent variance. So
20 that's what we would be voting on, that
21 1.6 percent lot coverage variance and
22 not 6 percent. So it's -- the proposed
23 building construction has a lot
24 coverage of 4,123 square feet
25 representing 41.6 percent of the lot

1 requiring a variance of the maximum lot
2 coverage of 1.6 percent. So I'll go
3 through the five questions on this
4 particular variance, and we'll do a
5 roll call for each one of these since
6 it will be pretty interesting.

7 So this is for 150-12B, lot
8 coverage 1.6 percent variance for lot
9 coverage. The first question is
10 whether an undesirable change will be
11 produced in the character of the
12 neighborhood or a detriment to nearby
13 properties will be created by the
14 granting of the area variance.

15 Mr. Corwin?

16 MR. CORWIN: No.

17 CHAIRMAN SALADINO: Ms. Gordon?

18 MS. GORDON: No.

19 CHAIRMAN SALADINO: Ms. Neff?

20 MS. NEFF: No.

21 CHAIRMAN SALADINO: Mr. Tasker?

22 MR. TASKER: No.

23 CHAIRMAN SALADINO: And I'll vote
24 no. Whether benefit sought by the
25 applicant can be achieved by some

1 method feasible for the applicant to
2 pursue, other than an area variance?
3 Mr. Corwin?

4 MR. CORWIN: No.

5 CHAIRMAN SALADINO: Ms. Gordon?

6 MS. GORDON: No.

7 CHAIRMAN SALADINO: Ms. Neff?

8 MS. NEFF: No.

9 CHAIRMAN SALADINO: Mr. Tasker?

10 MR. TASKER: No.

11 CHAIRMAN SALADINO: And I'll vote
12 no. Whether the requested area
13 variance is substantial? Mr. Corwin?

14 MR. CORWIN: No.

15 CHAIRMAN SALADINO: Dinni?

16 MS. GORDON: No.

17 CHAIRMAN SALADINO: Ellen?

18 MS. NEFF: No.

19 CHAIRMAN SALADINO: Arthur?

20 MR. TASKER: No.

21 CHAIRMAN SALADINO: And I'll vote
22 no. Whether the proposed variance will
23 have an adverse effect or impact on the
24 physical or environmental conditions in
25 the neighborhood or district?

1 Mr. Corwin?

2 MR. CORWIN: No.

3 CHAIRMAN SALADINO: Dinni?

4 MS. GORDON: No.

5 CHAIRMAN SALADINO: Ellen?

6 MS. NEFF: No.

7 CHAIRMAN SALADINO: Arthur?

8 MR. TASKER: No.

9 CHAIRMAN SALADINO: And I'll vote
10 no. Whether the alleged difficulty was
11 self-created, which consideration shall
12 be relevant to the decision of the
13 Board of Appeals but shall not
14 necessarily preclude the granting of
15 the variance. David?

16 MR. CORWIN: Yes.

17 CHAIRMAN SALADINO: Dinni?

18 MS. GORDON: Yes.

19 CHAIRMAN SALADINO: Ellen?

20 MS. NEFF: Yes.

21 CHAIRMAN SALADINO: Arthur?

22 MR. TASKER: Yes.

23 CHAIRMAN SALADINO: And I'll vote
24 yes. I'm going to make a motion to
25 approve the variance.

1 MS. NEFF: Second.

2 CHAIRMAN SALADINO: We're going to
3 vote on it. David?

4 MR. CORWIN: Yes.

5 CHAIRMAN SALADINO: Diana?

6 MS. GORDON: Yes.

7 CHAIRMAN SALADINO: Ellen?

8 MS. NEFF: Yes.

9 CHAIRMAN SALADINO: Arthur?

10 MR. TASKER: Yes.

11 CHAIRMAN SALADINO: And I'll vote
12 yes.

13 When Mr. Pennessi was here, he
14 dictated the order in which he asked us
15 to vote, so we'll just continue with
16 that order since that's the way it's
17 stacked up in my papers here.

18 The next variance requested was
19 for a third story, and the applicant
20 requested a height variance for a three
21 story building where Section 150-12B of
22 the Greenport Village Code limits the
23 height of a building to two stories or
24 35 feet, and the applicant proposed a
25 three story building in violation of

1 Section 150-12B. I'll read the five
2 questions for this. Whether an
3 undesirable change will be produced in
4 the character of the neighborhood or a
5 detriment to nearby properties will be
6 created by the granting of an area
7 variance? David?

8 MR. CORWIN: No.

9 CHAIRMAN SALADINO: Dinni?

10 MS. GORDON: No.

11 CHAIRMAN SALADINO: Ellen?

12 MS. NEFF: No.

13 CHAIRMAN SALADINO: Arthur?

14 MR. TASKER: No.

15 CHAIRMAN SALADINO: And Mr.
16 Saladino will vote no. Whether the
17 benefit sought by the applicant can be
18 achieved by some method feasible for
19 the applicant to pursue, other than an
20 area variance? David?

21 MR. CORWIN: No.

22 CHAIRMAN SALADINO: Dinni?

23 MS. GORDON: No.

24 CHAIRMAN SALADINO: Ellen?

25 MS. NEFF: No.

1 CHAIRMAN SALADINO: Arthur?

2 MR. TASKER: No.

3 CHAIRMAN SALADINO: And I'll vote
4 no. Whether the requested area
5 variance is substantial? David?

6 MR. CORWIN: Yes.

7 CHAIRMAN SALADINO: Diana?

8 MS. GORDON: Yes.

9 CHAIRMAN SALADINO: Ellen?

10 MS. NEFF: No.

11 CHAIRMAN SALADINO: Arthur?

12 MR. TASKER: Yes.

13 CHAIRMAN SALADINO: And I'll vote
14 yes. Whether the proposed area
15 variance will have an adverse effect or
16 impact on the physical or environmental
17 conditions in the neighborhood or
18 district? David?

19 MR. CORWIN: No.

20 CHAIRMAN SALADINO: Dinni?

21 MS. GORDON: No.

22 CHAIRMAN SALADINO: Ellen?

23 MS. NEFF: No.

24 CHAIRMAN SALADINO: Arthur?

25 MR. TASKER: No.

1 CHAIRMAN SALADINO: And I'll vote
2 no. Whether the alleged difficulty was
3 self-created, which consideration shall
4 be relevant to the decision of the
5 Board of Appeals, but shall not
6 necessarily preclude the granting of
7 the area variance. David?

8 MR. CORWIN: Yes.

9 CHAIRMAN SALADINO: Dinni?

10 MS. GORDON: Yes.

11 CHAIRMAN SALADINO: Ellen?

12 MS. NEFF: Yes.

13 CHAIRMAN SALADINO: Arthur?

14 MR. TASKER: Yes.

15 CHAIRMAN SALADINO: And I'll vote
16 yes. I'm going to make a motion to
17 approve the area variance.

18 MR. TASKER: The height variance.

19 CHAIRMAN SALADINO: The requested
20 variance, I'm sorry, the one we're
21 doing now, third story. David?

22 MR. CORWIN: Did we get a second
23 on that?

24 MS. GORDON: Was there a second on
25 your motion?

1 MR. TASKER: I'll second it.

2 CHAIRMAN SALADINO: I didn't think
3 we had a second to approve the variance
4 but --

5 MR. CORWIN: I vote yes.

6 CHAIRMAN SALADINO: Dinni?

7 MS. GORDON: Yes.

8 CHAIRMAN SALADINO: Ellen?

9 MS. NEFF: Yes.

10 CHAIRMAN SALADINO: Arthur?

11 MR. TASKER: Yes.

12 CHAIRMAN SALADINO: And I'm going
13 to vote yes. We're moving along here.
14 From the public notice, the next one
15 that the applicant had requested was a
16 variance for building height for
17 mechanicals. Article 150-12B, I'll
18 read from the public notice, the
19 applicant -- definition had set forth
20 -- the applicant is requesting a
21 variance for a height over and above 35
22 feet of 1 foot, 11 inches for
23 mechanicals. I'm guessing air
24 conditioners.

25 MR. CORWIN: That's just the

1 air-conditioning?

2 CHAIRMAN SALADINO: This is just
3 for the air-conditioning. 1 foot, 11
4 inches for mechanicals. So I'll go
5 through the five questions for the 1
6 foot, 11 inches for mechanicals.

7 MS. NEFF: I have a different
8 order, but not that that matters.

9 MS. WINGATE: You're out of order.
10 Just go to the next page.

11 CHAIRMAN SALADINO: Whether an
12 undesirable change will be produced in
13 the character of the neighborhood or a
14 detriment to nearby properties will be
15 created by the granting of an area
16 variance? Mr. Corwin?

17 MR. CORWIN: No.

18 CHAIRMAN SALADINO: Ms. Gordon?

19 MS. GORDON: No.

20 CHAIRMAN SALADINO: Ms. Neff?

21 MS. NEFF: No.

22 CHAIRMAN SALADINO: Mr. Tasker?

23 MR. TASKER: No.

24 CHAIRMAN SALADINO: I'll vote no.
25 Whether the benefit sought by the

1 applicant can be achieved by some
2 method feasible for the applicant to
3 pursue, other than an area variance?
4 David?

5 MR. CORWIN: No.

6 CHAIRMAN SALADINO: Dinni?

7 MS. GORDON: No.

8 CHAIRMAN SALADINO: Ellen?

9 MS. NEFF: No.

10 CHAIRMAN SALADINO: Arthur?

11 MR. TASKER: No.

12 CHAIRMAN SALADINO: And I'm going
13 to vote no. Whether the requested area
14 variance is substantial? David?

15 MR. CORWIN: No.

16 CHAIRMAN SALADINO: Dinni?

17 MS. GORDON: No.

18 CHAIRMAN SALADINO: Ellen?

19 MS. NEFF: No.

20 CHAIRMAN SALADINO: Arthur?

21 MR. TASKER: No.

22 CHAIRMAN SALADINO: And I'm going
23 to vote no. Whether the proposed
24 variance will have an adverse effect or
25 impact on the physical or environmental

1 conditions in the neighborhood or
2 district? David?

3 MR. CORWIN: No.

4 CHAIRMAN SALADINO: Diana?

5 MS. GORDON: No.

6 CHAIRMAN SALADINO: Ellen?

7 MS. NEFF: No.

8 CHAIRMAN SALADINO: Arthur?

9 MR. TASKER: No.

10 CHAIRMAN SALADINO: And I'm going
11 to vote no. Whether the alleged
12 difficulty was self-created? David?

13 MR. CORWIN: No.

14 CHAIRMAN SALADINO: Diana?

15 MS. GORDON: No.

16 CHAIRMAN SALADINO: Ellen?

17 MS. NEFF: No.

18 CHAIRMAN SALADINO: Arthur?

19 MR. TASKER: No.

20 CHAIRMAN SALADINO: I'm going to
21 vote yes. I make a motion to approve
22 this -- approve the requested variance.
23 Is there a second?

24 MS. GORDON: Second.

25 CHAIRMAN SALADINO: David?

1 MR. CORWIN: Yes.

2 CHAIRMAN SALADINO: Dinni?

3 MS. GORDON: Yes.

4 CHAIRMAN SALADINO: Ellen?

5 MS. NEFF: Yes.

6 CHAIRMAN SALADINO: Arthur?

7 MR. TASKER: Yes.

8 CHAIRMAN SALADINO: And I'll vote
9 yes. The next variance requested is a
10 trellis. The applicant is asking for a
11 7 foot, 9 inch variance for the
12 erection of a trellis. I'll go through
13 the five questions for the trellis.
14 Whether an undesirable change will be
15 produced in the character of the
16 neighborhood or a detriment to nearby
17 properties will be created by granting
18 of the area variance? David?

19 MR. CORWIN: No.

20 CHAIRMAN SALADINO: Dinni?

21 MS. GORDON: No.

22 CHAIRMAN SALADINO: Ellen?

23 MS. NEFF: No.

24 CHAIRMAN SALADINO: Arthur?

25 MR. TASKER: No.

1 CHAIRMAN SALADINO: And I'll vote
2 no. Whether the benefit sought by the
3 applicant can be achieved by some
4 method feasible for the applicant to
5 pursue, other than an area variance?
6 David?

7 MR. CORWIN: Yes.

8 CHAIRMAN SALADINO: Dinni?

9 MS. GORDON: No.

10 CHAIRMAN SALADINO: Ellen?

11 MS. NEFF: No.

12 CHAIRMAN SALADINO: Arthur?

13 MR. TASKER: No.

14 CHAIRMAN SALADINO: I'm going to
15 vote yes. Whether the requested area
16 variance is substantial? David?

17 MR. CORWIN: Yes.

18 CHAIRMAN SALADINO: Dinni?

19 MS. GORDON: No.

20 CHAIRMAN SALADINO: Ellen?

21 MS. NEFF: No.

22 CHAIRMAN SALADINO: Arthur?

23 MR. TASKER: No.

24 CHAIRMAN SALADINO: And I'm going
25 to vote no. Whether the proposed

1 variance will have an adverse effect or
2 impact on the physical or environmental
3 conditions in the neighborhood or
4 district? David?

5 MR. CORWIN: No.

6 CHAIRMAN SALADINO: Diana?

7 MS. GORDON: No.

8 CHAIRMAN SALADINO: Ellen?

9 MS. NEFF: No.

10 CHAIRMAN SALADINO: Arthur?

11 MR. TASKER: No.

12 CHAIRMAN SALADINO: And I'm going
13 to vote no. Whether the alleged
14 difficulty was self-created, which
15 consideration shall be relevant to the
16 decision of the Board of Appeals, but
17 shall not necessarily preclude the
18 granting of the area variance. David?

19 MR. CORWIN: Yes.

20 CHAIRMAN SALADINO: Dinni?

21 MS. GORDON: Yes.

22 CHAIRMAN SALADINO: Ellen?

23 MS. NEFF: Yes.

24 CHAIRMAN SALADINO: Arthur?

25 MR. TASKER: Yes.

1 CHAIRMAN SALADINO: And I'll vote
2 yes. I make a motion to approve the
3 requested variance. Second?

4 MS. NEFF: Second.

5 CHAIRMAN SALADINO: David?

6 MR. CORWIN: Yes.

7 CHAIRMAN SALADINO: Dinni?

8 MS. GORDON: Yes.

9 CHAIRMAN SALADINO: Ellen?

10 MS. NEFF: Yes.

11 CHAIRMAN SALADINO: Arthur?

12 MR. TASKER: Yes.

13 CHAIRMAN SALADINO: And I'll vote
14 yes. The next variance will be a 12
15 foot height variance for an elevator
16 bulkhead.

17 MR. PALLAS: Just to clarify, the
18 last vote, just to clarify, there were
19 five yeses, so that passes, correct?

20 CHAIRMAN SALADINO: Yes. Did you
21 guys hear something different?

22 MR. PALLAS: Just clarifying,
23 sorry.

24 CHAIRMAN SALADINO: All right. So
25 we understand this is a building height

1 variance, 12 foot building height
2 variance for an elevator bulkhead.
3 Whether an undesirable change will be
4 produced in the character of the
5 neighborhood or a detriment to nearby
6 properties will be created by the
7 granting of the area variance? David?

8 MR. CORWIN: No.

9 CHAIRMAN SALADINO: Dinni?

10 MS. GORDON: No.

11 CHAIRMAN SALADINO: Ellen?

12 MS. NEFF: No.

13 CHAIRMAN SALADINO: Arthur?

14 MR. TASKER: No.

15 CHAIRMAN SALADINO: And I'll vote
16 no. Whether the benefit sought by the
17 applicant can be achieved by some
18 method feasible for the applicant to
19 pursue, other than an area variance?
20 David?

21 MR. CORWIN: No.

22 CHAIRMAN SALADINO: Dinni?

23 MS. GORDON: No.

24 CHAIRMAN SALADINO: Ellen?

25 MS. NEFF: No.

1 CHAIRMAN SALADINO: Arthur?

2 MR. TASKER: No.

3 CHAIRMAN SALADINO: And I'll vote
4 no. Whether the requested area
5 variance is substantial? David?

6 MR. CORWIN: Yes.

7 CHAIRMAN SALADINO: Dinni?

8 MS. GORDON: No.

9 CHAIRMAN SALADINO: Ellen?

10 MS. NEFF: No.

11 CHAIRMAN SALADINO: Arthur?

12 MR. TASKER: Yes.

13 CHAIRMAN SALADINO: I'm going to
14 vote yes. Whether the proposed
15 variance will have an adverse effect or
16 impact on the physical or environmental
17 conditions in the neighborhood or
18 district? David?

19 MR. CORWIN: No.

20 CHAIRMAN SALADINO: Dinni?

21 MS. GORDON: No.

22 CHAIRMAN SALADINO: Ellen?

23 MS. NEFF: No.

24 CHAIRMAN SALADINO: Arthur?

25 MR. TASKER: No.

1 CHAIRMAN SALADINO: And I'm going
2 to vote no. Whether the alleged
3 difficult was self-created, which
4 consideration shall be relevant to the
5 Board of Appeals, but shall not
6 necessarily preclude the granting of
7 the area variance. David?

8 MR. CORWIN: Yes.

9 CHAIRMAN SALADINO: Dinni?

10 MS. GORDON: No.

11 CHAIRMAN SALADINO: Ellen?

12 MS. NEFF: No.

13 CHAIRMAN SALADINO: Arthur?

14 MR. TASKER: Yes.

15 CHAIRMAN SALADINO: I'm going to
16 vote yes. We're going to make a motion
17 to approve this requested variance. Do
18 I have a second?

19 MS. NEFF: Second.

20 CHAIRMAN SALADINO: David?

21 MR. CORWIN: Yes.

22 CHAIRMAN SALADINO: Diana?

23 MS. GORDON: Yes.

24 CHAIRMAN SALADINO: Ellen?

25 MS. NEFF: Yes.

1 CHAIRMAN SALADINO: Arthur?

2 MR. TASKER: Yes.

3 CHAIRMAN SALADINO: And I'm going
4 to vote yes. This is what you all have
5 been waiting for. The applicant --
6 this is going to be -- I'll read from
7 the public notice. The applicant
8 requests an area variance -- requests a
9 variance of the off-street parking
10 requirements of Section 150-16A-1 of
11 the Greenport Village Code. The
12 proposed mixed use building proposed
13 ten parking -- the original notice said
14 12, just to explain to the public, the
15 original notice said 12, he provided a
16 revised plan, so that's what I'm
17 reading from. The proposed mixed use
18 building proposed 10 parking spaces.
19 Section 150-16A-1 of the Village of
20 Greenport Code requires 30 parking
21 spaces based on square footage
22 calculations and requirements for hotel
23 occupancy requiring a variance of 20
24 spaces of the parking space
25 requirements of Section 150-16A,

1 paragraph 1 of the Greenport Village
2 Code. Is there any discussion among
3 the Board before I read these five
4 questions?

5 MS. GORDON: Yes. I would like to
6 -- I have been thinking very hard about
7 this matter for weeks and weeks, and I
8 finally decided I was going to write
9 out my conclusions about it, and
10 because I'm a little nervous, I'm going
11 to read what I wrote. I have thought
12 long and hard about this project. I
13 initially hoped for a workforce housing
14 project on this site, but I have
15 concluded that it isn't likely. My
16 decision has been difficult to vote for
17 a very substantial variance that on
18 most occasions would be considered
19 beyond our usual standard of moderate
20 relief for the applicant. I should say
21 that moderate relief is not the term
22 that's used in the law, so it isn't a
23 textual directive, but it is a standard
24 that we usually use. I've gone through
25 the analysis required of us when making

1 such an important decision and
2 concluded that not even the question
3 about whether the variance is a
4 self-created problem should be answered
5 in the affirmative because it is
6 instead an out dated and irrelevant
7 code provision that creates the
8 problem. The applicant has made many
9 modifications to deal with zoning
10 issues. He has reduced the number of
11 seats in the restaurant and enlarged
12 the loading berth to facilitate
13 deliveries to the hotel. What remains
14 is a parking problem, the requirement
15 of 30 spaces when fewer would probably
16 do for most of the year. But this
17 seems to me something that the market
18 can take care of with valet parking in
19 the busy months or with fewer customers
20 arrive and leave by car. Since August,
21 I have been observing the harbor front
22 parking lot closely, and it is very
23 rare that it is more than half full.
24 This fall, it has often had only two or
25 three cars during the day and early

1 evening. I saw three cars yesterday.
2 I have concluded that accommodations of
3 peak parking periods is a mistake if we
4 are to have an attractive walkable
5 downtown.

6 We are often advised to try to
7 eliminate nonconforming uses. In fact,
8 it is articulated in the mandate in the
9 statement of purpose of the zoning
10 plan, but right next to that directive
11 is another one, quote, the enhancement
12 of the appearance of the Village of
13 Greenport as a whole, unquote. The
14 site the applicant wishes to build on
15 has been an eyesore since before I
16 moved to the village in 2008. It
17 finally shows promise for a
18 responsible, attractive development. I
19 am prepared to prioritize enhancement
20 of appearance over reducing
21 non-conformities in this case. Of
22 course, I speak only for myself and not
23 for my colleagues. But I also know
24 that everyone else has been thinking
25 about this long and hard.

1 CHAIRMAN SALADINO: Anyone else?

2 MR. TASKER: Mr. Chairman, as some
3 of you will remember, I was one of the
4 early people who addressed -- as a
5 member of the public who addressed this
6 question of various variances that was
7 required, and I spoke specifically to
8 the point of parking and the loading
9 zone and so forth suggesting that
10 obviously they weren't compatible in
11 terms of both meeting the Village Code.
12 And I suggested somewhat inelegantly at
13 the time that if it was going to be a
14 cave in terms of those requirements,
15 that the requirements for loading zone
16 would be the one that should be met,
17 and that any relief should be in the
18 form of parking requirements. I'd like
19 to further add in support of Ms. Gordon
20 that it seems almost that this parcel
21 -- it seems to me that this parcel has
22 been a hostage to the requirements for
23 parking in the Village in that several
24 attempts, this being the second
25 principal one that I'm aware of, there

1 may be others that never made it here,
2 that don't go through. Whether it's
3 NIMBY or what, but it ends up that the
4 parking requirements or some particular
5 segment of the Village Zoning Code is
6 put forth as a reason for not giving
7 the variances that would permit a
8 project to go forth. The fact of the
9 matter is the Village of Greenport has
10 parking problems, and it's being
11 imposed on this parcel of land. Thank
12 you.

13 CHAIRMAN SALADINO: David?

14 MR. CORWIN: I would just note
15 that this was before the Planning
16 Board, and they can grant a parking in
17 lieu of -- payment in lieu of parking
18 for these 20 spaces, and I think that's
19 their job to grant that. I hope they
20 grant it, but I don't think that the
21 Zoning Board should be varying for the
22 requirements as much as 20 spaces calls
23 for.

24 CHAIRMAN SALADINO: Just for the
25 benefit of the public, just if I could,

1 this Board made what it thought was a
2 reasonable compromise to bring this in
3 front of the Planning Board to see if
4 there could, in fact, be payment in
5 lieu of parking. The Planning Board
6 had their reasons, whatever, chose not
7 to address it. That's why it's back
8 here again. Right now this application
9 is not in front of the Planning Board.
10 What happens here tonight perhaps will
11 put it in front of the Planning Board,
12 depending on the applicant, maybe yes,
13 maybe no, we don't know. Right now the
14 question for this Board is not payment
15 in lieu of parking, but a 20 space
16 required parking variance.

17 One more thing, just to get it on
18 the record for the building department,
19 we have a revised plan, a revised
20 parking plan that the applicant
21 contends allows for ten off street
22 parking places and a loading zone that
23 conforms to code. I would just like
24 assurance from the building department
25 that on that revised plan there's

1 restricted -- there's two parking
2 spaces that are restricted. The
3 building department assures me that
4 that's -- that that would be okay, that
5 would be fine. The reason I bring it
6 up is because -- and I have no way of
7 knowing if it will go in front of the
8 Planning Board, if it won't go in front
9 of the Planning Board, I don't know,
10 but I would just like it on the record
11 from the building department that those
12 parking spaces in their mind are
13 conforming, and that if there is a
14 question raised later, it doesn't come
15 back here for a variance.

16 MR. PALLAS: Mr. Chairman, we are
17 comfortable with the option as
18 presented.

19 CHAIRMAN SALADINO: That's good
20 enough for me. Ellen?

21 MS. NEFF: Well, there are two
22 parts of what you said that I have
23 questions about. When you say there's
24 two parking spaces, I'm confused.
25 You're saying -- what I understand is

1 the present plan is ten plus a loading
2 zone, but you were speaking about two
3 spaces? That confused me. What two
4 spaces?

5 CHAIRMAN SALADINO: I believe
6 they're numbered. Do you need the
7 numbers? I think they're number nine
8 and ten.

9 MS. NEFF: Yeah, in other words,
10 they're slightly smaller?

11 CHAIRMAN SALADINO: No, they
12 conform to size, but if the loading
13 zone is used, those parking spaces
14 would be restricted at times.

15 MS. NEFF: I understand that part.

16 CHAIRMAN SALADINO: So that would
17 be my question. Me, personally, I
18 don't have a problem with that. I have
19 no problem with that at all if I'm
20 assured by the building department,
21 which they did, I'm just looking that
22 this application because of something
23 we adopt here tonight doesn't come back
24 if and when it goes to the Planning
25 Board with an additional variance

1 request. That was the reason I asked
2 Mr. Pallas.

3 MS. NEFF: Thank you.

4 CHAIRMAN SALADINO: Do you have a
5 comment?

6 MS. NEFF: My question is from
7 what I heard you say, are you saying
8 that the applicant is going to end up
9 with the option of proceeding with the
10 Planning Board for payment in lieu of
11 parking, or is there some other mystery
12 that I don't fully understand?

13 CHAIRMAN SALADINO: These are the
14 options that we have this evening. The
15 options that are in front of us this
16 evening are to vote to grant the
17 variance, to reject the variance, those
18 are our options. If what results from
19 those two options are if we grant the
20 variance, the applicant gets his
21 parking, and assuming he'll go in front
22 of the Planning Board, and they'll rule
23 on the project or as a whole. If he
24 doesn't get his variance, depending on
25 how this Board votes tonight, it's my

1 understanding from the attorney and
2 from the building department that he
3 still has the option to take his
4 application to the Planning Board and
5 then request from them 20 -- payment in
6 lieu of parking for 20 off-street
7 parking spaces. Joe?

8 MR. PROKOP: Yes, that's correct.

9 MS. NEFF: Mr. Chairman, do we
10 have the option of giving a variance
11 for five spaces?

12 CHAIRMAN SALADINO: No.

13 MS. NEFF: We have only -- it's a
14 yes or no.

15 CHAIRMAN SALADINO: He's not
16 asking for five, his request is for 20
17 off-street parking spaces.

18 MS. NEFF: And he has 10.

19 CHAIRMAN SALADINO: And he has
20 ten.

21 MS. NEFF: So it would be for ten?

22 CHAIRMAN SALADINO: It would be
23 for 20.

24 MS. NEFF: The variance is for 10?

25 CHAIRMAN SALADINO: He needs 30.

1 MS. NEFF: Okay. I'm sorry.

2 MR. PROKOP: Excuse me, Chairman
3 Saladino. I believe that the Board can
4 grant less relief than what's
5 requested. They can't grant more
6 relief, but they can grant less relief.

7 CHAIRMAN SALADINO: I understand
8 that, but I also understand that that's
9 -- I was at the Planning Board meeting,
10 I heard what the applicant asked for.
11 He's not asking for five spaces. He
12 explained to the Planning Board what
13 his request from them were. In the
14 alternative, if they chose not to
15 address the issue, his request that the
16 ZBA rule on the 20 spaces. I don't
17 have a problem doing that, and I'm not
18 sure what granting him five spaces --
19 I'm not sure what that does.

20 My only comment about this is the
21 former chairman of the ZBA used to say
22 all the time he had members that were
23 strong supporters of the code and
24 members that took an interpretive look
25 at the code. When he talked about

1 strong supporters of the code, he was
2 always looking at me, and I freely
3 admit that. I'm a black and white type
4 of guy, and that's how I see things. I
5 believe in the term modest relief. I
6 believe in the phrase moderately
7 tailored relief. For me, without
8 showing my hand here, without turning
9 over my cards, I think an ask of 66
10 percent of variance -- a variance of 66
11 percent in my mind, even though it's
12 not in the book, is not modest relief.
13 At what point does the amount of
14 parking become minimally tailored
15 relief or moderate relief, five spaces,
16 four spaces, five spaces. I think it
17 would depend on the project. It was
18 also brought to my attention that
19 sometimes, you know, it's hard to
20 discern what exactly is moderate and
21 what's not. In this case, in my mind,
22 it's clear.

23 So having said that, if it pleases
24 the Board, I'll read the five
25 questions, and we can vote. David?

1 Dinni?

2 MS. GORDON: Yes.

3 CHAIRMAN SALADINO: Ellen?

4 MS. NEFF: Yes.

5 CHAIRMAN SALADINO: Let's do it.

6 Whether an undesirable change will be
7 produced in the character of the
8 neighborhood or a detriment -- now,
9 just so we're on the same page, this is
10 for 20 off-street parking spaces.
11 Okay? Whether an undesirable change
12 will be produced in the character of
13 the neighborhood or a detriment to
14 nearby properties will be created by a
15 granting of the area variance?

16 Mr. Corwin?

17 MR. CORWIN: No.

18 CHAIRMAN SALADINO: Ms. Gordon?

19 MS. GORDON: No.

20 CHAIRMAN SALADINO: Ms. Neff?

21 MS. NEFF: No.

22 CHAIRMAN SALADINO: Arthur?

23 MR. TASKER: No.

24 CHAIRMAN SALADINO: And I'm going
25 to vote no. Whether benefit sought by

1 the applicant can be achieved by some
2 method feasible for the applicant to
3 pursue, other than an area variance?
4 David?

5 MR. CORWIN: Yes.

6 CHAIRMAN SALADINO: Dinni?

7 MS. GORDON: No.

8 CHAIRMAN SALADINO: Ellen?

9 MS. NEFF: No.

10 CHAIRMAN SALADINO: Arthur?

11 MR. TASKER: No.

12 CHAIRMAN SALADINO: I'm going to
13 vote yes. Whether the requested area
14 variance is substantial? David?

15 MR. CORWIN: Yes.

16 CHAIRMAN SALADINO: Diana?

17 MS. GORDON: Yes.

18 CHAIRMAN SALADINO: Ellen?

19 MS. NEFF: Yes.

20 CHAIRMAN SALADINO: Arthur?

21 MR. TASKER: Yes.

22 CHAIRMAN SALADINO: And I'll vote
23 yes. Whether proposed variance will
24 have an adverse effect or impact on the
25 physical or environmental conditions in

1 the neighborhood or district? David?

2 MR. CORWIN: No.

3 CHAIRMAN SALADINO: Dinni?

4 MS. GORDON: No.

5 CHAIRMAN SALADINO: Ellen?

6 MS. NEFF: No.

7 CHAIRMAN SALADINO: Arthur?

8 MR. TASKER: No.

9 CHAIRMAN SALADINO: I'm going to
10 vote no. Whether the alleged
11 difficulty was self-created, which
12 consideration shall be relevant to the
13 decision of the Board of Appeals, but
14 shall not necessarily preclude the
15 granting of the area variance. David?

16 MR. CORWIN: No.

17 CHAIRMAN SALADINO: Diana?

18 MS. GORDON: No.

19 CHAIRMAN SALADINO: Ellen?

20 MS. NEFF: No.

21 CHAIRMAN SALADINO: Arthur?

22 MR. TASKER: No.

23 CHAIRMAN SALADINO: I'll vote no.
24 I'll make a motion to approve the
25 requested variance. Is there a second?

1 MR. TASKER: Second.

2 CHAIRMAN SALADINO: David?

3 MR. CORWIN: No.

4 CHAIRMAN SALADINO: Dinni?

5 MS. GORDON: Yes.

6 CHAIRMAN SALADINO: Ellen?

7 MS. NEFF: Yes.

8 CHAIRMAN SALADINO: Arthur?

9 MR. TASKER: Yes.

10 CHAIRMAN SALADINO: I'm going to
11 vote no.

12 We're almost out of time. Is
13 there anything else that should come
14 before the Board, anybody want to make
15 a comment before we close this down?

16 MR. CORWIN: I have one question.
17 610 Main Street, was that moved along
18 in terms of coordinated review? The
19 attorney suggested at the --

20 CHAIRMAN SALADINO: 610 Main
21 Street, Liakeas, I think we turned the
22 application back to the applicant to
23 pursue a use variance. Is that what I
24 remember?

25 MS. GORDON: Yes, that's right.

1 MR. CORWIN: So could we ask the
2 building inspector if any communication
3 took place?

4 CHAIRMAN SALADINO: That's a no?
5 I'm not sure, what am I asking?

6 MR. CORWIN: Whether any
7 correspondence took place to 610 Main
8 Street to say that the Zoning Board
9 decided that it was a use variance, not
10 an area variance?

11 CHAIRMAN SALADINO: What he said.

12 MS. WINGATE: No, I have not
13 discussed it with the applicant.

14 MR. CORWIN: So the application is
15 in limbo, or it has died if the
16 applicant doesn't take any further
17 action?

18 MS. WINGATE: Correct.

19 MR. CORWIN: And my concern is
20 some point in time they will come back
21 when there's a different board and say
22 I want my area variance.

23 CHAIRMAN SALADINO: I'm going to
24 -- we have seven minutes here. I'm
25 going to let the public yell at us for

1 seven minutes. I'm going to let the --

2 MS. ALLEN: I'm not going to yell.

3 You made your decision.

4 CHAIRMAN SALADINO: If anybody has

5 something to say, good, bad,

6 indifferent? How did I know he would

7 be the one? Seven minutes, Billy.

8 Billy, seven minutes.

9 MR. SWISKEY: William Swiskey, 184

10 Fifth Street. You know, I've heard

11 various members of this Board, and John

12 you're a code enforcer, you voted no,

13 which is good, but other members say

14 well, we should eliminate

15 non-conforming, and then they vote yes

16 for this? And you turn down a variance

17 -- two foot variance on a fence, and

18 you vote for this? Hey, folks, it's,

19 like, this is silly, silly time. Thank

20 you.

21 CHAIRMAN SALADINO: Thank you,

22 Bill. Anybody else? I'm going to make

23 a motion to adjourn.

24 MS. GORDON: Second.

25 CHAIRMAN SALADINO: All in favor?

1 MR. CORWIN: Aye.

2 MS. GORDON: Aye.

3 MS. NEFF: Aye.

4 MR. TASKER: Aye.

5 (Whereupon the meeting was
6 adjourned at 5:52 p.m.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

STATE OF NEW YORK)

) SS:

COUNTY OF SUFFOLK)

I, AMY BOHLEBER, 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 December 6, 2016.

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 20th day of December, 2016.

Amy Bohleber

Amy Bohleber