

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

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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.)

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

STATE OF NEW YORK )

) SS:

COUNTY OF SUFFOLK )

I, 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*

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Amy Bohleber