

VILLAGE OF GREENPORT

COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD

REGULAR SESSION

-----X

February 1, 2018

4:00 p. m.

Third Street Firehouse

Greenport, New York

Before:

MARY GIVEN - CHAIRWOMAN

WALTER FOOTE - MEMBER

NOAH THOMAS - MEMBER

JOHN COTUGNO - MEMBER

BRADLEY BURNS - MEMBER (absent)

ROBERT M. CONNOLLY, ESQ. - PLANNING

BOARD ATTORNEY

KRISTINA LINGG - BUILDING CLERK

GLYNIS BERRY - VILLAGE PLANNER

PAUL J. PALLAS, P.E - VILLAGE

ADMINISTRATOR

## I N D E X

ITEM NO. 1 - 222 Manor Place

A public hearing for the Landmark Group. The applicant is proposing to reopen the medical building. The property is located in the R-1 (One Family Residential) District. This property is not located in the Historic District. This applicant recently went before the Zoning Board of Appeals, and a variance was granted on November 21, 2017.

SCTM # 1001-2.-2-41.1

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ITEM NO. 2 - 19 Front Street.

Motion to reschedule the public hearing for owner/applicant Kate McDowell. The owner/applicant is proposing to open a cheese shop at 19 Front Street. This property is located in the Waterfront Commercial District, and is not located in the Historic District.

SCTM # 1001-5.-4-29

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ITEM NO. 3 - 412 Third Street.

Motion to accept the subdivision application and schedule a public hearing for owner James Olinkiewicz, represented by Patricia Moore. The applicant is proposing to subdivide the property which currently has two dwellings on one parcel. This property is located in the R-2 (One and two-family residential) District, and is not located in the Historic District. A public hearing is required for any sub-division application.

SCTM # 1001-4.-2-4.6

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ITEM NO. 4 - 15 Front Street.

Discussion and possible motion on the signage application of the applicant Crinoline Fashion Boutique LTD. This property is located in the Waterfront Commercial District. This property is not located in the Historic District.

SCTM # 1001-5.-431.1

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ITEM NO. 5 - 128 Main Street

Motion to accept and possible motion to  
approve the sign application for  
applicant Goldsmith's/Kathport Corp.,  
represented by Kathy Halliwell.

SCTM #: 1001-5.-3-16.1

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ITEM NO. 6 - Motion to adjourn

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CHAIRWOMAN GIVEN: Good afternoon.  
We are going to open the February 1st  
Planning Board Regular Session meeting at  
4:00.

First all, we have a new member,  
Walter Foote. I am introducing you to  
the public and fellow board members.  
Welcome. Thank you for your service.

I just want to clarify that I am  
going to go out of order on the agenda.  
I'm going to put the public hearing last  
and hear the regular meeting items first  
to allow the quicker ones to get done and  
over with. Also I want to put a time  
limit on 6:00 p.m. this evening. We are  
not going to go over that time. Thank  
you.

I am going to move on to Item  
Number 2. Motion to reschedule the  
public hearing for owner/applicant Kate  
McDowell. The owner/applicant is  
proposing to open a cheese shop at 19  
Front Street. This property is located  
in the Waterfront Commercial District,  
and is not located in the Historic

District. Suffolk County Tax Map  
1001-5-4-29.

It has originally been scheduled for a public hearing but changes have been made. We are going to reschedule that for February 22.

Do I have a second to that motion?

MEMBER THOMAS: Second.

CHAIRWOMAN GIVEN: All in favor?

MEMBER FOOTE: Aye.

MEMBER THOMAS: Aye.

MEMBER COTUGNO: Aye.

CHAIRWOMAN GIVEN: Motion carried.

Item number 3. Motion to accept the subdivision application and schedule a public hearing for owner James Olinkiewicz, represented by Patricia Moore. The applicant is proposing to subdivide the property which currently has two dwellings on one parcel. This property is located in the R-2 (One and two-family residential) District, and is not located in the Historic District. A public hearing is required for any sub-division application. Property is

designated as Suffolk County Tax Map  
1001-4-2-4.6.

Would anyone like to speak on  
behalf of this?

MS. MOORE: Do you want me to come  
up?

CHAIRWOMAN GIVEN: Sure. Anyone  
that is going to address this board this  
evening please stand at the podium and  
give your name and address and sign in.  
Thank you.

MS. MOORE: Good evening. Patricia  
Moore on behalf of Mr. Olinkiewicz. This  
is moving forward with an application.  
There was a lot of communication for the  
last year because the Zoning Board had  
granted this approval in 1998. That is  
before the subdivision regulations were  
adopted. And he -- the Zoning Board  
granted the approval but never notified  
him or filed the application. He only  
learned about it when -- through a very  
circuitous route, but he owned the  
property, sold the property and then  
reacquired the property. So he was going

to continue with his subdivision review and low and behold he found out that in 1998 it had been approved. His hope was that the Board could ratify what was done in '98 since it was before a Planning Board was in place. The only method that -- the only thing that was required in 1998 was Zoning Board approval and the subdivision could be completed. Which really just entailed deeds at that point. It was a done deal. He never got an answer. And so he came to me and I said, well if you don't get an answer you submit an application and get the subdivision moving. Rather than keep waiting for an answer here we are.

CHAIRWOMAN GIVEN: Any comments?

No?

MR. PALLAS: This is a new application. So the request is to schedule a public hearing.

CHAIRWOMAN GIVEN: Right. I am going to make a motion to accept it and then I am make a motion to schedule a public hearing. Correct?



Okay. I make a motion to accept the subdivision application as submitted by Jim Olinkiewicz for Suffolk County Tax Map 1001-4-2-4.6.

Do I have a second?

MEMBER COTUGNO: Second.

CHAIRWOMAN GIVEN: All in favor?

MEMBER FOOTE: Aye.

MEMBER THOMAS: Aye.

MEMBER COTUGNO: Aye.

CHAIRWOMAN GIVEN: Motion carried.

I make a motion to schedule a public hearing for this application for February 22nd. Do I have a second?

MEMBER COTUGNO: Second.

CHAIRWOMAN GIVEN: All in favor?

MEMBER FOOTE: Aye.

MEMBER THOMAS: Aye.

MEMBER COTUGNO: Aye.

CHAIRWOMAN GIVEN: Motion carried.

MS. MOORE: 4:00?

CHAIRWOMAN GIVEN: Correct.

MS. MOORE: Thank you.

CHAIRWOMAN GIVEN: Item number four. 15 Front Street. Discussion and

possible motion on the signage application of applicant Crinoline Fashion Boutique LTD. This property is located in the Waterfront Commercial District. This property is not located in the Historic District. Property is designated as Suffolk County Tax Map number 1001-5-4-31.1.

Do you wish to speak at all?

MR. PALLAS: If I may, before the applicant speaks, we did a bit little more research on this. There was some discussion about the size requirements for overhanging signs. As it turns out the building is set back from the property line. So the sign doesn't actually overhang Village sidewalk. It is merely just -- there is going to be no special requirements for this other than your normal sign review.

CHAIRWOMAN GIVEN: Right. Thank you.

AUDIENCE MEMBER: So everything is good then?

MR. PALLAS: They still have to

vote.

CHAIRWOMAN GIVEN: Do you still have -- she is taking over -- you all have that?

MEMBER COTUGNO: Yes.

MEMBER THOMAS: Yes.

CHAIRWOMAN GIVEN: Great. So I'm going to make a motion to approve the sign location as submitted by Crinoline Fashion Boutique, Ltd.

Do I have a second?

MEMBER THOMAS: Second.

CHAIRWOMAN GIVEN: All in favor?

MEMBER FOOTE: Aye.

MEMBER THOMAS: Aye.

MEMBER COTUGNO: Aye.

CHAIRWOMAN GIVEN: Motion carried.

Thank you.

AUDIENCE MEMBER: Okay. Great.

Thank you.

CHAIRWOMAN GIVEN: Item number 5 on the agenda. 128 Main Street. Motion to accept and possible motion to approve the sign application for applicant Goldsmith's/Kathport Corp., represented

by Kathy Halliwell. Property is designated as Suffolk County Tax Map 1001-5-3-16.1.

Kathy, do you have any comments?

Kathy, do you wish to say anything?

MS. HALLIWELL: Just that I am requesting moving the present sign.

CHAIRWOMAN GIVEN: You are moving the sign from where you were?

MS. HALLIWELL: We are moving the sign inside the window. It will be hung the same way inside the window.

CHAIRWOMAN GIVEN: Okay. Members, do you have any discussions?

I am going to make a motion to accept and approve the sign application as submitted by Goldsmith's/Kathport Corp. Do I have a second?

MEMBER THOMAS: Second.

CHAIRWOMAN GIVEN: All in favor?

MEMBER FOOTE: Aye.

MEMBER THOMAS: Aye.

MEMBER COTUGNO: Aye.

CHAIRWOMAN GIVEN: Motion carried.

MS. HALLIWELL: Thank you.

CHAIRWOMAN GIVEN: And now going back to item number one, public hearing for 222 Manor Place. A public hearing for the Landmark Group. The applicant is proposing to re-open the medical building. The property is located in the R-1 (One Family Residential) District. This property is not located in the Historic District. This application recently went before the Zoning Board of Appeals, and a variance was granted on November 21, 2017.

Good evening.

MR. SOLOMAN: Good evening, Madam Chairman, members of the Board. My name is Michael Soloman. I am the attorney for the Lanmark Group. My address is 135 Bay Avenue in Greenport. I have appeared before the Board -- as a matter of fact, last week. I did tell some of the Board members about my background. The new member wouldn't know.

Not only am I an attorney I am a Village resident. Have lived here for the past 15 years. So I do have personal

familiarity with the Village, the components of our Village and a certain level -- I try to pay attention to the heartbeat of our community.

With that said, the property in question tonight is the Medical Art building that is at 222 Manor Place in Greenport, New York. The history of the building -- some of its history has been explained in prior meetings before I was involved. This building has been in existence since 1969. A pre-certificate of occupancy was issued by the Building Department. It has been operational as a medical office since 1969.

My clients recently purchased the property within a year or so with the intention of keeping it a medical facility. And they started the process in the Building Department and the Planning and Zoning.

I will just give you a brief scenario of what I know about that. The concept behind this building -- well there is two concepts. The first concept

-- this is where I say about my personal knowledge of the Village. We need in our Village medical offices. That is something we don't have. We don't have that many medical facilities here. Having said that, this has already been recognized as a medical facility.

What were my clients really looking to do? They were looking, when they started the process, to basically just make the building ADA compliant. Because that is basically a requirement today. And to do so there are renovations and adjustments. Basically I presented the front of -- a picture of the property, the way it should basically look when it is completed.

For those of us that walk the Village, see the Village, we know what that building looked like a year ago. And the aesthetic improvement to the building is going to be a tremendous asset to the Village.

The matter came before the Planning Board. At that point it was an issue

about well -- there was some objections. Can we just do this or is there some requirement. And it was determined in the building code that because there is going to be an alteration and restoration to a non-conforming property it required an area variance from the Board of Zoning Appeals. That was a very long, drawn out process. We had three public hearings.

With respect to this application one of the components of the original part of the application was I believe concern from your Board was that the Board of Zoning Appeals is going to grant a variance on parking. Because as I know from my personal knowledge of the Village, that has happened recently. In particular with the Manhattan Hotel being built on Third and Front. The ZBA permitted it to be built with a variance for parking requirement. This Board, the way that I understood it, was very concerned that that could possibly happen. And the Board issued a resolution. Basically provided that the



client was -- had the ability to build 12 parking spots at \$2500 a spot. Which the resolution was issued. So that matter was no longer before the Board of Zoning Appeals. I would suggest that matter with regard to parking is no longer here because that has already been resolved.

There were issues before the Board of Zoning Appeals, which you may hear about tonight, some intensity of use. Like is the continuation of this medical building today by virtue of the change in medical practices over our life times going to intensify the use? And should that be problematic at that time to the Board of Zoning Appeals? And on a certain level, I guess, the question is: Is it problematic to this Board.

I submitted to your counsel the same case law that I submitted to the Board of Zoning Appeals on the issue which effectively says, the fact that a medical practice in one year has more patients or less patients by law is not an intensification of use. That argument

has already been accepted by the Board of Zoning Appeals.

As I am sure this Board knows, the Board of Zoning Appeals issued a finding, determination and decision in which the area variance was granted. And in particular the application was for a variance for alteration, restoration, reconstruction of the pre-existing non-conforming building with a pre-existing, non-conformable use under the Village of Greenport Code. The intensity issue, I submit to you has already been resolved by the Board of Zoning Appeals.

There has been some clamor. There has been some letters coming into the -- not only this Board but the Board of Zoning Appeals, from neighbors. I want the Planning Board to know that my first involvement of the file back I believe it was in August or September was a letter to all of the adjoining eight property owners. There was a meeting held at the property site where my client was

present, the architect was present, I was present, in which we were hoping to resolve any open issues that any of the neighbors have. Because the goal was to accommodate the neighbors. And as I sit in front of you tonight, the goal is to accommodate the neighbors. The only problem we have at a certain level in accommodating the neighbors is I have to accommodate the Planning Board. So the Planning Board has to be -- or permit theoretically what the neighbors may or may not be asking for, we have determined a lot of the things possibly cannot be done. And a lot of things they are requesting, we already are doing.

One of the issues -- on general terms. One of the issues -- by the way, after that I actually had discussions -- the neighbors have an attorney, Mr. Grossman, who I see is here tonight. We attempted to have communications, conversations. We sort of worked to see if there was any common ground. For whatever reason we can never seem to find

their common ground for what they wanted. The reason we couldn't find it is we couldn't agree to something that the Planning Board, in our respectful opinion, would never agree to. So we said we can't do it because I don't believe Planning is ever going to accept it.

One of the issues that was raised by the Village Planner was a question about ingress and egress from the building. Questions about where entrances should be. I want you to know that a lot of thought was put into the design at the time it was put together by the architect. This building is intended now for single use on the downstairs level. And then there are several offices on the upstairs level. Entrances to the downstairs level could be affected by two separate entrances. If I could show you on here, on the picture. There will be an entrance here (indicating) on the left-hand side. And there would be an entrance on the other side. The

concept being any of the people who park on the street have two, ingress and egress, to the facility from the front. Anybody who may or may not suffer disability or be handicap would then either -- could use the parking in the back of the building, which we established in the back of the property, have handicap accessible in the back of the property. So effectively what we have done is we are directing a lot of the traffic, except for the handicapped, potentially those who want to park in the back to the front if they want to use it and to the back if they want to use it. That would basically leave just the upstairs section to where people potentially -- their only ingress and egress would be to the back of the building because that is where the elevator is. It is situated to the back of the building. The elevator which we were required to put in for ADA compliance.

I want to emphasize that almost

everything we are talking about is to make this building ADA compliant. That was the purpose for the natural flow of the building.

The neighbors -- and primarily the objection was coming from the neighbor from the east and the neighbor from the west. One of the items that is part of this application, approved by the Board of Zoning Appeals, we're removing this little bump out on the east side of the building where there is a driveway now. And we are removing that bump out to give us more room for a driveway and to provide a sort of buffer along the building. But the plan is designed, as it should be designed, with an ingress and an egress. Effectively a U driveway that goes right around the property. You can come in one side and drive to the back and come out the other side. The objection of the neighbor to the west is effectively, I don't want a driveway on my side of the property. While on a certain level I can understand somebody

raising an objection, I don't want a driveway, but if this was a residential home and not the complex we are talking about, there would still be a driveway.

The other interesting side note is the owner to the west purchased his house I think it was 20, 25 years ago. The building was already in place and used the current way. It didn't have a driveway on that side. And the prior owner permitted this owner, the adjacent owner to garden on that part of the property. I understand there is a little emotion here. I used to garden on this property and now it is going to be turned into a driveway. The neighbor's house, unfortunately, is within six inches of the property line, but it has been within six inches of the property line. He bought his house within six inches of the property line. So I submit to you that knowing that it is a little hard to start arguing, what is going to happen next door. It is too close to me, if that is where the house is situated.

However, in our plan, if you take notice of it, we do provide for a fence, we do provide for shrubs. There is no objection to putting fencing and shrubbery around the property to provide whatever buffer we can provide.

MEMBER FOOTE: Excuse me, would you mind just showing as you describe which side that you are having issues with.

MR. SOLOMAN: This is not --

MEMBER FOOTE: That's okay.

MR. SOLOMAN: The issue is with the neighbors on the left-hand side. I have better pictures.

MEMBER FOOTE: Thank you.

MR. SOLOMAN: This picture -- that picture shows on the left-hand side. This picture is the actual surveying distance between the property line and the neighbor's property. But our plan on that side of the property proposes hedging and fencing to give a buffer. There has been a request made, can you give me an additional buffer. The point is we need a certain width for the



driveway. To limit the width of the driveway we are really not in a position to give him more of a buffer. We are amenable to recommendations of what type of plant somebody may want on a certain level, within reasonable requests or potentially what kind of fence may be a reasonable requirement to put in. But we're trying to provide -- now I am talking specifically about the neighbor on the west that he has a fence. He has buffer to take care of that issue of his.

The neighbor on the east side, at this point when he literally opens up his doors to get out of his car, he opens his door to get out of his car and the door is on our property. So as it relates to that side of property, because we want to accommodate him, our recommendation would be we don't start the fence line until we get beyond his parking -- his driveway. So he is not going to have an issue by virtue of our putting up a fence. I mean I would -- this is why I say a lot has to do with this Board. I mean we will put

up the fence. That is not the issue. I don't want to put up a fence if it will unreasonably interfere with the neighbor, even though he is encroaching on our property every time he opens up his door. But that use on that side of the property, that has been there since 1969. What we are talking about on the other side, we are talking about turning the driveway coming out that end.

The other side has been there and there has been some parking in the back of the premises for as long as 30, 40, 50 years. As many years we have to go back to 1969. But as far as I said buffer, as far as fences, we are amenable to any reasonable requirement from the Planning Board with respect to that.

Issues raised by the neighbors was also was the HVAC systems we were going to put in and about the property. The architect provided what they call cuts. I don't know if it was provided to all the members. Basically it is all the specifications on the equipment we are

going to use. It is less than I think 36" in height. And the decibel level is less than a regular conversation like we are having right now.

There has been some claim -- well if you are going to put three or four of them are we going to have an accumulated -- like decibel on decibel on decibel. But it is really not the way it works. If one is over here and one is over there -- I'm pointing 20, 30 feet. It is not a cumulative effect. Each one is going to be -- it is going to run lower than if you stuck the old air conditioners we put in the window. It is a very, very quite machine and the specs have been provided to the Planning Board.

There have been issues about lighting. We said from day number one we don't have in this Village a dark sky compliant code regarding lighting. It is just not in there now. As a citizen it is something that probably ultimately should go in there. My client is willing and said from day one we will provide the

lighting that will be dark sky complaint. We are not looking to light up to the neighborhood in any way whatsoever.

Conceptually now what is happening now and if you have passed the property -- and I am sure you have looked at it before your involvement with this matter, there were tremendous ramps installed with permits years ago in the front of the property. Those ramps were being moved to the rear of the property to make it aesthetically correct. The design, the plan is to make it fit into the neighborhood. It is not designed like a traditional medical office, you know, red brick building with front doors and side doors to look like one of those colonial buildings we see in almost every town or village today.

I believe we've provided to the Board -- I think the Planner should have it by now, basically any of the responses that the Planning Board required of us. As I said, my clients are more than amenable to making small, minor

adjustments. I want to remind the Board that this process started out probably close to nine months ago. And we are still in the application process to get this project done. From a timeline perspective we are looking to wrap this up as quickly as we can. I am sure some of these things, as far as specifics can be addressed after any resolution you wish, by the Building Inspector you know, based upon whether we want compliant -- dark sky complaint lights. I am sure the Building Inspectors want to make the determination as to what is going to fit that requirement.

You have the requirement as far as what we are going to put for HVAC. If there is -- if someone can find something that is going to be a decibel less. I don't think that is going to be an issue. We have sought out to buy -- to plan to buy everything that would make this project succeed for the neighbors.

There have been some issues raised about trees on the sidewalk, between the

curb and the sidewalk. We have told the neighbors repeatedly that is a Village issue. They are not our trees. If somebody has an objection to what is going on with trees that would have to be address to the Village, the tree committee, whoever may have the jurisdiction over trees.

But as I sit here I just want to re-emphasize, we are here in the vane of cooperation. We are not here in any vane to create any situation with neighbors. So I think at this point if there are any questions that the Board, the Planner or anybody has would be appropriately addressed. Unless you want to take comment first. However Ms. Chairman wants to handle this.

CHAIRWOMAN GIVEN: Glynis, do you want to proceed with any -- we are going to take comment.

MR. SOLOMAN: That's fine.

How did I know you were going to stand up.

MR. GROSSMAN: Madame Chairman,

Members of the Board. My name is Adam Grossman. I am an attorney with an office located at 120 Court Street in Riverhead.

Before I get started, I don't think any of you know me so I will give you a little bit of background on myself.

So I have been practicing law in Riverhead for the last 25 years. I also happen to serve as the Chairman of the Zoning Board of Appeals in the Town of Southampton. When I am done here I am going to run to Town Hall in Southampton so I am not late for my board meeting tonight.

In addition to being an attorney in Riverhead I was also Riverhead's Town Attorney for two years. And I also have throughout my carrier worked on their issues of zoning and land use, including in the Town of Southold and including elsewhere on the east end of Long Island. I am an east end native.

I am here tonight on behalf of two of -- four of the neighbors. The

neighbors to the west who are Michael Collins and John Quinlan. And the neighbors to the east, Tony Holms and Karen Frank. Tony and Karen couldn't be here tonight.

There are both literally next door to the west and to the east. The addresses of their properties, just so you have it, Mr. Collins and Mr. Quinlan live at 232 Manor Place in Greenport. And Tony Holms and Karen Frank live 216 Manor Place in Greenport. Which are on Manor Place, one side or the other, directly next the building that is the subject of this application.

And so I have been previously involved kind of at the midpoint during the ZBA hearings. I attended the last two ZBA hearings. Not the earlier ones. As Mr. Soloman indicated he and I did have some communication regarding what might be able to be done to address the issues of the neighbors as opposed to what the application was. Ultimately what happened was the Zoning Board



granted the area variance to the applicant, but expressed concerns during the last public hearing that I attended. What they actually talked about doing is to give you a formal recommendation. But apparently at their December meeting they decided not to do that. There is this testimony that I made copies of out of the transcript from the -- I believe it was the November hearing, where they expressed their concerns at the same time they approved the variance to the applicant.

So to me I'm here absolutely as well in the spirit of cooperation. Mr. Soloman and I did have some communication. Unfortunately I cannot say that there was a single issue -- at least since I have been involved where there was any willingness on the part of the applicant where they were willing to change what they were going to do. Well it may be absolutely accurate where Mr. Soloman indicates, well it is the Planning Board's purview, your purview to

decide some of the issues that we have been discussing.

Well, I mean I think I am certainly open to listening to what your perception and what your feelings are about this are because you're our last hope. We have nowhere else to go, my clients, in terms of addressing the issues of concern to them. When I talk about issues of concern to them, this is a business use. literally surrounded by residences. Well, it might be of some impact if it were a hundred feet away or five hundred feet away. We are talking about a business that going to be within inches of my clients' property to the west. And within five feet of my clients' property to the east.

They are proposing driveways. There is one existing driveway on the east and then they are proposing a driveway to the west. The driveway to the east presently exists. As it presently exists there is a driveway on the east side which is the entrance to

the rear parking lot. And then either is Tony Holms and Karen Frank's residence driveway which is literally right next to it. The only thing that separates it is some bricks, a line of bricks. So as Mr. Soloman indicated if Tony and Frank go into their driveway, to go in -- to pull into their home and they open their driver side door -- once they open that driver side door they are encroaching onto the applicant's property. That is how close we are talking.

And on the west currently there isn't a driveway. Currently they are proposing that the rear of the property be a driveway that has both an entrance and an exit. And so they are proposing an exit driveway to the west that will be within inches of my client's living room, within inches.

Well it is true that both of -- all four of my clients bought their property with this closeness to the property, the history of this business use has been, at least from everything I have been able to

gather, it has been used as a doctor's office, but not a really intensive use from what I can gather and what I actually submitted.

I submitted a memorandum from myself to the members of this Board, which I'm hoping you all received that was submitted on -- I sent it on December 27th. It should have been received at Village Hall on the 28th and hopefully distributed to all of you. That includes photographs that are exhibits that show what I'm talking about in terms of the closeness of the existing driveway on the east and the proposed driveway on the west to both of -- all four of my clients. Really it is quite extraordinary.

In addition to that -- well I don't represent the other residential neighbors, there are residences literally surrounding where this parking lot is going to be -- it currently exists but it is going to be expanded. I think it is going to be expanded in terms of more

parking spaces.

And Mr. Soloman indicated that there is case law about the intensification of use. I am not sure that any of that case law means that you can't consider the impact, traffic impact and otherwise environmental impact on my clients and the other neighbors. I'm not sure that it means that you have to ignore the fact that it could be -- could be that the use is intensified. They are not stating that the use is going to be more intense. I stated during the Zoning Board of Appeals meeting that they are going to have more office spaces and they are going to have support staff. I think it is logical to assume they are going to have more medical staff there. That there would be more patients coming in and more activity on the property. I don't know how you can conclude otherwise.

So this is a quandary because when you have a business use literally next door to a residence, within feet of a

residence, within inches of a residence it is -- every bit of space matters. They have an issue because they have a building of a certain size that they are looking to renovate. And they want to be able to accommodate what they are looking to do. And our view is that what they are looking to do is going to have a significant negative impact on my clients' use of their property, on my client's property values.

And so well the variance was granted. And we all accept that the renovations are going to happen. We are looking to all of you to see what can be done to protect my clients to the extent that they can be protected from the impacts of what is being proposed.

So I want to just get into a few specifics in my memorandum. I don't like to be reading to you too much because you already have the material. I want to make sure that you know exactly what my clients are looking for. So I will just read -- it is relatively short. I will

read their list.

Objections to the west. Michael Collins and John Quinlan. This is on page 16 of my memo. And objections to the east. Karen Frank and Tony Holms would ask that if you are inclined to grant site approval to the applicants that you require the following revisions to the proposed site plan. Number 1: That the applicant be limited in hours of operation of the commercial use to between 9:00 a.m. and 5:00 p.m. And for the applicant be prohibited from any commercial use of the property on Saturdays, Sundays and national holidays. Number 2: That the proposed entrance driveway be both an entrance and exit for the proposed rear parking lot. And the proposed east exit driveway to the west of the property be eliminated from the site plan. And that the curb cut and the parking space on the west side of the property be removed, leaving only one curb cut on the east side of the property.

I just want to mention that this is something where my four clients are basically one -- two of them are making a sacrifice for the other two really. Mr. Holms and Ms. Frank are willing to have more activity on the existing east driveway in order to eliminate the west driveway. In fact, twice as much. But they are willing to do that because they believe that the owners to the west, my clients who are here tonight, Michael Collins and John Quinlan, would be that negatively impacted by this. Because as I previously indicated, their living room is going to be inches of the proposed exit driveway.

Number 3: That this Board review the storm water run off plan of the applicant to insure that no storm water run off will flood the property of any adjacent property owners including but not limited to the objectants being to the adjacent property owners to the east and west. Four: That this Board direct the applicant to direct the heating and



air conditioning equipment in the center of the building at the back instead of its current location near the western property line, so neither the adjacent owner to the west or the east experience the constant noise from this equipment.

Now I know that Mr. Soloman mentioned that he thought the equipment wouldn't have very much noise. We don't see why they couldn't just move the equipment over a little bit, center it on the property. So that whatever noise there happens to be is centered on the property as opposed to being very close to the western property line.

Number 5: That the applicant be required to comply with the international dark sky association low level lighting on the applicant's property so the adjacent property owners are not subjected to light pollution.

Now I know this is not in the Village code. I understand that this, if this is something that the applicant is willing to do, and Mr. Soloman indicated

that the applicant is willing to do this, this would be something that would be voluntary in terms of it not being a code requirement. Nevertheless, it would be something that would be helpful to the neighbors.

Number six: That the applicant increase the proposed landscape buffer to four feet along the east/west and rear sides of the building, including tress and fencing instead of the property -- the proposed existing three foot proposed landscape buffer. This is a hard one because there may be size requirements of the driveway that can't be changed. And the building itself is what it is in terms of its size. But if it is possible to make the buffer larger that would be a little bit of increased protection for four of my clients from the potential negative impacts of what is being proposed.

The last thing I want to mention is that I did review a Planning Board report that was sent to this board. It is dated

December 26. There are just a couple of things that I want to mention on it. I don't have page numbers on it so I am going to kind of -- well it doesn't have page numbers. When I printed it it was the second page. On the second page towards the bottom it indicates: This plan does have the potential increased intensity of use over past practices on this site. Incidentally, I did have also as an exhibit to submission a couple of letters from a doctor and another person who had a medical office. I don't know whether it was a doctor or not. It was Dr. Charles Newenfeld (phonetic) letter dated September 29, 2017. And a letter from -- yes, it is another doctor. Cynthia Hicks (phonetic) dated September 28, 2017. So I did submit those and attached them to my memoranda talking about the fact that it was -- the property generally was not used as a large medical office in the past, for what it is worth.

In addition, I just want to

mention, going back to page two of the Planning Board report -- I'm sorry. The referral report. I guess it is the Planning Department. There is a sentence under traffic and parking. And I just want to read this one paragraph.

Traffic and parking have a relationship to intensity of use. The proposal opens the second curb cut to circulating traffic. This is appropriate if patient parking will be accommodated in the rear as a one-way operation and will be safer for the constant activity expected. Unfortunately this is a much more intense use of the internal portion of the lot that existed previously. Cars could be expected to be entering and leaving every fifteen minutes. This is particularly difficult for the house to the west as their living/dining area is close to the boundary. Also, there may be excessive circulation as people search for parking spaces that are not available.

In addition, the site is directly

across the street from an active hospital parking lot further complicating already active traffic patterns, as per 15016A4, only one ten foot wide access route is required for parking areas with less than 20 spaces.

Pretty much, those are our concerns. And I know it is a difficult job to be on the Planning Board. And this, I think is a difficult application. It just is. This is a business literally right next to residences that are -- I can't -- I can't fathom how there wouldn't be an impact if the site plan is granted exactly as proposed. So we are hoping that all of you will consider our concerns and see what can be done to revise the application. I am always available to speak with Mr. Soloman about what might be able to be done to address their concerns. I think from his testimony he wants to get feedback from you and I think that would helpful and for myself as well. And we will see what can be done to address the issues.

CHAIRWOMAN GIVEN: Thank you.

MR. GROSSMAN: Thank you all very much also for your patience and listening to me.

CHAIRWOMAN GIVEN: Would anyone else like to address the Board?

Chatty is going to go, sir and then you. You may follow Chatty. Thank you.

MS. ALLEN: Chatty Allen, Third Street. I have been following this application pretty much since day one. It is a little disconcerting where I live and where I park. I have to be mindful that when I open my driver side door there is a driveway that goes into a businesses. I know that. I knew that when I moved there. It is called paying attention to what you're doing. It really -- I think what bothers me the most -- you have neighbors on either side. When they bought their home -- this has been a medical building since I was born. I can remember going there. My pediatrician was in there. I have gone to other doctors throughout.

I have stated at other meetings -- I have an extremely complicated health history. So I am constantly seeing specialists where I have to go to Stony Brook and beyond to go to them. I would love to see some of the specialists that I need right in my home town. Instead of having to travel and finding transportation to get to these doctors because I don't have a reliable vehicle.

To say this is going to be more of an intensive use that is what bothers me. This place was being used to begin with. Everything that I have followed through every single meeting they have tried to do everything to accommodate the entire neighborhood. So for a lawyer to stand up here and say, well you have a business in a residential area. Yeah and we have for at least 50 or more years. When the client's that live around there, the neighbors that live there that usage was there. They are doing everything they can to accommodate.

I don't feel this application

should be penalized because the neighbors to either side, their boundary lines are within inches of each other. That is not this applicant's fault. I think that really needs to be taken into consideration. To turn down something that this Village needs.

And believe me I know about lights. I know about noise. I live on the corner of Front and Third. I have it from both sides of my apartment. I've got lights coming in all over. I get noise all over. Sometimes it is just the way that it is. And I can't see denying an application for something that is needed in this Village because someone doesn't want a driveway next to their home. There are willing to put a barrier there. To, you know, to protect the noise level to either side. And I think you really need to look at the entire project and look at what they are proposing and not go on -- you know because it is this person -- one or two people don't want it. This is something you need to look



at as a whole that has been there for decades and this Village truly needs. Thank you.

CHAIRWOMAN GIVEN: Thank you. Sir, yes. Take the podium, please.

FATHER BALLAS: Yes. Thank you very much. I am Father Jerry Ballas and I represent a big community here in Greenport. With my congregation, which is local, I have a lot of people that really need medical facilities available and doctors available in their neighborhood.

I would like to congratulate Board for making right decision, but it is -- like the lady said before, we do not have to consider about two people that they have problems. We need to look as a whole picture. And I cannot say better than she said, but I am extending to you because I've been talking to my congregation every day. They all concerned a denial. They don't want to have a denial on this application. They need the facility. They don't want to

travel -- they don't want to go to Southold or Mattituck or to Riverhead to see a doctor. Most of them don't drive or if they drive they have very limited ability. I think that would be a plus in this Village. Not only for the Village of Greenport but for also Orient, East Marion, Southport. And please consider this a positive fact because this is really necessary. Thank you very much.

CHAIRWOMAN GIVEN: Thank you.

Anyone else wish to speak?

MR. COLLINS: Good evening. My name is Michael Collins. I live at 232 Manor Place. My property is the home to the west where the proposed exit driveway is located.

You know, this is really a very difficult situation because the decision that you make is going to affect our lifestyle, our home, our ability to enjoy our home. I can't tell you -- you know it has been commented on that, well I knew there was a professional building there. It was there when I bought it.

That is very true, but I also knew that my home was in a zoned residential. And I know that the professional building is also zoned residential. So I thought as purchasing a home that I would be protected from situations like this. Now the building has -- there has always been medical offices in there. You know, part-time offices. There have been social workers in there providing counseling. It been a very low key facility and it has existed along with the neighborhood. Yes, Eastern Long Island Hospital is right across the street. But there are many things in the Village of Greenport where things were built and maybe not having all the proper approvals at the time. This was -- this medical building was built when two houses were joined together to make this professional building.

I would like to also state that no one at the Village could find any documentation of any kind of approval for this process back in the '60s. So, you

know, I don't -- I'm not against this medical building. It would be, you know -- they have proposed a very beautiful drawing here. I am just asking that the use of the building and our requirements as far as making this functional inside a neighborhood. This is the reality of it.

You know, yes, you know, I would love it if they could do a six story building there if it was somewhere else. Yes, we need medical facilities and offices in Greenport but I can't help that. There is only so much space. It is located in a residential area. It is zone residential. I just feel like I have rights as a homeowner and as an individual.

So I really ask that, you know, you look at some of documentation. We have had at least ten to twelve neighbors make either writing comments or have attended the public hearing for the Zoning Board. And I would really appreciate it if you take the time to read all of those comments because, you know, it is going

-- with the traffic and the increase in use of this building it is going to impact the neighborhood. So I just really hope that you can look at possibilities to allow some support for the neighborhood as well. I like I said, no one is against this building. Were are against the intensity of use of the building. So, you know, I just really would like for you to take the neighbors in the neighborhood into consideration.

CHAIRWOMAN GIVEN: Thank you.

MR. COLLINS: Thank you. Yes, Mike. Oh, John. I'm sorry.

MR. QUINLAN: Good evening. I am John Quinlan. 232 Manor Place. Partner of Michael Collins. In fact, I am the one that purchased my home 31 years ago. When I did I was aware there was some kind of building next door. There was not even a sign in front of it. It was so low key I thought is that a multi-family -- I didn't know what it was until I investigated and there was a doctor here and the occasional doctor

there. And it had been allowed to slide down in maintenance just as my house and I was able to get a good bargain on my house because it had been neglected. So it was kind of in keeping with the neighborhood. When things happened and a different owner came to the building he decided he couldn't do anything -- people didn't want medical office on the second floor. They clearly didn't want it. No elevator, no escalator. No one was picking their patients up there. So he asked for permission to build an apartment or designate certain space as an apartment. We understood that was a new use. That it would be another car or two. That it would be rental people coming and going. And they did build a short driveway along side our home. We didn't fight that. We thought, he needs that to keep it going. And in fact some of those neighbors were wonderful. So you can't fight everything and why would we fight something like that. In this case with all the plans and all the

differences coming it is so pie in the sky and so state-of-the-art, it is hard for me to believe that it will be the same building. But I think it should be there. If they bought it with that intention following the customs and rules of this community, go for it.

They know they have a renter in the hospital who is thinking of getting the first floor. The second floor, who knows but the apartment is still there. That hasn't been mentioned by anybody. So there is so many nooks and crannies this particular story. And we are not so spoiled and so -- I don't know that we can't stand to have a little extra traffic go by our window. It is not like that. It is every 15 minutes. You know when you go to a doctor now, they are in, they are out. Bup, bup, bup. That is what we don't want to see. Should somebody have to go to the back door they will be, oh, hi. Look in the window. It is not necessary.

Okay. Thanks very much. I hope

you have a good decision.

CHAIRWOMAN GIVEN: Thanks, John.

MR. SOLOMAN: May I respond?

CHAIRWOMAN GIVEN: Yes.

MR. SOLOMAN: I just want to address a couple of the issues that were raised. Just so there is no confusion, the Board of Zoning Appeals granted the variance for the project, recognized that it was already a pre-existing use. And it stays that way. The apartment that is being referenced by the last speaker has been in that building by approval of the Village since 2001, I believe. It was part of the pre-existing and approved use of the building.

I am losing the Lord. He is leaving.

CHAIRWOMAN GIVEN: I'm still here.

MR. SOLOMAN: On the issue of intensity. It keeps coming up. And I think you are going to have to lean on counsel.

Intensity issue is decided by the Board of Zoning Appeals. In legal terms.



-- and I'm not here to be a lawyer. You have a very competent attorney. It a law of the case -- the Zoning Board decides it, it becomes the law of the case. Another Board doesn't take the same issue and now tells Zoning well, you already decided. Now we are going to issue a different decision. I have submitted, as I said, documentation to your counsel on that issue.

I also submitted to your counsel on the hours of operation -- actually a legal memorandum issued by the Department of State, Office of General Counsel and it was issued -- can local boards regulate the hours of operation of a business? And your counsel has it so I don't want to take the time to explain it. Effectively it says that is a legislative task. Which means if the Board of Trustees in the Village wanted to potentially legislate hours for operation they can do it. But it is not within the confines of the jurisdiction of the Planning Department. I have

information I provided to counsel on that issue.

Mr. Grossman and I get along really well. So I don't want to poke him too hard. His statement to you was that the house to the west is six inches from the property line, but the house to the west is willing to let the house to the east take on the burden by letting all the traffic stay on their side. My neighbor said they would be willing to take the burden. Where I would submit to the Board, planning is a community event. Planning is not an individual, let me satisfy the house to the left or the right. Of course we want to hear them. But whatever we do in Planning now basically becomes of a history of how this Planning Board has proceeded on future applications. They are going to look back.

Now the parking, there is objections. There is too much parking in the back. We are only putting in that parking because the Village Code requires

that we put the parking. We have satisfied the requirement that the Village wanted. I mean, trust me, the Planning Board of the Village wants to say, you know what, lets get rid of the parking lot. Leave it all green in the back and put all 27 cars out in the street or pay for 27 parking spots and the Village one day will build an appropriate parking facility somewhere in the Village. The parking issue in the back has been resolved. The issue is a Planning decision, would it be proper planning to have cars go in and out the same driveway. I would submit to you, I don't believe so. That a safe flow of traffic is something that would make the U around the property.

But when Mr. Grossman says we are six inches from the property line, that is the side we are giving the buffer. There is going to be a real buffer. Whatever buffer that we can theoretically provide that is not going to interfere with the driveway we would be more than

happy to be. But we determined it is going to be three feet. So he bought it -- he acknowledged it. They acknowledged it. I bought it, this was there. The house on the other side, they bought the house and this building was there. So while I appreciate what they are saying, a lot of when they talk about the impact. It is going to impact my lifestyle. It is going to affect my life and it is going to affect my ability to enjoy my home. Maybe that is personal sentiment. I am not here to judge what other people think. I don't believe it is really an accurate statement. If I bought my house next to a medical building and I know that in the future things are always going to be different and in the future things are going to change I can't believe because I bought next to a commercial building in a residential zone in 19 -- whatever years, 25 years ago, that there is going to be a guarantee that nothing is ever going to change. So I don't think it is a reasonable

proposition to submit to the Board that it is going affect lifestyle. Why would it affect lifestyle? You are going to have a fence. You are going to have a buffer. The trees are eventually going to grow. You are probably going to have more privacy then than you do now. So as much I understand it. I have some compassion for it, I think as a Board it is really not a consideration especially when it is added in the same sentence, but put the problem on the other side. The neighbors are going to deal with the problem. To me that is just not -- what are we doing? We are taking what should be a perfect flow of traffic which will be good for Greenport. It would be good for the building.

We all know this building is located right across from the hospital. It is not like it is this one building in existence in a residential zone. I understand the hospital is not zoned residential. But effectively it is within reach of the residential zone.

This is just basically by the hospital's building and has been that way since 1969.

While you can even argue sometimes if there was going to be an impact, anything in life that you change is going to be an impact. Every change you make has some impact. The question, I think for the Board's consideration, would it be an unreasonable impact, even if there was going to be one. I would suggest to you, no. The accommodations we have made -- and I think we have basically provided the planner every request she has made for additional information. We have provided, we put in the plan, we moved around where the garbage is going to be picked up to where effectively we understand the planning consultant was recommending. We have added an ingress and egress sidewalk in and out of the building as requested so people -- when they come in the front there is a sidewalk they can use on the west side of the building. Which would be adjacent to

the driveway. Not affecting the buffer zone. So there is a way to get there to the back. There is a natural flow -- there is definitely a natural flow to this building.

Basically the items we have talked about; the HVAC with the lowest decibel. We are doing the best we can do. What we are doing with the lighting, which we have offered, which we don't have to do, but we are more than happy to do. We are trying to make it easier and better for the neighborhood.

What this building will be one day, how active the use -- which I say is really not for our consideration today, but nobody knows. Buildings have tenants and lose tenants. Tenants come and tenants go. We could theoretically end up upstairs with three psychologist. Okay, that is not some intense practice. We don't know at this point. What we are asking for is the approval and have a plan for this medical building to move forward into future generations until

somebody ever comes back.

Understand if anybody wants to improve this property down the road it is back here again. This theoretically is only a one time approval. If anybody wants to make renovations and restorations to this building in the future it is going to be back before the boards in the Village.

So I am here to take questions if you have. I know this is a pretty complicated application for a relatively small site. There have been a lot of, lot of issues. It has been going on -- I think this is our fourth public hearing. Not in front of you, but we effectively have had four public hearings on this application.

Are there any questions that any of the Board members have for me? My clients are here. The builder is here who is doing work on it. Will be more than happy to answer it.

CHAIRWOMAN GIVEN: Glynis, would you like to comment now or --



MS. BERRY: Sure. First, thank you for all of the adjustments you have been making to various comments. We feel it is edging in the right direction. I would like address a couple of the main issues that we still see here.

Relative to intensity of use, the original building did allow five doctors. And there are a couple of things. Medical practice has changed a little bit so -- for instance nurse practitioner would probably have the same client load as the doctor. So, you know, expanding that could be a medical professional that is seeing clients. That type of thing should be considered equal to a doctor in looking at this.

The current plan basically shows three doctors upstairs and one large suite. And downstairs there is a doctor and a nurse practitioner to the east. And then to the west is kind of undefined. So there has been discussion that it is administrative support. So I would recommend to the Board that there

be a limitation to five medical practitioners on-site because there is the potential in the future to make that western section yet another medical office that sees clients. So I think that is one way to kind of make sure it doesn't move in the wrong direction in the future. So that's one suggestion.

Another relative to intensive of use is the fact that you have moved the main door to the upstairs offices to the back of the building. And previously all the offices had direct access from the street. And I think that is a pretty critical issue. You know, I don't care how it is designed but I feel a client should be able to get to a public serving business from the street. And not having to go to the rear of the building. That creates circulation because people don't know where to go. And there isn't enough parking to handle everybody. So it means some people will be on the street.

The third thing about intensity of use is the parking. I would suggest

limiting the parking in the rear to staff and handicapped. And not to patients. And this is to stop the continual flow of traffic. It is still providing parking and whatever is proposed but it stops that continuous circulation and continuous looking for spots that aren't going to be there. So I would recommend that. And also that use basically people are just coming in once or twice a day. So it is not that constant activity entering and leaving the structure. And if that is done then it also leaves the way it makes sense to just have the one driveway because you are not going to get the conflicting flows that you would get in the continuous parking for everyone. That is one suggestion on how to handle the intensity.

It would be very nice to see you move the HVAC. It doesn't seem like that is such a big deal and it would help soften the impact on the neighbors. We applaud that you are going to keep all the trees and ask you to also protect the

roots, whether you have to bridge it, if there is paving. That type of thing.

One question I have, it is more specific. Those are the big items that I mentioned. And the others are kind of nitpicking things. But I noticed in the handicapped parking you have a depressed curb but you don't show the ramps where it goes back up. Nor do you show how you're stopping vehicles from going over into the pedestrian area. So that doesn't seem resolved to me.

MR. SOLOMAN: I thought the architect already addressed that in the last set of plans he sent over to you.

MS. BERRY: It shows a flush concrete sidewalk. But it doesn't show any bollards. And it doesn't show the ramps going back up to the elevation of the sidewalk. That is a minor detail. And it can be done with, you know, some kind of contingency that is addressed.

Something that was raised was the type of fence in one of the letters that we received. I think that should also be

addressed because on the plans it was either chain link or picket or stockade and that doesn't seem to be acceptable to the neighbors. I am wondering if that can be worked out. And I appreciate your willingness to relocate so the neighbor can open their door. So I think that can all be worked out.

The lighting. The lighting on poles isn't a very residential feeling. I appreciate that fact that you are going to do dark sky. And I would emphasize that no light trespass on adjacent properties.

MR. SOLOMAN: Well, that is the building code. The building code says you can't trespass. So that is in our lighting code right now.

MS. BERRY: Right. You have got pole lighting right on the border.

MR. SOLOMAN: They would just have to illuminate our property. It is not allowed to go across the property lines.

MS. BERRY: Maybe considering --

MR. SOLOMAN: Those are easy

adjustments.

MS. BERRY: Right.

MR. SOLOMAN: That is --

MS. BERRY: I know. But this is site plan review and they are issues to kind of check off. And maybe lowering the height. There are examples of some that are lower that might -- again, reduce the impact.

The hours of operation I will leave to the lawyers because I don't know what we can -- we usually do talk about the hours of operation typically. I will leave that to people who know more than I do.

One other suggestion as a leeway for that -- the request for the four foot buffer. Maybe in an effort to compromise we can consider that six of the spaces be nine and a half feet wide instead of ten.

MR. SOLOMAN: The code requires ten.

MS. BERRY: I know it does. But what I'm saying is if you gave a little relief -- took half of the spots and

reduced them by six inches. That would give you three more feet that you can play with. That would add a foot and a half on either side to give that extra little buffer.

MR. SOLOMAN: Or just let the bush grow six inches over the driveway and you are going to have a three and a half foot hedge anyway. I understand what you are saying. Personally I don't think it is going to be a smart suggestion to try to reduce the size of the driveway. That is building code. I think we are going to have a problem --

MS. BERRY: Not the driveway. The parking spaces.

MR. SOLOMAN: That is required ten foot too.

MS. BERRY: I realize that but when we have tight situations sometimes we look at exemptions. It is something for people to discuss.

So that's it.

MR. SOLOMAN: If I may respond. Is it okay if I respond to some of those?

CHAIRWOMAN GIVEN: Absolutely.

MR. SOLOMAN: You have to understand the concept of this -- the five doctor concept. The five doctor concept really comes because of our -- I have to say this politically correct -- antiquated code. Our code is really not in the right place when it comes to this type of facility. The only thing we have in the code is a parking requirement based upon the number of doctors. That is where the computations came in. But that is traditionally how most villages or municipalities computed. It is usually computed upon square footage and potentially ties into the use. Not the number of doctors.

So I mean I personally -- I am questioning because we the intensity issue. This is with counsel. This is counsel's decision for the Board. If the intensity issue is decided by the Zoning Board of Appeals, effectively what you are suggesting -- and I respect it -- what you are suggesting is that Planning



somehow put a limitation on things that are inside the building. I am going to suggest or submit that I don't believe that the Planning Board has the authority. That is where hours of operation comes in. As long as I comply with the Building Department and the Fire Marshall and do what I have to do for ingress and egress, I believe that is the retirement that I have is make. Whether I decide to put an entrance in the front or an entrance in the back, as long as it complies with ingress and egress building code requirements from the Fire Marshalls I don't believe it would be a proper place for Planning to now say, okay, we are going to issue a site plan -- a site plan now -- and we are going to limit you in the site plan and you can only have five doctors.

First of all, I don't know what effectively -- I know we have five offices. I get that part. I get that. We can't have more than five medical offices. But I think you can't build in

a restriction, you can only have five doctors in there because effectively you are getting to the operation of the individual business of the tenants. The most difficult thing -- and I had the same discussion with the Board of Zoning Appeals -- this building right now is not even rented yet. We are going to rent it. As I said we could end up with three psychiatrists, one psychologist. It could be the smallest practices going. The hospital indicated they may take over the lower level. Part of it is going to be administrative offices and part of it is going to be for some -- a doctor. I think they said a doctor, maybe two. Rarely at the same time. Once the Planning Board puts restrictions then you are limiting the ability of this owner or any owner you are going to put the restrictions on. How do you negotiate a lease with a tenant. Somebody says, I am going to be a dermatologist. Okay, you can't have more than four employees or three employees. As long as I am not

maxing out the number of people who can occupy that building it shouldn't be an issue.

We bought twelve spots or we are buying twelve spots because this is what -- even when you talk about the flows. To me it is a little inconsistent that we are going to say people are going to drive in and out the same exits. Which to me is terrible for flow of traffic. All you need is one person coming in and one person going out and we end up in a situation to accommodate the other side of the property. Which, by the way, there already is a curb cut there. There was always a driveway there. When there was just a house there there was a driveway there. This is not a new creation.

And even when we talk about -- and I understand it -- maybe you can just move the HVAC. Well on the plan it is in adequate place. Nobody is really -- other than I think it is going to be loud. I have substantiated that to the

Planning Board. You have it in the cuts that we have given to you. Anybody can check to see what that it means. What it does mean is that they are quieter than a normal conversation. That is what they are. Anybody can check to verify that. When effectively -- so just move them somewhere. You are right. Anything can be moved. If I want to put the air conditioner from that side of the building over here it is \$35,000. If I want to put the air conditioner over there it is \$10,000. Because theoretically you have internal things you have got to worry about. How do you get ducts across? How do you do things you have to do?

I mean the builder is here. The builder probably would know better than I know. It is not so much -- if there were real proof here, real proof that 53 decibels -- which is what we provided in the cuts -- is loud and it was a suggestion by -- whether you, anybody. Paul, anybody. About changing it, okay

there is proof that it is going to be noisy. But just because somebody says, I think it is going to be loud. I think there is going to be a lot of traffic. I think there are going to be a lot of patients. It is -- to me it is not a proper basis to put that burden on my applicant or any applicant to say, start making adjustments.

Listen, obviously my client has to do whatever this Board says. I get that but I just don't think these type of, well let me just accommodate the neighbor. What we're trying to do, my understanding of the Planning Board's function is to satisfy the Village of Greenport. Not to satisfy a neighbor to the left or a neighbor to the right.

So when neighbors come into an area -- and they have admitted it. They knew this was a medical arts building. It has been acknowledged. They knew it has been used since 1969. You have people coming into our community, bought a building, trying -- you see what it looks like.

Everybody has the picture. They are beautifying the building. Nobody is going to tell me the neighbors on the left or right would say, you know something, the property is going to be negatively impacted by this beautiful building. Right now it is negatively impacted by what is there. What is there, anybody who has driven by this building in the past five years if not more, it has looked horrible for five years. Now we have people committing real money with a real concept. This concept about doctors, this is going back to the community.

Last week I was here telling you we needed artists. Now I'm telling you this week we need doctors. I don't know what is coming up next week, but this is where we are right now. But I'm just saying whatever decision this Board makes, if you start saying, okay you can only have five doctors it causes a host of problems, including enforcement which now I'm sure the Village Administrator is

saying, okay. What am I going to do?  
Sent Greg the code enforcer up there and  
do a doctor count. There can be no more  
than five medical offices. That I get.

MS. BERRY: Okay. In the past if  
you look at the records it clearly states  
five doctors. It is also the way the  
Village assesses the intensity of use.  
Maybe -- and it effects the parking,  
which is the jurisdiction of this  
Planning Board. So, you know, it is up  
to the lawyers to discuss how far we can  
go with that, but obviously the way it is  
designed there is that potential.

And one other thing that I forgot  
to mention is the addition of a  
conference room that has direct access to  
the outside which was not part of the  
original plan. And again offers the  
opportunity for more intense use. So that  
is yet another --

MR. SOLOMAN: But you are inside  
the building again. And I am submitting  
Planning doesn't have the right to walk  
in that door and tell anybody how to

design that building.

MS. BERRY: There is a direct door to the outside, to the lobby, so. I mean it could easily be used independently.

MR. SOLOMAN: If that conference room was out of it the whole design of the building has to be -- the whole design is changing. The whole design. it may change to six offices or seven offices. We presented a plan. The plan has gone through Zoning. They have seen the plan. They know exactly what it is. They have approved the continued use of that building pursuant to that plan. The interior of the building. Not the exterior. The outside -- I am not arguing -- you can do whatever you want on this application with respect to the driveway. The external factors. I am only submitting that I don't believe that you have the right to control hours of operation. I don't believe you have the right to control the number of doctors. I think you have the right to control the number of offices. I am not going to



argue that point. I think you don't have the right to take on these extra elements and say it shouldn't be a conference room. The flow of this was thought through by the architect. The architect's flow is I am going to have certain people come in from the front of the building. The people using the first floor, the traffic is basically going to come in from the front. The people using the second floor and those who are handicapped are going to use the rear of the building. And that was to reduce the flow.

And we are paying -- effectively we are providing the Village, either through use or cost, for 27 spots. I mean you can't take 30,000 from the applicant and then say, well now I got to go look at the parking impact again. We are paying for the parking impact.

MS. BERRY: For five doctors.

MR. SOLOMAN: Based upon the Village computation. I get that. I get that. As I said before unfortunalty --

and I'm a resident here. The Village needs to revisit that section of the code at the right point in time. If you don't think a medical office is what it used to be then the Village code should address what a medical office is. Our code says what you require per doctor. Right now we have five offices. We have nobody leasing it. We have five offices. So now there is some supposition we are going to end up with how many people in the building. We don't even know what it is going to be. I only know and my client knows we can't exceed the requirements of the number people under our building code or the fire Marshall. And that is what we are restricted to do. We can't have more than five -- I'll say medical or allied offices. It doesn't have to be theoretically a medical office. I mean there is -- this has been approved effectively as an office building. It has been used as a medical arts building, but nobody says you can't put an insurance agent up there that

sells medical insurance. It would be a permitted use.

Any way, I think my point it made. I appreciate your point. I appreciate the Board's position. It is a difficult situation. But I -- you don't want to now limit the medical use. Its only a five doctor building because the concept of bringing doctors to Greenport, bringing a practice. They may have two doctors. What -- an office can have three doctors. One works Monday, Wednesday and Friday. One works Tuesday and Thursday. And then we are going to end up in a whole disaster. How many doctors. Dr. Smith happened to come the same day Dr. Jones was there. And now we have code enforcement issues. That is where I think the problem is. There is limits of -- we have five offices. That is what it is going to be approved for, five offices. So anybody have any more questions. I will be happy to answer them. I know we have -- oh, we still have 32 minutes.

CHAIRWOMAN GIVEN: We do. Would you like to take the podium again? Step up, please. Thank you.

MR. COLLINS: I really think the plans actually speak for themselves. If you look at the number of exam rooms. Those exams rooms -- if a doctor is renting a space that exam room is not going to sit there idol all the time. If you have any experience with recent -- the medical model, you know, any one doctor is going to see anywhere from 12 to 18 patients a day. When you have three or four exam rooms downstairs and three or four upstairs -- I'm not sure of the exact count, but there are many exam rooms noted. There is also on the west end you have the offices. There is one long section there that could be additional staff. Then upstairs, we haven't really talked much about the apartment, but I am telling you our previous history with that apartment the previous owner -- at one point there were four adults and two children living in

that small apartment. There is concern there about just occupancy on the apartment.

Again, we can -- it would be great if possible to limit the hours 9:00 to 5:00, Monday through Friday because -- actually the facility is going to be 24/7 because there is an apartment in the building. Which I really feel like is an illegal apartment anyway. But this goes back to a long history with the Village. The truth is -- again, I state again, this is in a residential area. This is zoned residential. It is a commercial building. You want to do great things. That is really fabulous. It is, you know, it is commendable. But you have to work with what you have. I can't -- I can't move my house six feet to accommodate additional parking or to make things more livable for me and my partner. But, you know, I just feel like you are limited. You want to do this project but there has to be limitations. Again, the driveway, that is a real

concern. You have an ambulance. You have Suffolk County vans. These are very small driveways. And also, you know, it is no louder than a conversation. Well, do you want a 24/7 conversation going on outside your home. Plus my house and the building, you put an air conditioning unit there you are going to get reverberation and echoes from this property because it is like an alleyway.

So, you know, it just really -- I appreciate your time.

CHAIRWOMAN GIVEN: Do you have any questions? Walter?

MEMBER FOOTE: This is for Mr. Soloman. You had earlier said, I think, that there were somethings that you discussed with Mr. Grossman that you were trying to reach compromises on, but you didn't feel like you could agree to them because you didn't feel the Board would approve them. Could you give me examples?

MR. SOLOMAN: I will give you a perfect one. It was raised by your

Chairman. Why don't you give them a four foot buffer? I don't have room for a four foot buffer. It is easy for me to say we'll give a four foot buffer. We are going to reduce the width of the driveway. At the same time we are hearing a comment, oh it is a narrow driveway and if an ambulance has to come through. It has been raised by the neighbor, it's going to be narrow. But that is my limitations. I couldn't come in front of you as a Board and say, these are the arrangements we have made. I am reducing the width of the driveway. Your jurisdiction. I am changing the buffer. Your jurisdiction. I removed the fence. These are all your jurisdiction issues. And when I couldn't make peace -- I did make peace on the lights. Whatever you want on the lighting. The lighting has never been an issue. But when the law says that our hours of operation -- at least in my humble opinion -- as I said you have a very competent counsel to advise you. That you don't have the

ability to limit hours I can't just say lets go ahead and do 9 to 5 because that is what you want. I mean this is a medical office. Some doctor may walk in and say, listen I have to open two hours on a Sunday. How do I now sit and effectively negotiate away all of my client's rights. Now any tenant comes in, oh by the way, Doc, you can't use the building on Saturday. People go to the doctor on Saturday. To me that is a very unreasonable request. And in today's society -- you know the one thing we don't have in Greenport right now. We don't have a walk-in clinic. I am not saying we are putting one. These walk-in clinics function seven days a week. I go to one on a Sunday if I'm sick. It is something this Village needs. I am trying to make the building amenable so if we get the proper use a lot of this will depend on the doctors we want to bring in, what they want to do. It -- just because we get an approval doesn't mean all of a sudden the next day these



doctors come running out to Greenport. Some doctors may think -- they used to run out of here because it wasn't a practice for them. It is more vibrant now. There is more practice. But when I said I couldn't agree these are the reasons I just couldn't make a deal with them. There is probably an hour deal that can be worked out. Theoretically doctors -- what, they come in at 8:00 in the morning and maybe some doctors stay until 9:00 at night. But we never got that far because I am having people tell me it is going to be 9 to 5. I can't negotiate -- I can't make them and because I really don't believe there is a limitation that the Board can do that. You got to put yourself in my position. If I know that, in my opinion, the Board really can't restrict hours why would I tell my client to restrict hours. I am letting my client know what my interpretation of the law is. And this is a very interesting application. I am glad this is your welcoming party on the

Board. This is a very difficult application. Easy but difficult in the sense that people are trying to reach out with the emotions of the issue rather than the pragmatics of the issue. I mean basically with the Planner we can sit down and -- we have done it. Despite the way it is we have made plenty of additions and modifications to plans to provide for things the Planner and I assume ultimately the Planning Board would approve. With certain things I can't now negotiate away the parking. You required the parking. That is the thing you required we only put 15 on and we have to pay for 12. So I mean theoretically -- well what do we do as a Planning Board. We are going to make it five in the back and now you are going to pay for 20. But the concept is from a Planning perspective, the way I understand it, we are looking -- if we have a building we want the traffic from the building, to the best extent we can, to be with the building. To be parking

on the property. We are not looking for the traffic on the road. So the accommodation here, because it was a pre-existing building and is has been this way for ever, the Planning Board before you stepped on the Board approved that my client or basically compelled us to buy 12 parking spots. What that just means we are going to make a cash deposit which is going to go into Mr. Pallas' Christmas account for parking and hopefully one day down the road we are going to end up with additional parking lots in the Village or potentially a parking garage in the Village and that is why they are trying to raise the money to do that. For the time being, we put 15 spot there because we had to put 15 spots there. We bought 12 because we had to buy 12. We paid for -- for effectively for 27 spots. Sure we can say, okay so now effectively if Planning -- first of all I don't think it is within Planning's jurisdiction now. That would have been a Board of Zoning Appeals issue at this

point. But we were sent there -- part of the problem was we went to ZBA because you issued your resolution there was no application for ZBA because they could waive all parking requirements. That was pulled off the application after the resolution. That was actually discussed and negotiated when we were with them. We are not asking for any change in the parking. Planning has already ruled on it. So the way I am trying to simplify all of this is Planning has ruled on the parking already. Zoning has ruled on the intensity. The lighting that the neighbors want we are more than happy to cooperate. Whatever we can do for buffering, within your permission, we are more than happy to do for buffering. But I know for a fact that when you run along the side of the building -- sometimes when you look at the plan you will say why can't they move the driveway over more towards the building, especially on -- on this side (indicating). You have a picture there too. The problem is you

can't put the driveway adjacent to the building. The building code I think requires four or five feet from the building to the driveway. They don't want driveways running next to the building for fire reasons and all of -- other kinds of issues.

Hopefully I have answered your question. We were trying to negotiate. On a certain level to the extent that there could be negotiations. I think the issue of light. We put lighting that we believe adequately lights the parking lot. I am not looking to disturb anybody. On a certain level I say let's have no light. But that would be ridiculous. People are going to get hurt back there at night.

MEMBER FOOTE: Are there sidewalks on either side?

MR. SOLOMAN: In the plan -- because we are dealing with very limited space on the eastern side there is no sidewalk it is all really driveway because there is nowhere to put it. On

the western side we have provided for a driveway -- I'm sorry. Sidewalk and driveway. It is in the plan, the most recent plan.

MEMBER FOOTE: What -- I apologize if this has already been discussed. What is the planned use of the second floor? I am a little confused by that. Is it in fact you reserve the right to still use it for residential?

MR. SOLOMAN: No. No. The residential wan application made by Joe Townsend, who was actually a former Mayor of Greenport years and years ago. He had that approved for an apartment back -- I believe it is 2001. I have it here. I believe it was 2001. That is there and still remains there. The other section we have the office that we were hoping to acquire a physicain, a psychiatrist, a social worker to go upstairs. That is what we are working on.

MEMBER FOOTE: Do you plan to continue to preserve that residential aspect?

MR. SOLOMAN: Yes. That is continued on. It was approved for that. We are just going to continue to do that.

MEMBER FOOTE: Thank you.

CHAIRWOMAN GIVEN: I just have a question. And I have asked this about the Haven. Was this plan -- I know a lot of times plans go to the fire department to see if there is access for fire vehicles to get in should there be a need. I was just curious.

MR. PALLAS: We didn't do it in this case. We certainly can.

CHAIRWOMAN GIVEN: I just think it is wise. Those apparatuses are quite large and would like to know that they could navigate to get to a serious situation in and out should they need. Just bringing that up for point of interest.

Yes.

MEMBER COTUGNO: I think you are right and yet to a degree you are wrong because the Planning Board has to be concerned with the impact of the

neighborhood. That is just not the outside. What goes on in the inside of the building impacts the neighborhood. So we have something to say. Now how far it goes I am not sure.

MR. SOLOMAN: I leave that to you, this Board and your counsel to advise you. I am just suggesting -- I am just going about my understanding of the law, my opinion. It is that you are very restricted in what you can do with in the inside. The Building Department -- it is not just Planning, as you know. We start with the Building Department. We have been through Planning once. We went to Zoning. We are back to Planning. And ultimately we end up back in Building. Fire Marshalls, by the way are in. They are the ones that make the determination of occupancy. They make the final determination of how many people can occupy a building. That is going to be the Fire Marshall. So the point is, it doesn't end here. We still end up having to go back to the Building. So let's



assume the Building Department somehow looked at the plan and said there is not enough radius. So if you are raising an issue, can an ambulance make a turn if the is the question. Or --

CHAIRWOMAN GIVEN: Safe navigation for --

MR. SOLOMAN: I would submit to you that is a Building Department function at the same time.

CHAIRWOMAN GIVEN: I don't know that is why I raised the question.

MR. CONNELLY: If you remove the second driveway is there room to have two-way traffic in just that one driveway?

MR. SOLOMAN: Oh, no.

MR. CONNELLY: No, right?

MS. BERRY: It is 20 feet wide.

CHAIRWOMAN GIVEN: What?

MS. BERRY: It is 20 feet wide.

MR. SOLOMAN: You are saying it is 20 feet from the side of the building to the end of the property.

MS. BERRY: I am saying the moving

lane is 20 feet wide. Are you talking about the driveway?

MR. CONNELLY: I am talking about the driveway.

MS. BERRY: Oh, okay.

MR. SOLOMAN: No. It is not 20 feet on the driveway, I don't think. No.

MR. CONNELLY: The HVAC, the way that is proposed that meets all side yard setbacks?

MR. SOLOMAN: Excuse me?

MR. CONNELLY: The HVAC, the way that you have it proposed, that meets the sideyard setback?

MR. SOLOMAN: Well, we are non-conforming. So we are approved for the structure the way it is. We are actually reducing the size. If you look at the pictures. There is a little bump out on the side of the property that is being removed to make the driveway more accessible, to get in and out. That is only 70 square feet or maybe less than that.

MR. PALLAS: We would have to look

at that. It is not a ground based unit. So I don't know how to reply in that case.

MR. CONNELLY: I think you are right with the hours of operation. That is really a legislative action. That is not for Planning Board to decide on. The case law is pretty clear about that. Obviously if they want to compromise with the Board --

CHAIRWOMAN GIVEN: Right. In the spirit of fairness to the community. Not legally.

MR. COTUGNO: We could submit something to the Board of Trustees.

MR. CONNELLY: Well that would require a code change. And that wouldn't apply to this application. Even if the Board of Trustees at this point changed the code regarding hours of operation of businesses. That wouldn't apply to this.

MEMBER COTUGNO: Thank you.

CHAIRWOMAN GIVEN: To keep the public hearing open do I have make a motion or do I just --

MR. CONNELLY: You make a motion to keep it open.

CHAIRWOMAN GIVEN: Does anyone else wish to comment at this time on this application.

Yes.

MR. COLLINS: Michael Collins, 232 Manor Place. I would just like to say that there has really never been any outreach on the owner's behalf to make any considerations or negotiate or talk to us or anything. There was an initial meeting with all the neighbors in September. Many of the neighbors attended and gave input at that time of concerns and issues. And we have continued to provide input at these meetings and give comments. And it is always someone else's decision to compromise. It is always the Planning Board's decision or the ZBA's Board decision to compromise. There really has never been any outreach to make any adjustment or changes except what they initially planned. So I just wanted to

make sure that you understood that there really has never been any negotiations whatsoever to try to, you know, alleviate any of these issues or concerns about the neighborhood. Thank you.

CHAIRWOMAN GIVEN: So if no one else wishes to comment I make a motion that we leave this public hearing opened until our next meeting, which February 22nd.

Do I have a second to that?

MEMBER THOMAS: Second.

CHAIRWOMAN GIVEN: All those in favor?

MEMBER FOOTE: Aye.

MEMBER THOMAS: Aye.

MEMBER COTUGNO: Aye.

CHAIRWOMAN GIVEN: Motion carried.

And now I move onto the last item on the agenda. Motion to adjourn at 5:50.

Do I have a second?

MEMBER THOMAS: Second.

CHAIRWOMAN GIVEN: All those in favor?

MEMBER FOOTE: Aye.

MEMBER THOMAS: Aye.

MEMBER COTUGNO: Aye.

CHAIRWOMAN GIVEN: Motion carried.

This meeting is adjourned. Thank  
you all.

(The meeting was adjourned at 5:50 p.m.)

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

STATE OF NEW YORK

COUNTY OF SUFFOLK

I, Barbara D. Schultz, a Notary Public within and for the State of New York, do hereby certify:

The witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am not in any way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand.



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Barbara D. Schultz