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Joint Board Meeting 123 Sterling
Third Street Firehouse
Tuesday, May 15, 2018
6:30 p.m.

Stenographer: Stephanie O'Keefe

123 Sterling Meeting

1
2 MAYOR HUBBARD: I want to welcome
3 everybody here tonight. This is a
4 joint meeting to review proposals for
5 123 Sterling.

6 I'm George Hubbard. I'm the
7 mayor. I've got myself and Trustee
8 Julia Robbins from the Village Board
9 here. Nobody from the Planning Board
10 is here. We have three members of the
11 ZBA here.

12 Really, this is just to get
13 information out to the other board
14 members and to the public of what's
15 proposed down at 123 Sterling. The
16 principals of the project are going to
17 explain where they are, how they've
18 gotten where they are, what they want
19 to do with the piece of property.

20 We're taking no votes. There is
21 no formal action to be done from this.
22 It's really just information for the
23 board members, the public and everybody
24 that watches the tape from home. So
25 that's kind of where we are. We're

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1 just trying to see where this all fits
2 in.

3
4 We will take -- the applicants
5 will take -- not applicants. 123
6 Sterling, them and their attorney will
7 take questions if you have questions
8 afterwards. If you're doing it, please
9 come to the podium, name and address so
10 we can get it on camera and the
11 transcription can get it, so there's a
12 record of it, but it's really, it's an
13 informal meeting, it's really just an
14 informational meeting.

15 So thank you all for coming, and
16 I'll ask you guys to come on up, and
17 they'll explain what they've got;
18 they'll introduce themselves and we'll
19 talk about it.

20 MR. GILMARTIN: Good evening. I'm
21 David Gilmartin with the law firm
22 Farrell Fritz, and I'm counsel to 123
23 Sterling LLC.

24 First, I want to thank the Village
25 for their accommodation, bringing all
Flynn Stenography & Transcription Service
(631) 727-1107

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of the boards together so you can hear
what we have to say.

Secondly, I want to reiterate, we
have no expectations of getting any
type of vote tonight.

This property in the early 2000s
was subject to a significant
litigation. Out of that litigation
came a site plan that was agreed upon
between 123 Sterling, Neighborhood
Association and the Village.

The approved site plan, as we view
it, is not feasible from a financial
business or really design perspective.
We have had some informal discussions
within our team. We've looked at the
property and we've tried to make some
changes which we think are less
intense, more conducive to a
residential neighborhood and would make
practical business sense for us.

So tonight we're here to show you
a site plan which, again, is
conceptual, it's not something that we

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1 expect will be voted on anytime soon.

2 We fully understand that there is a
3 process that we're gonna have to go
4 through to get an approval, or actually
5 a change to the existing site plan.
6

7 That would either be, one, through
8 a modification of the current
9 settlement that comes out of Supreme
10 Court; or, two, we would start anew
11 with the process through the Village
12 with the Zoning and Planning Boards.

13 With that, I would ask Richard
14 Raskin to discuss the background and
15 how we came to where we are tonight.

16 MR. RASKIN: Good evening. We're
17 glad to see so many people are
18 interested in the project.

19 If I'm not talking loud enough,
20 please let me know. I tend to talk
21 loud enough for rooms like this, but if
22 I have to use the mic, I will.

23 We have been involved in this
24 property since 2003, so it's about
25 fifteen years. During that time, the

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1 neighborhood and the Village of
2 Greenport have changed quite a bit, and
3 the immediate surrounding communities
4 have changed. The changes in terms of
5 who lives here, change in terms of the
6 business community, change in terms of
7 architecture, change in terms of the
8 use of the waterfront. And I'm going
9 through these things because although
10 we have talked to the mayor over this
11 period of time and the attorney for the
12 Village, some of the neighbors here are
13 new, some of you were not involved in
14 these things and some of you, even if
15 you were involved, it's been a long
16 time since we talked about it; and we
17 thought it was appropriate to talk
18 about it.

19
20 Our property has basically sat
21 idle for the last fifteen years. It is
22 not generating significant taxes to the
23 community, the school district. It is
24 basically an eyesore. The only thing
25 we're doing there is operating a small

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1 marina.

2
3 What you're gonna see tonight is
4 that we're gonna take the various
5 components of the approvals that we
6 have in hand and we're gonna try and
7 massage them a little bit, emphasize
8 different parts of those approvals and
9 de-emphasize other parts of those
10 approvals.

11 The property is made up of two tax
12 lots. I guess I'm gonna go over to --
13 made up of two tax lots which have
14 traditionally been developed and used
15 as one parcel. And on top of that
16 complication of two lots, there is
17 actually one lot with split zoning. So
18 there is a lot line here that puts this
19 in one lot, this is the second lot,
20 this lot, the back part is residential,
21 the front part is Waterfront Commercial
22 (indicating). So it's split, but it's
23 traditionally been used for one use.

24 When we got interested in this
25 property in 2003 -- excuse me, I forgot

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1 to introduce my partners. Marty
2 Kosmyнка, Benny Rose, and our architect
3 David DiGiovanni, our attorney has
4 introduced himself.
5

6 We got interested in the property
7 in 2003. We went to the Village, we
8 said, hey, this is what we would like
9 to see there, and the answer was, stick
10 with Waterfront Commercial, period.
11 End of story.

12 We proceeded. We got an approval
13 for a 100-boat high-and-dry storage
14 marina. That's 100 boats in racks,
15 three high, and a 15,000-square foot,
16 three-story building, Waterfront
17 Commercial uses on the first floor,
18 artist lofts, which was a -- is a
19 permitted use in the district for the
20 second and third floors.

21 The neighbors organized, many of
22 you are here tonight, and sued us and
23 the Village. Their basic position, as
24 I saw it, was, hey, this is a
25 residential neighborhood, we don't want

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1 to see a marina, we don't want to see
2 stacked boats, this is a residential
3 community.
4

5 They took us to court. We kept
6 winning in court. They kept appealing.
7 After several years and lots of money
8 that everybody spent, both the
9 neighbors, the Village and ourselves,
10 we asked the mayor at the time to
11 facilitate a resolution of this
12 confrontation, if you will.

13 Out of that came a negotiated
14 settlement, and what that was, it was a
15 45,000-square foot building on a
16 15,000-square foot footprint. So the
17 footprint is 15,000 square feet, three
18 stories, each one being 15,000 square
19 feet, totaling 45,000 square feet. So
20 large building, an outbuilding to
21 service the marina primarily, first
22 floor 15,000 square feet Waterfront
23 Commercial uses.

24 We never really decided what to do
25 with that, exactly how to do it. It

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1 kind of depended upon who would come to
2 show interest in it, but it can be used
3 as one piece, it could be subdivided
4 into as many as probably fourteen
5 pieces or individual places, and they
6 would all be Waterfront Commercial
7 uses.

8 We also were approved for a
9 marina, which those approvals come in
10 from the DEC and from the Corps of
11 Engineers and from the Village, that
12 was all approved, that marina is
13 operating and has been operating for
14 many years now.

15 On the second and third stories,
16 we had a total of seventeen residential
17 units. Twelve were market rate. Five
18 were smaller units reserved for people
19 who live or work in the Village. If
20 you take the twelve plus five,
21 seventeen, plus if you subdivide that
22 lower area into fourteen commercial
23 units, you get about thirty-one units.
24 The rest of the property was devoted to

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1 parking.

2
3 Okay. We got those approvals and
4 that lawsuit was settled in 2007.
5 Immediately after we got it, the real
6 estate market crashed. Real estate
7 market did not really come back until
8 2011. In that time, the life
9 circumstance of the three partners
10 changed to the point that we felt that
11 we could not build this any longer. We
12 either had to sell it or we had to
13 co-venture it with someone.

14 We advertised. We probably had
15 fifty, over fifty responses on it. We
16 talked very seriously with twelve
17 different parties. Nobody could get
18 their head around 15,000 square feet of
19 commercial space in a residential
20 neighborhood, and nobody could get
21 around the mixed uses within it either.
22 And as a result, we haven't been able
23 to sell it in that time.

24 We had people who were interested
25 in doing -- using all or most of the

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1 first floor as a restaurant. We had
2 people who were interested in using the
3 entire building for a hotel. And I
4 must tell you, we didn't pursue these
5 things simply because we knew that they
6 would be objectionable to the
7 neighborhood. Again, it's a
8 residential neighborhood; I don't think
9 people wanted a lot of restructures,
10 people coming in and out, or a hotel.
11

12 Another facet of this approved
13 plan, we had twenty drive-in directly
14 off the street parking stalls, and
15 they're kind of better demonstrated on
16 this poster where this is the building
17 that was approved (indicating). It's a
18 rendering of the approved building.

19 When we were approved, we were
20 told, make the building look like the
21 fish factory that you tore down, make
22 it look like an industrial building,
23 and we did that to the best of our
24 ability.

25 You know, it did have balconies

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1 because it was gonna be a residential
2 building on the second and third
3 floors, but it was to look like an
4 industrial building. It had the --
5 this is what, something like what it
6 would have looked like (indicating).
7 And the parking on Sterling Avenue was
8 literally directly off of the street so
9 that you would have cars going in and
10 out, you know, fronting in, backing
11 out.
12

13 So what we have done, and here I'm
14 gonna begin to talk about the new plan
15 versus the old plan. The build which
16 is slightly smaller in footprint but
17 has substantially less finished space,
18 and the reason it has less finished
19 space is that we want to use a very
20 significant part of the first floor for
21 parking for the Waterfront Commercial
22 uses because we are gonna have
23 approximately 4,000 square feet where
24 we would hope to get a marine supply
25 store, a boat brokerage, one of them we

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1 want to reserve for a yacht club in the
2 building. We got rid of all of that
3 off Sterling Avenue parking and put it
4 into the building. We kept the marina.
5 We kept the out building, and we took
6 the residence and restricted units.
7

8 Let me describe the residence and
9 restricted unit as opposed to, let's
10 say, workforce housing or affordable
11 housing. The restriction that we have
12 in the agreement is that people, in
13 order to occupy those condominiums,
14 they would have had to have lived or
15 worked in the Village or in the school
16 district for two years, as opposed to
17 affordable housing or workforce housing
18 which sets income limits or selling
19 limits on the units, whether they be
20 rental or for sale.

21 Again, the community was anxious
22 to have these owner occupied with the
23 private ownership that would go with
24 that to protect the project so to
25 speak.

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Okay, so what are we proposing?

Parking on the first floor, most of it; Waterfront Commercial, three units, approximately 4,000 square feet; second and third floors, twenty-two two-bedroom units. We're gonna take away, we're proposing two separate houses facing Ludlam Avenue, fronting on Ludlam Place, excuse me. Each of those would have two one-bedroom units and one two-bedroom unit for a total of six units; so one more residence and restricted unit.

We're proposing that the resident restriction would have to have lived or worked in the Village for, or the school district for one year as opposed to two.

And we want to leave it up to the developers and the developers will either be in joint venture with somebody else or an outright sale by us to others.

We want to leave-- and I think

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1 there are mixed opinions within the
2 Village from what we could hear as to
3 whether or not these should be rental
4 or owner occupied. At the moment we
5 would leave that up to the developers.
6

7 Okay, so we've taken parking off,
8 we park here, we park here, and we have
9 sufficient parking by all the standards
10 for the marina, for the Waterfront
11 Commercial pieces, for the residential
12 (indicating). We have onsite parking
13 here for four cars each unit.

14 And I'm going to tell you too that
15 we are, you know, if the Village wants
16 us to make that one building, you know,
17 there are issues with doing multifamily
18 housing on that street, it's not per
19 the code, so we would need a variance
20 for that or a modification in the
21 stipulation.

22 And again, we're not sure of the
23 best way to do that, but if they said
24 make one building, it could be one
25 building. If it's one parcel instead

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1 of being fifty by a hundred or 120,
2 approximately, they could be a hundred
3 by 120. And we've assured access to
4 the Village pump station which is here,
5 across here, and there is a property
6 that fronts on Sterling Avenue, the
7 second house from the yacht club, the
8 Stoman (phonetic) house, he's someone
9 who lives in San Francisco, I think. I
10 think he still owns the building. He
11 has a right of way also to the back,
12 there's a garage in the back with a
13 door back there. And he's guaranteed
14 access, he's kind of taken care of
15 that.

17 I want to see if I covered
18 everything I'm supposed to cover.

19 One of the last things we wanted
20 to do if this is approved, given the
21 fact that this pump station is somewhat
22 in disrepair, we're prepared to make a
23 \$25,000 contribution to the Village to
24 upgrade that pump station, whether it
25 be mechanically or visually, but

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1 primarily we're concerned about the
2 visualization, but the Village would
3 ultimately use that contribution as it
4 saw fit.

5
6 I think I covered what I want to
7 cover. Marty.

8 MR. KOSMYNKA: I just want to add
9 a little bit to it.

10 On the residents' restricted
11 units, the way it's written now is we
12 were locked into a price that we
13 would -- we had to sell them for, which
14 I think at the time it was --

15 MR. RASKIN: \$175,000.

16 MR. KOSMYNKA: Right, but at that
17 closing, if you were to buy it from --
18 we had to sell it to you and if you
19 decided that the market rate for that
20 unit be \$350,000, you had the right to
21 flip that back over, one, two, three,
22 so it was kind of like a lopsided kind
23 of deal there. Meaning the idea of it
24 was, it will find its ground on what
25 somebody could afford in the Village to

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1 buy; in other words, if they're making
2 X amount of dollars, they would only be
3 allowed to spend X amount of dollars to
4 buy the unit, but it is a waterfront
5 kind of unit, so it was kind of, it
6 never really was kind of correct. I
7 don't know if I'm making that
8 understood.
9

10 We were locked into a certain
11 number, but from that point on, as long
12 as they met the criteria of living and
13 work in the Village for two years, that
14 could be sold for whatever the going
15 rate is. And as we know right now,
16 Sterling Road is pretty expensive real
17 estate. You know, who knows what that
18 would be worth, so we're trying to --
19 that was a flawed concept from the
20 get-go if the idea is to try to make it
21 affordable for working people in the
22 Village.

23 This is a much better idea, and
24 we'll let the Board decide how they
25 want to do it either on a rental-type

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1 deal or what formula, but the formula
2 today does not work.

3
4 The second thing is, we are going
5 to have some boat storage there on site
6 to keep the marine industrial use, and
7 that can also, smaller boats can be
8 parked inside where the parking is
9 underneath the building, not big boats,
10 but boats on trailers because come
11 wintertime, we expect, I don't know how
12 many year-round residents will be in
13 these units, but there will be
14 definitely areas of parking for boats
15 coming out of that marina, which we do
16 now and there's a couple trailers on
17 it, there's a couple boats that have
18 been left there over the winter,
19 storage.

20 We're trying to keep that still
21 marine industrial use there.

22 And the biggest thing, as Richard
23 said, the one thing shows trucks, right
24 now we have head-in parking and it's a
25 mess down there. Everybody's got the

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1 little marinas and I know parking is an
2 issue. I go down that -- I've been
3 going down that road fifteen years,
4 we're eliminating that. We have ample
5 amount of parking on our site to cover
6 everything we got going on there and
7 then some.

8
9 We're not like the folks that are
10 doing that thing up there on Front
11 Street that has ten parking stalls. We
12 have plenty of parking, there's no
13 doubt about it, and the building did
14 shrink, you know, we took that
15 building -- what happened was, we had
16 big units in there, we had 3,000-square
17 foot units. We have now shrunk that
18 thing down to 1,200 square feet.
19 That's why you hear the number
20 twenty-two, it's not that we increased
21 the building, we actually made it
22 smaller units that are more conducive.
23 I think a two-bedroom, two-bath is what
24 we figured on doing there.

25 And then we actually changed the

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1 look of it. We're not married to any
2 look, but as time went on, we think we
3 went more for a nautical look. At the
4 time when we did this and we have
5 pictures showing what Sharkeys
6 (phonetic) used to look like; we have
7 pictures of the three-story building,
8 it was that bi-stucco look. We took
9 that down, the Village asked us to do
10 it, it was an eyesore.

12 In hindsight, maybe we should have
13 left it up for fifteen years. I'm not
14 quite sure because -- but there's what
15 it used to look like and people can
16 remember the trailer with all the
17 whiting fish that was in there and the
18 trailer shuts down and there was a mess
19 going on there (indicating).

20 We did a major cleanup, we did an
21 environmental cleanup on that site.
22 There were buried tanks, we spent a lot
23 of money and cleaned it all up. We
24 really think in our heart and soul, we
25 are toning this thing down and we

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1 really are trying to, we really are
2 thinking we're doing the right thing.

3 We met with some folks in the
4 Village, the mayor in particular and,
5 you know, here we are fifteen years
6 later. We've got a site plan here for
7 a guy who wants to put a fifty-one-room
8 hotel. It can happen. There's no
9 doubt. We have guys that wanted -- the
10 last guy wanted to do a catering hall
11 permittable use, it could happen. Does
12 it work on Sterling Avenue? I don't
13 think it does. I think what we came up
14 with kind of works for everybody, you
15 know.

16 We got a component of affordable.
17 We've got a component of house. We
18 still keep that waterfront scaled down
19 with, you know, some local shops. We
20 heard that Whites is out, you know,
21 maybe that would work there, you know,
22 but that's where we're at today.

23 And I am glad you all came and we
24 would be open to questions at this
25

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1 point.

2
3 MR. RASKIN: Before we get to
4 questions, I'd like our architect to go
5 through a little bit more detail on the
6 building and the interior of the
7 building, exterior of the building and
8 so on.

9 MR. DiGIOVANNI: As stated many
10 times, we have two floors of
11 residential which are basically 1,200
12 square feet. It's a central corridor.

13 MR. RASKIN: You need a
14 microphone.

15 MR. DiGIOVANNI: I can talk
16 louder, that's okay.

17 Basically, as stated, there's
18 approximately 1200 square feet,
19 two-bedroom, two-bathroom and it's
20 central corridor with six-by-twenty
21 balconies, a large living/dining space
22 open to the kitchen, second bedroom
23 that's ten by twelve and about twelve
24 by seventeen master, and that's typical
25 throughout.

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1
2 On the first floor this is the
3 same footprint, this is all parking or
4 winter boat storage, as stated
5 (indicating). And then on the eastern
6 portion, that's where we have the 3,900
7 square feet of commercial.

8 Located in center, we have a
9 residential lobby, a mechanical space
10 and then in opposite corners, we have
11 the stairs that access all the floors.

12 One thing that we're proposing as
13 well is that there will be limited
14 access to the roof, only the eastern
15 portion, and it would only be for
16 residents. The elevator would go up
17 there, the stairs would also access it
18 for legal means of egress.

19 The height of the building is
20 limited to thirty feet from the grade
21 to the roof, and then what we have done
22 is, if you look here on this elevation,
23 the stairs go up a little bit higher
24 and then they slope down, trying to
25 keep the height as low as we can. The

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1 elevator itself raises higher than the
2 roof to provide access, but it's set
3 back from the face of the building, so
4 from the street, you will never see
5 that sticking up a little higher.
6

7 The two independent buildings are
8 approximately 2,400 square feet, as
9 Richard mentioned too, there would be
10 three units, two one-bedrooms and a
11 two-bedroom, and again trying to keep
12 with the traditional look as far as the
13 facades to fit within the neighborhood.

14 What we've done on the exterior of
15 the building is, again, trying to
16 create more of a nautical-type feel,
17 more of a New England type of feel to
18 the property, we set it back from the
19 street where we're providing, you know,
20 a landscaped area with approximately
21 twenty-five feet to the property line
22 and then the street is beyond that, so
23 we have approximately thirty feet of
24 landscaping from the street curb to the
25 building.

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1 So that gives it a nicer presence.
2 You can see that typically on this, in
3 the northeast elevation, so that would
4 be up here, in here (indicating). And
5 then the southeast which is a view
6 looking here -- I'm sorry, this way
7 (indicating).

8 With the parking, you know,
9 instead of trying to create a building
10 on stilts, you know, we created, you
11 know, a series of openings that are
12 arched so they're softer and they're
13 trimmed with, you know, crown moldings
14 and something to give them a little bit
15 of detail so even though it's open
16 parking, it doesn't feel like open
17 parking.

18 We tried to work with, you know,
19 we were working, you know, natural
20 materials, things that would match in
21 residential quality, clapboards, stone,
22 wainscoting on the base, keeping all
23 neutral colors, you know, just a cable
24 rail around the balconies, so the

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1 railings more or less disappear.

2
3 Again, as was mentioned, you know,
4 this was, this is approved. This could
5 be built tomorrow as it exists. Now, a
6 warehouse with all the parking that
7 goes right out into the street, you
8 know, it's 15,000 square feet of
9 commercial that you're gonna have
10 trucks parked there that are gonna be
11 backing in and out of that area all the
12 time. I think that this is a much
13 calmer and more appropriate solution
14 for this lot.

15 MR. RASKIN: Thank you.

16 Do my partners have anything else
17 to say?

18 Okay. If there are questions from
19 either the board members or the
20 neighbors, I'll be glad to hear them
21 and I'd like to take questions and I'd
22 take reactions also.

23 AUDIENCE MEMBER: Do you want me
24 there or do you want me here?

25 MR. RASKIN: Just speak loudly

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1 enough so that everybody can hear you.

2
3 AUDIENCE MEMBER: It's a nice
4 looking building. It's a whole lot
5 nicer looking than the one that we all
6 wanted to build ten years ago. Ten
7 years ago we realized that the building
8 that was gonna be built, that build was
9 a compromise and it was a compromise
10 because the Village insisted that that
11 lot was Waterfront Commercial.

12 Now, does the Village still insist
13 that it's Waterfront Commercial or if
14 they're willing to approve this with
15 4,000 feet of Waterfront Commercial,
16 that's really cutting back on that
17 thought; so if they're doing that and
18 they're willing to approve a building
19 like this with only 4,000 feet of
20 Waterfront Commercial, why Waterfront
21 Commercial at all? Why not call a
22 spade a spade? It's residential
23 property.

24 And I'll ask the mayor that
25 question.

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1
2 MR. RASKIN: I will respond to
3 that the best I can.

4 What you see here, we did have
5 some informal conversation with the
6 Village fathers. In the end, this
7 decision is made by the boards, as I
8 understand it.

9 Even if we were to modify the
10 stipulation, the stipulation was signed
11 by ourselves, the Planning Board, the
12 Zoning Board, the Village Board and the
13 neighbors; so we were all in agreement.

14 Now, I'll be the first one to tell
15 you, couple people asked me tonight,
16 you know, how can you possibly approve
17 all that head-in parking? How could
18 you possibly approve some of the other
19 aspects of what we approved? We fought
20 for five years, hundreds of thousands
21 of dollars, we were all exasperated.

22 I was gonna live there as my
23 primary residence before I had
24 grandchildren that live in Huntington
25 and my wife said you can't live out

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1 there anymore. It was a compromise, it
2 was -- we had to get on with our lives.
3 Time has shown that it is unmarketable.
4

5 You say keep the -- get rid of all
6 of the Waterfront Commercial. Bear in
7 mind that under any circumstances, we
8 do have a marina that is functioning
9 and is, I think many of you who live on
10 the waterfront have your own which is
11 in a residential zone and you have the
12 marina which is across the street.

13 We're almost identical. We have --
14 accept that this is Waterfront
15 Commercial, but we -- we're proposing a
16 residential project with waterfront on
17 the water (indicating) and waterfront
18 on the water (indicating).

19 The best feedback we got from the
20 Village people that we spoke to was
21 that they wanted to keep more of a
22 Waterfront Commercial component than
23 just the marina, and that's what we
24 did.

25 If you folks feel strongly on

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1 these kinds of things, express that to
2 the Village. We're open to that. This
3 plan is not laid in concrete. It's --
4 the reason we invited you here was to
5 get some feedback and answer questions.
6

7 Any other questions?

8 MR. MOORE: Doug Moore, Sterling
9 Street. Been there twenty-five years
10 through this whole process including
11 the old fish factories.

12 I think the question here is more
13 a matter of the process. I don't think
14 most neighbors would object to the
15 development and especially the changes
16 that are probably considered positive,
17 but I think there are several ways to
18 go, and I think most people would be
19 reluctant to have just Village Board
20 rubber stamp the changes as not really
21 changes, and I think maybe it should
22 deserve proper review because there are
23 some significant changes.

24 The residential displacement to
25 Ludlam Place creates a wholly, you

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1 know, under code multifamily housing
2 that probably should be vetted out. I
3 don't think something like that should
4 just be swept under the carpet.
5

6 There are probably some questions
7 about competition for parking and both
8 trailers, especially moving doors in
9 the building. I was wondering where
10 the openings were. I would hate to see
11 the people backing their trailers under
12 those buildings.

13 I think a lot of that planning
14 process could benefit from a review
15 process before the boards that would
16 normally review them, and I don't see
17 that as a highly complicated and
18 multiyear process. I could see that
19 being vetted and through.

20 MR. RASKIN: Doug, let me respond.

21 We never said we didn't want -- we
22 never said we want any particular board
23 to rule on this. I assume that we're
24 going to either make our application to
25 the Planning Board who will -- the

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1 Village is gonna tell us what to do.
2 We're not gonna tell the Village what
3 to do. They're gonna tell us what to
4 do.
5

6 We assume that we're gonna have to
7 make an application to the Planning
8 Board, that can be the easiest way, I
9 think, to approve it is if the
10 neighbors like what they see here.

11 And I'm gonna address some of the
12 other things you said.

13 This can do a modification of the
14 stipulation, but if that gets too
15 confrontational or too difficult or too
16 drawn out or we begin to have lawsuits,
17 we would probably make an application
18 for a whole new application because,
19 and I'm gonna tell you our reasoning.

20 Our reasoning goes something like
21 this. The Village boards have to take
22 a broader look than the individual
23 concerns of our immediate neighbors, so
24 they might think that this is a
25 constructive project, where some of the

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1 immediate neighbors may not. So, we,
2 according to our stipulation, we have
3 that option, but we're gonna try and
4 follow the lead of the Village, and if
5 the community makes it known to the
6 Village and to us that they're open to
7 a modification of the stipulation, we
8 will still -- don't forget the Zoning
9 Board has to sign off, the Planning
10 Board has to sign off, the Village
11 Board has to sign off because those are
12 the people who signed the stipulation.
13 There's no shortcuts here.

14 Let me address some of your
15 points, Doug.

16 MR. MOORE: Can I just ask when --

17 MR. RASKIN: Sure.

18 MR. MOORE: Do you anticipate that
19 it would be a modification court
20 document thing and go back to the
21 occur?

22 MR. RASKIN: If it's a modified
23 stipulation, I would look to my
24 attorney, but I suspect, don't forget

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the court approved the stipulation, so,
yes, I assume we would have to go back.

Am I--

MR. GILMARTIN: That's correct.

MR. MOORE: Don't forget that
participants in that stipulation was
community, the neighbors in the
community, you didn't mention that this
time around.

MR. RASKIN: I didn't?

MR. MOORE: You said the boards
and --

MR. RASKIN: No, I'm sorry, I
absolutely said the neighborhood.

MR. MOORE: No, you said --

MR. RASKIN: Whatever. The
neighbors are an important part of
this. We can't modify that stipulation
unless the neighborhood association
reconstituted or however it's brought
to life again, signs off on that.
There's no question about that. We
have no delusions about that.

I want to address a couple of your
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concerns.

The way we arranged the indoor parking is that you come into this, you come off of -- I'm getting discombobulated now.

You come into the building off of Sterling right into here, into a big garage door here, go through the building and out here (indicating). So it's one way all the way. No backing up of cars. No backing up of trailers.

And the concept of having a few boats on trailers or small boats stored on the property, we think is a constructive thing. If it was huge community opposition to that, it's not the live all and be all, we have stored boats there now.

I want to remind everybody that the stipulation says, the stipulation doesn't allow multitiered boat storage, but it doesn't prohibit boat storage.

So again, we're trying to find, to keep the old guard of the community, if you

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1 will, of the Village happy on using
2 this as a Waterfront Commercial piece,
3 we've included that in our plan.

4 We'll hear what our immediate
5 neighbors have to say. We'll hear what
6 the Village has to say.

7 In terms of these units on Ludlam,
8 we thought we're doing a constructive
9 thing (indicating). We know that there
10 is a crying need for residents who live
11 and work in the Village to have a
12 place, a decent place to live and work.
13 The Village encouraged us to keep that
14 component in our plan. We think the
15 Village, from what we know about the
16 Village, it's an important piece, so
17 we're trying to keep it.

18 How that's worked out from a
19 regulatory point of view or a Zoning
20 point of view, I'm gonna leave that to
21 the Village. You know, if the Village
22 said to us, you know, put these units
23 on another street, go buy a piece of
24 land somewhere else, we would probably

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1 be open to that, but there's not a lot
2 of places to buy, and I know that many
3 of the rest of, the greater Greenport,
4 if you will, objects to some of the
5 things that are going on in the Village
6 in terms of high density housing. This
7 is high density housing, it's three
8 units on a 5,500 parcel.

9 We also think that building new
10 houses on Ludlam might be the spark to
11 reenergize and redevelop Ludlam. You
12 all know Ludlam as an unpleasant place
13 to drive on. This could easily be the
14 spark for a rejuvenation of Ludlam.

15 So that's why we're doing it and,
16 frankly, we know that it's not in
17 conformance with the zone, you know,
18 the zoning, a lot of this is not in
19 conformance to the zoning, but we were
20 able to get it approved or the original
21 thing was approved, we're fine tuning
22 it.

23
24 MR. PALLAS: Go up to the podium.

25 MAYOR HUBBARD: I would like to

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1 just interject the comments of saying,
2 you know, the Village and everything
3 else. Myself, the Village
4 administrator with our two attorneys
5 have met with these principals over the
6 past six months with discussions of
7 what was going on. My Board has not
8 seen these plans, the Planning Board
9 and the Zoning Board have not seen it.
10 It's been informal meetings that I had
11 as mayor with them trying to see if we
12 could just do something constructive
13 with the property to do something with
14 it to satisfy everybody.

15
16 So just saying that we're gonna
17 bypass zoning, that the Village is
18 gonna say this or that, none of that's
19 been discussed. It's really, they came
20 with a concept with some plans and
21 said, do you think this might go? I
22 said, well, you have to do this, you
23 have to do that. That's just me
24 talking, knowing my Board and where
25 we're gonna go, but it has to go

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1 between, all the boards have to get
2 involved in this discussion, so really,
3 it's really just early, this is really
4 just informative.
5

6 I kind of said that at the
7 beginning, but we have not, I have not
8 approved anything. I've not told them
9 they can go do that, and I am not
10 bypassing Planning, Zoning or anything
11 else because I don't have the authority
12 to do that. I'm just one person on the
13 Village Board and the rest of my Board
14 is here. I don't want them to say, you
15 knew about this because they didn't.

16 These were meetings that I had with
17 these gentlemen at Village Hall.

18 Actually, I had one down at the
19 property in a snowstorm because they
20 wanted to meet with me down there to
21 look at the property with them.

22 So that's really, it's really just
23 been my discussions with these
24 gentlemen beforehand and my two
25 trustees that are here now, they're

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1 seeing this for the first time just
2 like you. I just wanted to make that
3 clear when he's saying the Village, it
4 was me with the Village administrator,
5 with Mr. Connolly and Mr. Prokop, we
6 got together with them a couple of
7 times to see if there's any merit to
8 any of this and we told them, you can't
9 do this, you can't do that, trying to
10 go with what the stipulation was and
11 see if something would be workable for
12 the community, for the Village and
13 everybody else.

14
15 I just wanted to make sure that
16 that's clear when he's saying that. We
17 have approved nothing at all and it's
18 really just to get information so you
19 all see what's being talked about along
20 with my own Board and we will discuss
21 this at my Board meeting on Thursday
22 and we'll go from there.

23 MR. RASKIN: And I hope I haven't
24 contradicted what you just said. I
25 tried not to.

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1
2 MAYOR HUBBARD: No, you're saying
3 you're getting guidance from the
4 Village and everything else, there's
5 no, the staff of the Village, but not
6 the Village Board or --

7 MR. RASKIN: Whatever happened was
8 informal. There's nothing formal.

9 Yes, ma'am.

10 MS. GILULI: Hi. My name is Lisa
11 Giluli, I live on Sterling Street, and
12 I'm new to all this because we're brand
13 new on Sterling Street and my question
14 is about the density increase from the
15 old plan to the new plan.

16 And it sounds like a lot went on
17 to get to the first panel hearing, it
18 sounds like that was actually a Supreme
19 Court helping everyone come to a
20 resolution, so what is causing -- it
21 sounds like there's ten additional
22 units; am I right? It sounded like you
23 had in the old plan seventeen, now
24 there's twenty-two plus the side
25 building, so what's the total?

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2 MR. RASKIN: The total is
3 thirty-one. It's twenty-two
4 residential here, plus tentatively
5 three commercial, that's twenty-five,
6 plus six is thirty-one (indicating).

7 On the old plan, depending upon
8 how you broke it up, we had seventeen
9 residential units, and if you broke up
10 the first four, we could break it up
11 any way we wanted, it depended upon who
12 came forward, so you could easily have
13 broken it into fourteen spots --

14 MS. GILULI: But those were
15 commercial, right, not residential?

16 MR. GILMARTIN: Those would have
17 been commercial, yes, but their space.

18 MS. GILULI: But I'm asking about
19 residential density.

20 MR. RASKIN: Residential density,
21 we're going from seventeen to
22 twenty-eight.

23 MS. GILULI: The reason for that
24 is?

25 MR. RASKIN: The units are much

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1 smaller.

2
3 MS. GILULI: But why are we
4 reducing density from the plan that was
5 approved?

6 MR. RASKIN: Because I think it
7 makes more sense. We have a building
8 that's been approved, or a footprint
9 that's been approved, we're trying to
10 work with it; and yes, we're trying to
11 maximize return, there's no question
12 about that, but it's a combination of
13 both.

14 We're also creating one more
15 additional residence or restricted unit
16 which is, to us, is a constructive
17 thing for the neighborhood.

18 MS. GILULI: So basically when
19 this was approved, this first, and it
20 went out to market, it didn't sell and
21 so now -- is that what caused all the
22 new --

23 MR. RASKIN: What I tried to say
24 early on was, we were going to develop
25 it ourselves, our life circumstances

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1 each changed, all three of us. I don't
2 have to go into detail on that, but it
3 did. We tried to market it, we can't
4 get anybody to buy it with this present
5 approval or co-venture it with us.
6

7 And it has to do primarily with
8 the commercial component of it. All we
9 did on the second and third floor --
10 let me give you some numbers, all
11 right.

12 The finished space in the proposed
13 building is about 36,000 square feet
14 versus 45,000 square feet.

15 Have I got it right there?

16 MR. GILMARTIN: Correct.

17 MR. RASKIN: And that's because on
18 the original plan, the whole first
19 floor was finished space, it was
20 commercial space, but it was finished
21 space; so we're reducing that to about
22 36,000 square feet and now we are
23 building those other two buildings.

24 I mean, I'm not trying to fast
25 talk anybody, but yes, there is a

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commercial aspect to this.

MR. KOSMYNKA: If you ran some economics on it, that's changing. I had my broker's license for thirty-something years, and as you know, things are getting heated up out here. It's very possible we can go ahead and condo fourteen units there, thousand square feet, there have been people out there for it today. There's no doubt, in the water, there would be a guy there, wants to do an outboard motor, you know, do that kind of thing. There could be, you know, an air conditioning guy, you know, that can definitely be part of it, a sail maker, I mean, those folks might just, you know, go ahead and buy this. You know, that's the point, and there will be heavy commercial traffic on Sterling Avenue. There's no question about it.

We also, there is a site plan that shows the -- look, we have been approached to do a hotel there. It

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1 weighs out, fifty-one units with
2 parking onsite. Now, it would be a
3 variance for the third story, but the
4 Village has already granted it to a few
5 other folks.
6

7 With the restaurant, you know,
8 it's prime real estate. I don't think
9 there's anything else, maybe
10 (unintelligible) but I don't know of
11 any other piece that, you know -- it's
12 here and it's a question of how
13 commercial it's gonna be or how much
14 more residential it's gonna be. We
15 have buyers, people want this, but we
16 really feel this is a nice plan here.
17 We really think we toned it down.

18 We actually decreased the volume
19 of it, like Richard said. We took
20 15,000, we took 12,000 out of the
21 equation, 11,000 out of the equation of
22 commercial.

23 MR. RASKIN: Yes, sir.

24 AUDIENCE MEMBER: If you could go
25 ahead and build a hotel with a lot of

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1 rooms or a catering hall, why don't you
2 do it; what was stopping you from --
3 you said that you have zoning that you
4 can do that, why not do it?
5

6 MR. RASKIN: I'll tell you exactly
7 why we wouldn't do it.

8 We had multiple opportunities.
9 You can't do it just like that. It
10 requires a secondary approval. A hotel
11 or a restaurant requires an additional
12 approval which we have the right to go
13 back to the Village for.

14 I think the neighbors would be in
15 an uproar if you had a substantial
16 restaurant there or a hotel. You'd
17 have people going in and out. You'd
18 have all kinds of traffic problems.
19 You'd have to still have that parking
20 on the street, which is part of our
21 approved plan.

22 MR. KOSMYNKA: We don't want to
23 fight the fight no more. There's guys
24 that'll step up to it. There's site
25 plans, show them the site plans, but

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2 they want to tie us up, they'll take
3 two or three years to go through the
4 mechanics of all of it all, maybe
5 they'll win, maybe they won't. I don't
6 want to be there any longer.

7 AUDIENCE MEMBER: So the hotel
8 would be, that you envision, would be a
9 fight with the neighborhood and --

10 MR. KOSMYNKA: I think it would
11 be, exactly. Yeah, why now?

12 I don't want to fight with anybody
13 here. That's why we came up with this
14 plan. We're done fighting. We want
15 to, you know, we're done with all that.

16 But there's guys that want to do
17 it, there's no question about it. We
18 had hired people --

19 MR. RASKIN: Let me make it clear.
20 We would not enter into a contract with
21 the people that wanted to use the
22 approved plan and make it into a hotel.
23 We wouldn't do that because we thought
24 that we would be hurting the
25 neighborhood. We thought that the

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1 neighborhood, the neighbors would not
2 be happy with that. Ditto with one guy
3 wanted to make half the first floor a
4 restaurant; we wouldn't do it. Plain
5 and simple.
6

7 Yes.

8 AUDIENCE MEMBER: To me, it's a
9 simple thing of that may not look, you
10 know, as nice as the other one, but
11 when you guys increased, it went from
12 1,500 square feet, I think in the
13 original plan for residential, right,
14 down to 1,200; am I right about that?

15 MR. RASKIN: The units on the
16 original plan varied from over 2,000
17 square feet down to about 1,200 square
18 feet.

19 AUDIENCE MEMBER: I think the big
20 question for residents, of which I'm
21 one, is density. It comes down to
22 density. It's like the idea that you
23 went from -- and I think the math was
24 twenty-two to thirty-one or
25 twenty-eight or -- you had seventeen

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1 plus five, something to thirty-one,
2 whatever it was. That seems, I think,
3 from the residents' perspective, that's
4 like playing funny with the facts for
5 us because it's all about density, so
6 there's, I think, marketwise, you guys
7 are gonna be fine, I mean, to say that
8 it's not marketable because it's
9 seventeen, it seems for me like as a
10 person who buys and sells homes and
11 invests in different things, you'll do
12 fine, you won't be -- it's not
13 unmarketable.
14

15 And the idea for us that makes us
16 happier, I think, is lower density. So
17 to show us your true selves, wanting to
18 be not in the fight with us, it doesn't
19 make sense to bump it up by eight or
20 nine units, that's not making friends.
21 You know what I mean.

22 So I would say, just to hear it
23 out, you know, we're all here just to
24 talk about our opinions, I can say, if
25 you took a quick poll right now, I

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1 think people would agree we're living
2 in a neighborhood that's very fragile.
3 We're on the water, the water is a
4 fragile ecosystem. There are people
5 here who probably try to get garages
6 built on land, on water and were
7 rejected by the DEC, by the Town super,
8 by whatever and here we are building X
9 number of units, and you got a Supreme
10 Court resolution which you're now
11 doubling back on to do us a favor and
12 get rid of the commercial.
13

14 I understand all that, this is
15 prettier than that. The bottom line is
16 you're increasing the density and you
17 didn't -- and you made it prettier, and
18 you did your parking on the ground and
19 you made this building look
20 conceptually like that, and you didn't
21 increase the number of units. I think
22 you'd have more buy-in from us.

23 MR. KOSMYNKA: We decreased the
24 density. We're taking out 11,000
25 square feet out of that building.

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AUDIENCE MEMBER: You're adding so many more cars and traffic.

(Several people spoke simultaneously.)

MR. RASKIN: I want to address two points that you said.

I want to clarify the Supreme Court with you. The stipulation was negotiated between the various parties who signed it; the neighbors, ourselves the developers, the Planning Board, the Zoning Board, the Village Board. And because there was a lawsuit that forced the negotiations, the Supreme Court, they merely rubber stamped this.

What they said is, hey, if it's okay with all of you guys, it's okay with us. They don't have any money in the game, if you will, or they don't have any stake in the --

AUDIENCE MEMBER: But all five parties came together and came to that resolution.

MR. RASKIN: Yes.

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2 AUDIENCE MEMBER: So that's the
3 important part, Supreme Court was like
4 the referee.

5 MR. RASKIN: I'm sorry. You're
6 missing some important points.

7 Part of that agreement or part of
8 that approval was 15,000 square feet of
9 commercial space which is abhorrent to
10 most of the community. You are talking
11 density for yourself and maybe density
12 is the most important thing for you,
13 but much of the community, we think,
14 much of our neighbors, excuse me,
15 people in this room, don't want
16 commercial on that first floor, don't
17 want parking off of Sterling Avenue,
18 and so on.

19 So we took the same area,
20 substantially, slightly smaller, but
21 the same area and instead of breaking
22 it up into seventeen units, we broke it
23 into twenty-two units. That's what we
24 did.

25 MR. KOSMYNKA: How many parking

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spots do we have on the site plan?

MR. RASKIN: I don't know offhand.

MR. DiGIOVANNI: On that plan,
seventy-eight.

MR. KOSMYNKA: And how many are on
the --

MR. DiGIOVANNI: Sixty-four.
Thirty-eight on the ground, twenty-six
in the building.

MR. RASKIN: Plus eight back
there.

MR. KOSMYNKA: What does that
amount to?

MR. RASKIN: Yes, sir.

AUDIENCE MEMBER: Is the density
the same as Sterling Cove Condos? It
sounds like the buildings are about the
same.

MR. RASKIN: I don't know.

AUDIENCE MEMBER: The units in
Sterling Cove are, it's like 1,150 to
1,200 square feet, so it sounds like
the density is the same and the
reality, of course, in Sterling Cove

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1 where I live, is there's nobody there
2 after October 1st, and from May to
3 October everybody is there on weekends,
4 and a lot of people during the week, so
5 I wouldn't get too upset, but the
6 reality is, if everybody's upset about
7 density, make the units bigger.

8 I think it's a great idea. I
9 mean, I think it looks great.

10 MR. KOSMYNKA: We actually had it
11 bigger; we had 3,000-square foot units
12 in there. That's what's happening, we
13 just shrunk them down and we actually
14 shrunk the building down.

15 MR. RASKIN: Yes, sir.

16 TRUSTEE ROBERTS: Two questions,
17 the total square footage of residents
18 restricted before and now.

19 MR. RASKIN: It was 650 square
20 feet. Just a minute. We need some of
21 the math guys here. 650 square feet
22 and there were five of them, so it's
23 3,250-square foot on the old, and now
24 it's closer to 4,800 square feet.

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2 TRUSTEE ROBERTS: So you're
3 adding --

4 MR. RASKIN: We're adding many
5 square feet in those units because,
6 don't forget, those were 600 to 650
7 square feet. That's what the
8 stipulation called for, 600 to 650
9 square feet which means a very modest
10 one-bedroom. These units could be much
11 more liberal one-bedrooms and
12 two-bedrooms which we think there's a
13 demand for.

14 Have I answered your question?

15 TRUSTEE ROBERTS: Follow-up
16 question.

17 You mentioned Ludlam Place before.
18 Is there driving access, like, so can I
19 access this property from Ludlam?

20 MR. RASKIN: You can access these
21 two houses from Ludlam and park in the
22 rear, they'll each have driveways. You
23 can also access the main property from
24 Ludlam too. That's where the Village
25 has a right of way. They have been

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1 using Sterling Avenue all these years,
2 but if you read the covenant, it's
3 really off of Ludlam, and I don't think
4 the Village cares, as long as they can
5 get to their pump station conveniently.
6

7 MR. MOORE: So if I live on
8 Sterling Avenue, I would know that a
9 part of the traffic could be routed
10 down Ludlam to get there and part of it
11 could be routed up Sterling; is that
12 the idea?

13 MR. GILMARTIN: Yes.

14 And I think for fire, that's
15 important too, double access.

16 So you're right, some of the
17 traffic will go Ludlam.

18 Yes, sir.

19 AUDIENCE MEMBER: Just to echo a
20 couple other comments. I think by
21 density, we're thinking of number of
22 human bodies and cars more than size of
23 the apartments. It just seems to me,
24 this is our neighborhood, it is fairly
25 high-value properties; not having so

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1 many small apartments returning to the
2 number of apartments that were there
3 and a slightly larger form here would
4 reduce this sense of density.
5

6 MR. RASKIN: I'm not surprised at
7 all about your concerns about density,
8 either of you, those of you who are
9 expressing those concerns.

10 But I want to remind you, please,
11 that if you calculate the density of
12 the 15,000 square feet of commercial
13 space, and they don't live there, in
14 some ways it's worse. They come there,
15 they come there, depending on what
16 tenants are in that space, they come
17 there at odd hours, they come in trucks
18 and vans, they come there and make some
19 noise. You know, you pay your money,
20 take your choice.

21 We made a decision to ask for
22 twenty-two residential units and get
23 rid of almost all of the Waterfront
24 Commercial, and you're looking at
25 density from a particular perspective.

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1 If you only look at the residential
2 units, you're right, we're getting more
3 units, but if you look at seventeen
4 plus fourteen on the first floor, if
5 you break that up that way, you get
6 thirty-one. The other way you get
7 thirty-one too; if you don't get
8 thirty-one, you get twenty-eight. It's
9 not a substantial difference and
10 businesses will operate there if they
11 can survive.

12
13 And I'm not convinced that -- the
14 reason we did this, you can't get
15 people to occupy that commercial space;
16 it's dead space, so we want to park
17 there. We want to use, get the cars
18 off the street, which I think is a
19 constructive thing and we have a way
20 for the cars to get in and out of the
21 building which is low impact. We think
22 we're doing constructive things.

23 AUDIENCE MEMBER: So you're saying
24 adding seventy-eight more parking
25 spots, which is seventy-eight more cars

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1 going up and down that, you're talking
2 density, nobody said anything about
3 traffic or sewers.
4

5 Seventy-eight more cars in that
6 little neighborhood is a lot of
7 traffic. I don't believe that
8 neighborhood's gonna handle it. It
9 can't handle what it has now, much less
10 having that. You cut it back to
11 seventeen, maybe it's workable. What
12 you're planning is just an incredible
13 amount of traffic increase that can't
14 be enforced and there are too many
15 young kids in that neighborhood. On
16 Ludlam alone, there's young families.
17 You're gonna add that many more cars
18 going in and out without any kind of --
19 that just doesn't make any sense in
20 that small of an area. It's way too
21 much.

22 MR. RASKIN: I think that we're
23 gonna decrease the number --

24 AUDIENCE MEMBER: But when you
25 live there and you watch the cars go

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by, then you can talk.

MR. RASKIN: If we are approved for seventeen residential units and 15,000 square feet of commercial space. With all of the traffic that entails, so now we want to change the emphasis a little bit, and that's what we're suggesting.

AUDIENCE MEMBER: Just because you're approved doesn't make it right.

MR. MOORE: One comment. I believe from the original discussions, the access on Ludlam Place is the larger property on your current proposal was emergency access, it was for routine traffic, if I recall.

MR. RASKIN: I don't think we ever said that. I don't recall that, Doug. I just don't remember it. It certainly -- I just don't remember.

Do you have a question? Another hand back there. Yes, sir.

MR. PANTOLIANO: Hi, I'm Joe Pantoliano. I have two questions.

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1
2 In terms of the parking, would it
3 be deeded to the occupant so they would
4 have their assigned parking per unit?
5 In some cases, I've experienced that
6 when you buy a condo, you're buying the
7 parking spot also.

8 The second question would be to
9 consider, in my experience with condos
10 in the New York area, people sometimes
11 will buy two units and make it a
12 2,400-square foot unit or buy three
13 units and make it a 3,600-square foot
14 unit. Would that be applicable; could
15 people, could consumers possibly have
16 that option?

17 MR. RASKIN: Let's take them one
18 at a time; and frankly, on both of
19 them, you're way ahead of us. Those
20 things are generally addressed either
21 by the municipality or the condo
22 offering plan as to whether or not you
23 get one or none or exactly how many
24 parking spots go with a unit. We
25 haven't begun to address that. We are

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1 much too far away.

2
3 The ability to combine units, if I
4 listened to what some of the concerns
5 in meeting, some people would like that
6 because it would be less people, other
7 people might not like it. I don't
8 know. I live in senior community in
9 Port Washington, the terms of the
10 offering plan were that you may not
11 combine -- and the Village, the Village
12 actually passed a resolution that said
13 you may not combine units, but I think
14 that's too soon for us to begin to
15 evaluate that.

16 MR. PANTOLIANO: But it might be
17 an option to address Sterling residents
18 in terms of lowering the consumer
19 footprint. It would enable you to have
20 less cars.

21 MR. RASKIN: We can always build
22 bigger units, but we're not proposing
23 to do so.

24 MR. PANTOLIANO: Okay.

25 MR. RASKIN: Yes.

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2 AUDIENCE MEMBER: I'm also new. I
3 didn't participate last time, and I'm
4 asking a question more in principal
5 concept to understand something.

6 The zoning there is commercial,
7 right?

8 MR. RASKIN: Waterfront Commercial
9 on most of the property except the back
10 little piece (indicating).

11 AUDIENCE MEMBER: Okay, but with
12 the residential component, the volume
13 of building that you can do seems more
14 consistent with commercial than
15 residential. So if somebody wanted to
16 put a house, they have to stay
17 thirty feet from the street, they have
18 to stay far back, and this is not like
19 that; am I right?

20 MR. RASKIN: You're right, yes.

21 AUDIENCE MEMBER: So how does that
22 work if it's zoned commercial; you put
23 residential in, but you're not
24 restricted in the same ways that
25 residential people are?

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2 MR. RASKIN: I can only answer you
3 with what happened. Remember, we were
4 approved for, the Village approved us
5 for 100 boat high and dry storage
6 marina.

7 AUDIENCE MEMBER: Hold on a
8 second. I'm only interrupting you
9 because I know that that's the history,
10 I'm actually asking for the concept,
11 not the history.

12 MR. RASKIN: I'll express the
13 concept the best way I can.

14 There's two ways of getting to
15 what was approved, through variances or
16 what happened here is, when the
17 municipality settles a lawsuit, and my
18 attorney can correct me if I say it
19 wrong, but when a municipality
20 resolves, settles a lawsuit, they have
21 great latitude. They can do what is
22 agreed by the various parties, and the
23 various parties agree that this is an
24 acceptable project and that is the
25 criteria under which it's approved.

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This is the same as the last one down there (indicating).

Did I express that about right?

MR. GILMARTIN: The only thing I would add is that the neighbors' lawsuits that we got the settlement came out of approvals from the Village to a bigger project and ultimately got settled; and if you look at the, you saw the pictures of the use that was there, I believe the Village was very motivated to get rid of that existing use; so there were approvals from the Zoning and Planning Boards that the neighbors appealed, lost the first round, then there was an appeal pending in the appellate division and that's when the case was settled.

So the original approvals were greater than what the settlement ultimately ended up with.

AUDIENCE MEMBER: It sounds like it was a settlement that all parties accepted, but nobody really liked.

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MR. GILMARTIN: That's the best settlement, everybody's unhappy.

AUDIENCE MEMBER: Because it ended up being unworkable from your point of view?

MR. RASKIN: It's unworkable from our point of view and the --

AUDIENCE MEMBER: And I think from what -- I wasn't there at the time, but my reading is that the residents weren't happy about the commercial element either, but felt like there was nothing they could do about that, the Village was holding them to that.

MR. RASKIN: That's correct.

AUDIENCE MEMBER: And you were being held to it also, so.

MR. RASKIN: And the Village was being held to it.

AUDIENCE MEMBER: Well, but the Village -- doesn't the Village decide that?

MR. RASKIN: The Village decided to accept this settlement that included

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all the things that we have been talking about.

MR. KOSMYNKA: I believe what he just said is basically correct. Nobody -- the neighbors didn't want commercial, we didn't want the commercial, but at the time the Village was very concerned about losing commercial and there was a different type of atmosphere back then.

AUDIENCE MEMBER: Right, I feel like maybe that issue should be revisited because of how much this village has changed in the past ten years or since you've --

MR. KOSMYNKA: And there wasn't the big --

(Several people spoke simultaneously.)

MR. RASKIN: It is our place. If we're gonna change the approval, we're gonna make an application to the Village to do so.

AUDIENCE MEMBER: Right. No, I

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meant, the zoning of commercial versus residential, that's it.

MR. RASKIN: In theory, we could go back to the Village and say, change the zone on this property.

AUDIENCE MEMBER: You might have partners in the neighborhood association if you decide --

MR. RASKIN: But you might have all kinds of people coming out of the woodwork too, the old Greenporters who want to protect the working waterfront of the Village which is significantly diminished.

AUDIENCE MEMBER: You never know until you try.

MR. RASKIN: I think we have answered most of the questions. Are there any more questions? Please raise your hand.

AUDIENCE MEMBER: What's next?

MR. RASKIN: I think we're gonna have to evaluate what went on here. If the -- I'm not sure exactly how to

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1 solidify the position of our neighbors,
2 you know, we can solidify the position
3 of the Village by making applications
4 for what we discussed here tonight for
5 what we could do; so we make an
6 application to them, the neighbors may
7 come out. If the neighbors want to get
8 together and talk with us, we'll be
9 glad to talk with them, but it's very
10 difficult for us to talk with fifty
11 neighbors, you know.

12
13 As I understand, the neighborhood
14 association was formed because they
15 didn't like the high and dry storage.
16 They didn't know exactly what they
17 wanted. None of us knew when we began
18 our negotiation where we would end up.
19 You know where we ended up. We are
20 anxious to move forward on this project
21 with what we have been discussing or
22 something very close to that.

23 Yes. Ellen, right?

24 ELLEN: I'm actually co-chair of
25 the Sterling Basin Neighborhood

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Association.

Richard, when we worked or fought, whatever, to get and then eventually got the agreement, there were three parties; there was the neighborhood association, there were you the developers, and then there was the Village represented by Mayor Kapell; and we agreed, essentially, to the building and the photos that you have here in terms of seventeen units and the commercial space. We agreed to that.

The other agreement was that if you ever sold the property and the new owner did not want to respect that particular architectural design, the new owner or owners would have to go back to the Village and renegotiate through the whole process of the Planning Board, the Zoning Board and whatever.

At the time we did not think you were not happy with the plan and would

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1 great. I would just redo the building
2 and make it more interesting to fit in
3 with the environment, shingled or
4 something. We can do away with the
5 cement. We don't have to have it look
6 like Sharkey's Restaurant or whatever
7 it was called, but stick with the old
8 plan. You have that approved.

10 I'm sure you could go forward with
11 new architectural plans because I think
12 the original architectural plans really
13 didn't specify how all the condominiums
14 were going to work and what they looked
15 like. I think we got an outside view
16 of the building and the structure, but
17 we never really knew how the square
18 footage was going to be used in the
19 condos. I think if you stuck with the
20 original plan and spent a lot of time
21 looking at it from the point of view of
22 a design concept and visibility and
23 architectural integrity with the
24 Village and with the neighborhood, that
25 you would have a much easier time, and

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we wouldn't have to go through this whole, all the different Planning Boards and Zoning Boards for approval.

MR. RASKIN: First question for you. What would we do with the 15,000 square feet of commercial space?

MR. KOSMYNKA: It used to be Sharkey's. Remember Sharkey's?

(Several people spoke simultaneously.)

MR. RASKIN: Let her answer the question.

ELLEN: I'm not convinced that you cannot find commercial --

MR. RASKIN: I'm gonna tell you we tried. We can't get any interest in that, number one. Number two, I'm going to put forward to you that the commercial is objectionable to the community with the parking that we have, with the drive-in parking and, you know, I don't think that the community really wants commercial. I must tell you, I hear a split here in

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1 those of you who are speaking; some
2 want all residential, some want, I'm
3 not sure, but they want less density,
4 less units; nobody wants to give
5 attention to the fact that we are, that
6 the building has less finished square
7 footage, but we're devoting some of
8 that commercial space to residential
9 uses so -- and please understand, I'm
10 going to differ with you a little bit
11 on your understanding of the
12 stipulation.

14 We as the owners, according to
15 that stipulation as I read it, have the
16 right to reapply for changes and that's
17 what we're contemplating doing. We
18 have that right; we don't have to sell
19 the property for somebody else to --

20 MR. GILMARTIN: All the groups to
21 the stipulation reserved rights if
22 there were changes. So the owner could
23 go in and make changes, the Village
24 reserved its right for full review if
25 it was modified, and neighborhood

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1 association reserved its right; so
2 there's a full reservation of rights.

3 I think what it really comes down
4 to is, do you want to see 15,000 feet
5 of commercial or do you want to see
6 that changed over to residential;
7 that's the question. I think that
8 distills the issue pretty much, and in
9 my history of doing land use, people
10 always want residential over
11 commercial; that's a common, common,
12 common theme in zoning codes and with
13 development throughout the east end.

14 AUDIENCE MEMBER: It just seems
15 like, I walk by that every day, you're
16 talking about this like it's some big
17 amount of acres and land, it's a very
18 small spit of land. It doesn't -- it's
19 not represented in any of these photos.
20 That's like a very -- I mean, it's
21 surprising to me the amount of stuff
22 that you got on this lot because it
23 seems pretty, you know, finite for
24 sure.

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1 I think what I just heard and I
2 think you articulated, it's true, we're
3 caught between this residential,
4 commercial, it's like a conundrum,
5 right, but it's almost like there's, if
6 there's attention to what we need and
7 how fragile that street is, that
8 waterway is, all of that neighborhood
9 being super residential now, as opposed
10 to when you started this process, it's,
11 I think you -- it's got to be about how
12 many bodies you put into these units on
13 this little spit of land, and if there
14 is a way to combine what you're hearing
15 with what could be financially still,
16 you know, reap the rewards that you
17 guys have put in your sweat equity into
18 this, but recognizing we have a quality
19 of life situation down there that's
20 like unbelievable.

21 It's a very quiet and serene spot
22 and we can't close it off to other
23 people, but if there is some sort of a
24 compromise, it would be not increasing

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1 it's just a question of what's being
2 built, what's in that building, making
3 it smaller footprint, all good; making
4 the parking, not the commercial, that
5 might be all good; it's the fact that
6 we just all of a sudden, we have this
7 huge, to us seemingly huge increase in
8 units. I know it's not, but it's
9 almost ten years.

11 MR. GILMARTIN: If you look at it,
12 and there are different ways to analyze
13 this, how you think about it, right.
14 So one of the things with site plans is
15 trip generation of uses. The lowest
16 trip generation is residential uses,
17 the highest obviously are things like
18 retail.

19 So once you start looking at
20 commercial uses, I would take a step
21 back if I were you and I would think,
22 hey, do I want additional units or do I
23 want to see this developed in a
24 commercial way? And once you start
25 thinking about commercial and trip

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1 generation and cars and parking and all
2 of those things that come with that, I
3 think you want to be careful and think
4 about it.
5

6 AUDIENCE MEMBER: I'm not saying
7 commercial. I'm against commercial.
8 I'm saying be rational with the amount
9 of units if it's residential.

10 Part of your experience has been
11 it's not been marketable as commercial,
12 so that makes the choice a little bit
13 not quite clear between residential and
14 commercial. The commercial is 1,500
15 square feet.

16 MR. RASKIN: Maybe the answer is,
17 and I'm gonna take a big risk here in
18 saying what I'm gonna say, what I hear
19 you saying, and you're only one person
20 in this room.

21 Your name again, sir?

22 TONY: Tony.

23 MR. RASKIN: Sure, put parking on
24 the first floor, get it off the street.
25 I think you'll agree to that, get your

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1 commercial out of the building, you'll
2 agree to that, right? Will you agree
3 to that?
4

5 Now we're down to one thing,
6 seventeen units which we're already
7 approved for or something greater.
8 You're not willing to give me any
9 credit for getting rid of the
10 commercial, so maybe the answer is
11 something more than seventeen, but less
12 than twenty-two. I'm not sure. But if
13 you don't give me any credit for
14 getting rid of 11,000 square feet of
15 commercial space and taking the cars
16 off the street, you're not being fair.

17 AUDIENCE MEMBER: What about those
18 two buildings that are two houses to
19 the back of the property that aren't --

20 MR. RASKIN: That's a giveaway to
21 the Village.

22 AUDIENCE MEMBER: That would be
23 the --

24 MR. RASKIN: It's a giveaway to
25 Village, please understand that.

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AUDIENCE MEMBER: Richard, I've heard you say the commercial space, but I've also heard you say the commercial space isn't viable.

MR. RASKIN: A small amount of commercial might be viable, but not 1,500 square feet.

(Several people spoke simultaneously.)

MR. RASKIN: Marty, there's a question.

MR. KOSMYNKA: I'm out here, I own commercial space. The market is changing very rapidly. So commercial space is finding its own level right now and I do believe that I could get the stuff rented out so I --

MR. RASKIN: Marty can get anything rented out.

AUDIENCE MEMBER: It's a matter of the financials and the rentals, but it would be filled.

MR. STROEM: Arthur Stroem, 125 Sterling.

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1 I think the big problem here is
2 the traffic going down Sterling Street,
3 so if we could minimize that traffic
4 some way, it might be a little bit more
5 easy to accept.
6

7 MR. RASKIN: Well, you have heard
8 some things here that I don't think
9 people listened to. Here is an
10 attorney who has actually been land use
11 constantly, what generates the fewest
12 trips.

13 MR. STROEM: We know all the
14 numbers, that's for sure, but if you
15 can come up with a way to minimize the
16 traffic or maybe minimize the amount of
17 cars that people can own when they live
18 in that place so there's less cars
19 traveling back and forth.

20 MR. GILMARTIN: I think one of the
21 things that maybe we can ask you is,
22 what is the experience here with condo
23 living? There was a gentleman here
24 before that said it's a May to October.

25 MR. STROEM: Right. Sterling Cove
Flynn Stenography & Transcription Service
(631) 727-1107

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seems, maybe we should look at the density of Sterling Cove and compare that with the density of this.

MR. GILMARTIN: I don't think it's a proper analysis for the density, but I think we can certainly look at how it's used as a residential property; is it weekends only, how many permanent residents are there? In my experience in resort communities is there is really ten percent of the people that own it live there year round, and ninety percent don't and it's --

AUDIENCE MEMBER: Most of us live there year round.

MR. GILMARTIN: Well, I understand, but I'm talking about the impact of the structure that's going to be built. I'm not speaking to who lives there, so who is gonna live in this structure and how much of a real increase in traffic are --

AUDIENCE MEMBER: Maybe you can control who's gonna live there then

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find out how much traffic they'll be.

MR. GILMARTIN: We have had that proposed to us. The proposal is out there.

MR. RASKIN: Are there any other questions?

Marty, did you want to say anything else?

MR. KOSMYNKA: No.

MR. RASKIN: We thank you all for coming. We very much appreciate your exchange of ideas.

(Time noted: 7:58 p.m.)

AUDIENCE MEMBER: [39]
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ELLEN: [2] 72/23 76/13
MAYOR HUBBARD: [3] 1/17
39/24 42/25
MR. DiGIOVANNI: [4] 24/8
24/14 56/3 56/7
MR. GILMARTIN: [15] 3/19
36/4 44/15 46/15 59/12 68/4
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MR. KOSMYNKA: [15] 18/7
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MR. MOORE: [8] 32/7 35/16
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MR. PALLAS: [1] 39/23
MR. PANTOLIANO: [3] 63/23
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MR. RASKIN: [69] 5/15 18/14
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MR. STROEM: [3] 84/23 85/12
85/24
MS. GILULI: [6] 43/9 44/13
44/17 44/22 45/2 45/17
TONY: [1] 82/21
TRUSTEE ROBERTS: [3]
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