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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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ZONING BOARD OF APPEALS

REGULAR MEETING

-----x

Third Street Firehouse
Greenport, New York

May 17, 2016
6:08 p.m.

B E F O R E :

DOUGLAS MOORE - CHAIRMAN

DINNI GORDON - MEMBER

JOHN SALADINO - MEMBER

DAVID CORWIN - MEMBER

ELLEN NEFF - MEMBER

JOSEPH PROKOP - VILLAGE ATTORNEY

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

Stephanie O'Keefe
Court Reporter

1
2 CHAIRMAN MOORE: Let's begin the
3 meeting. This is Village of Greenport
4 Regular Meeting of the Zoning Board of
5 Appeals. It's 6:08.

6 We have a fairly busy agenda
7 tonight, and from the start, I wondered
8 if the Board would entertain going out
9 of cycle as to what the agenda says.
10 Sarah Latham is here, and on the agenda
11 in the regular session is
12 administrative matter, a motion to
13 accept an application for an area
14 variance. Would the Board mind tending
15 to that matter first; she has an
16 obligation at about 7:00, and would
17 like to be here in case something comes
18 up. Would the Board be agreeable to
19 that?

20 MR. SALADINO: I have no
21 objection.

22 MS. NEFF: Nor I.

23 CHAIRMAN MOORE: Mr. Corwin?

24 MR. CORWIN: I have no objection.

25 CHAIRMAN MOORE: Thank you.

1
2 Okay. So what we'll do is go to
3 item number four on the regular agenda.

4 If anyone needs an extra copy, I
5 have my own, so if anybody would like
6 it.

7 You understand the process is that
8 you filed an appeal for a variance
9 based on a notice of disapproval. I
10 understand you have been to the
11 Planning Board, they indicated you need
12 to come to the Zoning Board, so we, at
13 this point, consider accepting your
14 appeal to be sure that it's complete,
15 and we don't take any testimony
16 tonight; and we don't actually need any
17 presentations on the project. If any
18 question comes up from the Board about
19 whether it's complete or not there
20 might be an opportunity for you to
21 respond, and if there is something
22 extra needed than that you would know
23 about tonight to possibly correct that.

24 I will read item number four.

25 Motion to accept an application

1 for an area variance, publicly notice
2 and schedule a public hearing for Sarah
3 Latham, 817 Main Street, Greenport, NY
4 11944.
5

6 Suffolk County Tax Map. The
7 property is located within the R-1
8 District and also within the Historic
9 Preservation District.

10 The applicant seeks a building
11 permit to increase the number of rental
12 bedrooms in an approved bed and
13 breakfast. The existing bed and
14 breakfast has an approved site plan
15 dated April 20, 1992 for use as a bed
16 and breakfast, which is a conditional
17 use.

18 The Village of Greenport Code
19 Section 150-7 B, 7 C and the Planning
20 Board resolution limits the number of
21 rooms to three for lodging and serving
22 breakfast.

23 The applicant seeks to increase
24 the number of bedrooms from three to
25 four rooms requiring a variance of one

1 bedroom in capacity.

2 I would make that motion to accept
3 the application, providing there aren't
4 any problems with material that's been
5 supplied from any Board member.
6

7 Can I have a second?

8 MS. NEFF: Second.

9 CHAIRMAN MOORE: All in favor?

10 MR. CORWIN: Aye.

11 MR. SALADINO: Aye.

12 MS. GORDON: Aye.

13 MS. NEFF: Aye.

14 CHAIRMAN MOORE: Any opposed or
15 abstaining?

16 (No response.)

17 CHAIRMAN MOORE: So that motion
18 carries.

19 So, we're prepared to work on a
20 public hearing next month and we would
21 need to schedule a site visit. We have
22 another application as well, so we
23 could either go to North Main Street
24 first or second, depending on.

25 MR. CORWIN: Let's make this one

1 first --

2 CHAIRMAN MOORE: This one first.

3 MR. CORWIN: -- and then Main
4 Street.

5 CHAIRMAN MOORE: So we would go at
6 5:00, would that be acceptable; 5
7 o'clock, we would come for a visit?

8 MS. LATHAM: On what day?

9 CHAIRMAN MOORE: I don't have my
10 calendar in front of me.

11 MS. LATHAM: The next Zoning Board
12 meeting.

13 CHAIRMAN MOORE: The next Zoning
14 Board meeting, and there may be some
15 discussion about that later on, but you
16 would be able to see when that is, it
17 would be --

18 MS. WINGATE: -- June 14th.

19 CHAIRMAN MOORE: Generally, when
20 does your calendar tell you?

21 MS. WINGATE: June 14th.

22 CHAIRMAN MOORE: Okay, probably
23 June 14th, and the meeting will be at
24 6:00.

1
2 From now on, as much as possible,
3 we're going to try and meet, start
4 meetings at 6:00. We used to be at
5 5:00.

6 MS. LATHAM: Okay.

7 When you make a site visit, will
8 you be inside and outside, just
9 outside? I'm just thinking if I have
10 guests in the house at the time.

11 CHAIRMAN MOORE: I don't know.
12 We've seen the floor plans that you
13 provided. The most critical thing is
14 requirements for the parking; and, you
15 know, where we are with the situation
16 is that the Board of Trustees, for some
17 time considered the code to change it,
18 and they chose not to, so currently
19 three bedrooms is the limit in the
20 code.

21 MS. LATHAM: Right.

22 CHAIRMAN MOORE: So that's just to
23 let you know that --

24 MS. LATHAM: So it will be
25 outside, I won't have to worry about --

1
2 CHAIRMAN MOORE: What are you
3 saying; are you saying that you need
4 to --

5 MR. CORWIN: I would like to see
6 inside too. If there is a guest there,
7 I don't think we need to go into the
8 guest's room, but if there is vacant
9 rooms.

10 MR. SALADINO: In addition, since
11 a B&B has to be owner occupied, we
12 would perhaps, at least myself, perhaps
13 would want to see where you're going to
14 live as opposed to the guests.

15 MS. LATHAM: Okay.

16 MR. SALADINO: I'm sure, you know,
17 Eileen assured us that it's going to be
18 in the basement.

19 MS. LATHAM: Well, I mean, maybe
20 you can clarify. I think there is
21 going to be a -- I don't know if it's a
22 CO or if there's something that says
23 there was a room with egress and
24 whatever else are the requirements at
25 the time it was constructed. I'm not

1
2 sure if that's on file.

3 MS. WINGATE: There is a letter in
4 the file. I was there today, I haven't
5 done my calculations.

6 MS. LATHAM: Okay.

7 MR. SALADINO: Would we be
8 overstepping by asking to see that?

9 MR. CORWIN: I didn't see it on
10 the plans, so I don't see why.

11 MR. SALADINO: There is a question
12 in my mind about the square footage of
13 the fourth bedroom also. On your
14 colored plan that I have here, it says
15 approximately 190 square feet, and
16 that's not what I get. I get a lot
17 less than that.

18 MS. LATHAM: Counting the
19 bathroom?

20 MR. SALADINO: I didn't know --

21 MS. LATHAM: I included the
22 bathroom.

23 MR. SALADINO: I didn't know we
24 were counting the bathroom as living
25 space.

1 MS. LATHAM: So that was actually
2 -- that's actually a question of mine.

3 I wrote them as suites. All of
4 the rooms have a bathroom and the
5 bedroom area, but I believe the bedroom
6 area is also fourteen feet by eight or
7 nine, so it should --

8 MR. SALADINO: But only four feet
9 into the room, so it would be four feet
10 by fourteen and then second half of the
11 room would be four feet by twelve is
12 according to your plan, according to
13 this plan.

14 And I'm not saying we have a
15 problem with it, as long as the
16 building inspector is okay with the
17 square feet. I just thought it should
18 be correct.

19 MS. LATHAM: You're looking at
20 bedroom number four, right?

21 MR. SALADINO: I'm looking at this
22 plan for bedroom number four, and this
23 plan says bedroom number four is 190
24 square feet, and using a mathematical

1
2 equation, that's not what I get, so if
3 we can just perhaps correct that for
4 when you come back.

5 MS. LATHAM: Sure. Okay.

6 So 5:00 p.m. on June 14th would be
7 a site visit?

8 MR. SALADINO: Is it 5 o'clock?

9 CHAIRMAN MOORE: Yes. I think we
10 agreed to 5 o'clock, and the other
11 inspection would be at 5:30.

12 MS. LATHAM: Okay.

13 I have just one other question.

14 Because my understanding is that
15 I'm also going to be returning to the
16 Planning Board following, if there is
17 to be an approval from this Board, when
18 I was at the Planning Board meeting, I
19 was told there was also going to be a
20 SEQRA review and a public hearing
21 because I'm in the Historic District,
22 so I just want to make sure I
23 understand from today what the timeline
24 is, more or less.

25 CHAIRMAN MOORE: I looked through

1 the minutes, and there was already a
2 discussion of that at the Planning
3 Board meeting about a coordinated
4 review being in the Historic District,
5 this is an Unlisted action, it elevates
6 it to a type one that requires the
7 coordinated review, which simply means
8 that additional agencies and boards are
9 notified seeking comments, and at some
10 point whether this board would declare
11 itself, I think the Planning Board
12 actually declared itself lead agency.

13
14 MR. SALADINO: Joe?

15 ATTORNEY PROKOP: I think that
16 that's -- I don't recall. I think it
17 is correct, but I'm not sure; I
18 wouldn't want to say, I don't know to
19 say for sure.

20 CHAIRMAN MOORE: I'll have to
21 catch up with the building inspector as
22 to how we can get the coordinated
23 review done as part of one of the
24 meetings because the Planning Board
25 would meet sometime very soon and then

1
2 there would be a lapse after we meet,
3 but they're usually the last Thursday
4 of the month and the first Thursday of
5 the next; so there is a thirty-day
6 requirement for comments both from the
7 agencies and the public; so someone
8 will have to go over the calendar and
9 figure out the best way to have that
10 happen. If they're the lead agency, I
11 suppose they would perform the
12 coordinated review.

13 ATTORNEY PROKOP: Yes. They're
14 meeting next week, so you could get
15 that taken care of at that meeting.

16 CHAIRMAN MOORE: Then the only
17 question I have is whether, if the
18 coordinated review was not completed
19 but the Zoning Board could make a
20 determination?

21 ATTORNEY PROKOP: You're not
22 supposed to act on the application
23 until the review is done.

24 CHAIRMAN MOORE: So we'd have to
25 work out that timing to try and do it

1 as expeditiously as possible.

2
3 MR. SALADINO: Didn't the Village
4 decide that it would be up to 45 days
5 for the coordinated review?

6 ATTORNEY PROKOP: It's 45 days.

7 CHAIRMAN MOORE: Okay, but we
8 would have to work out the interval
9 because I just don't know the calendar
10 well enough to see how everything
11 would -- but as soon as possible, the
12 notification should be made to the
13 effected or the possibly interested
14 agencies, that way they can respond and
15 the clock can start running and get 30
16 or 45 days completed in due course, so
17 we don't delay things too much.

18 MS. LATHAM: Okay. And there is
19 nothing I can do to help or expedite --
20 I guess my goal is, it's been since, I
21 don't know, it feels like forever that
22 I have been attempting to have this
23 approved, and I'm really hoping for
24 like July 4th maybe, which seems like a
25 long way away, but it's probably not

1
2 even 45 days from today.

3 CHAIRMAN MOORE: As far as review
4 is concerned --

5 MS. WINGATE: Forty-five days puts
6 us into the second week in July, July
7 6th.

8 CHAIRMAN MOORE: So I have to say
9 starting when?

10 MS. WINGATE: Monday.

11 CHAIRMAN MOORE: You mean next
12 Monday?

13 MS. WINGATE: Next Monday, if it
14 could go out on that day, then --

15 CHAIRMAN MOORE: Yeah, because
16 Planning will meet this week or next
17 week.

18 MS. WINGATE: Planning meets next
19 week.

20 CHAIRMAN MOORE: We'll try and get
21 everything going as soon as possible
22 and there's not much you do because the
23 coordinated review is done by the
24 Village and the agencies.

25 ATTORNEY PROKOP: Do you know what

1 the letter is; you said there is a
2 letter in the file about the basement?

3 MS. LATHAM: I don't know. That
4 was just sort of in conversation. I
5 was under the impression that at the
6 time that the room in the basement
7 was -- to be honest, if that is an
8 issue, I would move my room upstairs.
9 I have another what was -- in the past
10 we used it as a little sitting area, a
11 living room, which just has couches and
12 chairs in it, so if it would expedite
13 anything for us to move upstairs, I'm
14 happy to do that.

15 I do have the space; there's lots
16 of rooms. There's no, you know, we
17 don't have to do any construction.
18 There is no changes to the property or
19 house or anything.

20 CHAIRMAN MOORE: Is the basement
21 room in existence, the bedroom?

22 MS. LATHAM: Yes.

23 CHAIRMAN MOORE: It's clear for
24 use, I thought I heard.
25

1 MS. WINGATE: I have some
2 calculations to do, but yes.

3 CHAIRMAN MOORE: I know you wanted
4 to take another look.

5 ATTORNEY PROKOP: Is there build
6 permit to change the basement to a
7 bedroom, is there an application for
8 that?

9 MS. WINGATE: What year did you
10 buy that house?

11 MS. LATHAM: I bought the house in
12 2014, at the end of 2014.

13 MS. WINGATE: In 2014, a window
14 up-high basement window was changed to
15 an egress window. There was no
16 building permit taken out because there
17 was no structural changes; it was an
18 existing header, so I went looking
19 through the file this week and that is
20 what I remember, so there is an egress
21 window, there is an existing -- they
22 constructed the well outside the
23 window, but I want to do some
24 calculations on light and vent.
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CHAIRMAN MOORE: Okay.

Any other questions?

MS. LATHAM: Only, so from today I come to Zoning Board June 14th, site visit prior to that meeting and then I'm sure Eileen will be in touch after she -- if there is any developments with the basement?

CHAIRMAN MOORE: I'm not familiar with the end result of the coordinated review, but multiple agencies are involved. Planning Board coming after the Zoning decision, if they are the lead agency because they got hold of it first, that's confusing to me, so we'll have to work out the details as to how we get it actually done while the process is moving forward.

That's where we are, I guess.

MS. LATHAM: Okay, so that is it?

Thank you all.

CHAIRMAN MOORE: Before I get to the next step of where we are next with the agenda, I just wanted to make an

1
2 announcement.

3 Some of the people from Fifth
4 Avenue may have come and others who are
5 interested in possible applications
6 there, I believe at last month's
7 meeting, there were two applications
8 that were rejected with additional
9 information needed for two subdivisions
10 on Fifth Avenue. Those applications
11 have not been resubmitted by my
12 understanding from the building
13 inspector.

14 MS. WINGATE: Not yet.

15 CHAIRMAN MOORE: So we
16 understandably have no agenda item for
17 that, those two matters, so that may be
18 coming in the near future, we have to
19 see, but we have to wait until the
20 applicant decides if they'll re-file,
21 so that's where we are on that one.

22 While we're taking care of those
23 administrative matters, would the Board
24 want to wait until later for that other
25 application and just go ahead with the

1 public hearings that we need to do?

2 MR. CORWIN: Let go ahead with the
3 public hearings.
4

5 CHAIRMAN MOORE: There was one
6 more application for another variance
7 or multiple variances.

8 MR. SALADINO: Is that --

9 CHAIRMAN MOORE: Liakeas, is that
10 gentleman here for the 610 Main Street?

11 MS. WINGATE: I was expecting Pat
12 Moore.

13 CHAIRMAN MOORE: Nobody is here
14 for that, so maybe we best wait until
15 later.

16 And before we get the information
17 together for the public hearings, I
18 just want to make special thanks to
19 John Saladino for serving as acting
20 chair and from what I've seen in the
21 transmissions, I was able to see two of
22 the meetings live, unfortunately last
23 month's meeting was not when the new
24 broadcast system was initiated, so it
25 was not broadcast, but I have seen the

1 minutes, and it looks like the meetings
2 went well, everything was under
3 control.
4

5 MR. SALADINO: There was no
6 hitting, so it was really good; nobody
7 got hit, nobody got hurt.

8 CHAIRMAN MOORE: The only thing I
9 see from the acting chairperson is he
10 has the name tag, but most of us don't.

11 MR. SALADINO: David has one.

12 CHAIRMAN MOORE: I don't know
13 where they went.

14 MS. WINGATE: They went away.

15 CHAIRMAN MOORE: Can everybody
16 identify themselves.

17 I'm Doug Moore and Dinni Gordon,
18 and Ellen Neff, all the members of the
19 ZBA.

20 I think we can start with the
21 regular agenda's public hearings.
22 Eileen, would you have the notification
23 information for James Gleason so I can
24 read that into the record?

25 I did notice that the property was

1 properly placarded, and I note it was,
2 I assume it's there for the required
3 period of time.
4

5 MS. WINGATE: Um-hum.

6 CHAIRMAN MOORE: And noticed in
7 the local paper, Suffolk Times.

8 MS. WINGATE: Yes, sir.

9 CHAIRMAN MOORE: The following
10 people, I don't have the maps, so I
11 don't know the proximity to the
12 property because some of the -- most of
13 the address are somewhere else but the
14 Village of Greenport. At 236 Third
15 Street was notified because there is an
16 adjoining property to the rear, Ellen
17 Walker, and it's only listed as 256
18 Avenue, oh, it's Sixth Avenue
19 Greenport, so it's a local resident,
20 and Judith Sone-Innamorato, 4 Valley
21 Road, Syosset, that's another adjoining
22 property. I'm having trouble reading
23 the address, Frank Field Realty,
24 Incorporated, 40 Middleton Road,
25 Greenport; Dennis McMahon, 133 Central

1 Avenue; GPO Central LLC, Post Office
2 Box 1360, Southold, New York; Kay
3 Blind, 141 Central Avenue, Greenport,
4 New York; so those are the properties
5 that were notified for this
6 application.
7

8 I'll read the first item number
9 one. Public hearing for an area
10 variance, James Gleason, 144 Central
11 Avenue; Suffolk County Tax Map number
12 1001-5-1-16-1. The applicant proposes
13 to install an in-ground swimming pool
14 and a single-story addition with deck
15 above. The proposed addition is to
16 replace an existing covered porch and
17 existing exterior cellar door.

18 Section 150-7c (3a) of the Village
19 of Greenport code requires the edge of
20 the pool shall be kept a distance of
21 not less than 20 feet from all property
22 lines in the R-2 District.

23 The proposed swimming pool setback
24 is 11.2 feet on the north property
25 line, requiring an area variance of 8.8

1 feet.

2
3 Section 150-7c.(3a) of the Village
4 of Greenport code requires the edge of
5 the pool shall be kept a distance of
6 not less than 20 feet from all property
7 lines, in the R-2 District.

8 The proposed swimming pool setback
9 is 8.2 feet on the west property line,
10 requiring an area variance of 11.8
11 feet.

12 Section 150-12 A of the Village of
13 Greenport code requires a 25-foot
14 combined side yard setback in the R-2
15 District.

16 The proposed aggregate side yard
17 setback is 12.7 feet requiring a
18 12.3-foot combined side-yard variance
19 due to the location of the existing
20 house.

21 This house is located within the
22 Historic District. Plans were reviewed
23 by the Historic Preservation
24 Commission. Plans for all proposed
25 exterior changes and materials were

1 approved with the exception of the
2 metal porch roof. The application was
3 approved at the May 2, 2016 meeting of
4 the Historic Preservation Commission.
5

6 Applicant or agent would like to
7 make a few comments to just briefly
8 describe the project, then take public
9 comment.

10 MR. LEHMAN: My name is Kirk
11 Lehman with AML Architecture.

12 We see the property, Mr. Gleason
13 would like to add a small swimming
14 pool. We have located it in a location
15 as far from the property lines as
16 possible in order to maintain clearance
17 between the existing garage and the
18 swimming pool.

19 Also the addition to the principal
20 structure is generally within the
21 covered porch and we need that for an
22 enlarged living area on the north side
23 of the house.

24 I believe we have addressed all
25 the items that we discussed at the last

1 meeting in terms of notations. We did
2 have the opportunity to conceal the
3 pool equipment on the north side of the
4 existing garage. There was an existing
5 structure that you had seen tonight, so
6 we are trying to do everything possible
7 to minimize the impact with this
8 application.

9
10 CHAIRMAN MOORE: Initial questions
11 from the Board just for clarification
12 of the application. We will have more
13 dialogue following the public hearing.

14 MR. SALADINO: Just one, you said
15 that the proximity of the pool is the
16 only place, and perhaps after the
17 public hearing is closed or in the
18 discussion, I know I would like to talk
19 about perhaps moving it further east a
20 few feet towards the pool house,
21 perhaps minimizing the variance.

22 MR. LEHMAN: I concern -- I
23 understand the concern is that, I think
24 both sides then become nearly unusable,
25 and we're trying to maintain somewhat

1 at nine feet a clearance between the
2 pool and the garage, so you can have
3 some lounge chairs on the side of the
4 pool.
5

6 MR. SALADINO: Okay.

7 MR. CORWIN: I have a couple
8 questions.

9 What kind of pool cover are you
10 going to have?

11 MR. LEHMAN: We are not doing an
12 automatic pool cover; we're going to do
13 a solar pool cover for heating because
14 we're not going to heat the pool.

15 MR. CORWIN: So explain this to me
16 a little bit.

17 MR. LEHMAN: It's the solar-type
18 heating cover. It has air pockets,
19 insulates the pool so you don't lose
20 the heat at night.

21 It makes a big difference on the
22 temperature of the pool.

23 MR. CORWIN: You're not going to
24 heat the pool?

25 MR. LEHMAN: We are not going to

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heat the pool.

MR. CORWIN: What kind of safety devices as per the building code are you gonna use in the pool?

MR. LEHMAN: We are going to have the pool enclosure around the entire property. There is one door within the pool enclosure which would be alarmed, and then the water sensor in the pool as required.

MR. CORWIN: Could you explain the water sensor, please?

MR. LEHMAN: I believe it's an audible alarm; although, I don't know if it's required that we have full -- it is required?

So it's an audible alarm that goes in the pool. If there is any motion then an alarm goes off.

MR. CORWIN: The other safety device that you have is a self-closing cover, which you're saying you're not going to have, you're going to have the thermal cover.

1
2 MR. LEHMAN: Thermal cover. It's
3 my understanding that the automatic
4 covers are a decent amount of money and
5 I don't know if the client was
6 interested in doing that at this time.

7 MR. CORWIN: I commend you on the
8 thermal cover.

9 I had one other question.

10 As I understand the code, maybe
11 I'm mistaken, if you do more than 50
12 percent of the value of a structure, so
13 looking at the existing garage, I think
14 you would need more than 50 percent of
15 the value of the -- Southold Town
16 Assessor calls it at about \$9,500; and
17 I'm guessing 4,700 is more -- you're
18 going to spend more than that on the
19 garage; so in my thinking, you need a
20 variance for the garage too because it
21 does not have the 5 feet setback for an
22 accessory building.

23 MR. LEHMAN: Really the two items
24 that we are looking to do in the garage
25 are change the opening in the front and

1 put in a window, and switch it to the
2 side and re-side it.

3
4 Mr. Gleason is doing the work
5 himself, so I don't know how that
6 equates into the equation, but really
7 minimal on the garage with the
8 exception of the pool equipment.

9 MR. SALADINO: Can I ask a
10 question?

11 Would the applicant be willing to
12 say that, that he is going --

13 MR. GLEASON: Willing to say that
14 I'm doing the work myself?

15 MR. SALADINO: No, that the
16 alterations would be less than \$4700.

17 MR. GLEASON: Forty-seven what?

18 MR. SALADINO: Four thousand seven
19 hundred dollars.

20 MR. CORWIN: Would you just
21 identify yourself for the recording
22 secretary, please.

23 MR. GLEASON: I'm James Gleason,
24 I'm the owner of 144 Central Avenue.

25 MR. SALADINO: Step up to the
Flynn Stenography & Transcription Service
(631) 727-1107

1 podium, please.

2
3 MR. GLEASON: So \$4,700, so I have
4 a build shop, it doesn't cost me
5 anything to build the materials. We
6 build our own windows and door, so the
7 door, I build myself, so I'd say, yeah,
8 it would be under \$4,700.

9 CHAIRMAN MOORE: There might be
10 another issue too, which is the
11 technical aspect of the code. We would
12 have to take a look at that, the
13 section I think Mr. Corwin is referring
14 to is the section that relates to
15 damage of a building, a non-conforming
16 building if damaged more than 50
17 percent, has a timeline for
18 reconstruction and if that is not
19 accomplished within that period of
20 time, the non-conformance
21 grandfathering goes away. We would
22 have to look to see if what you're
23 saying actually fits with that code,
24 unless there is a section of the code
25 that I'm not familiar with, that you're

1 referring to, so I'm just indicating
2 that I'm not sure that would be a
3 requirement, you know, with the house
4 if you were improving the house and
5 spending more than its current
6 determined value of the structure,
7 whether that would be an issue; I'm not
8 sure it is, not to have a table
9 argument here, but we have to check if
10 that really is a requirement.
11

12 If it were, that would be, perhaps
13 an issue we would have to come back to.

14 MS. GORDON: I didn't understand
15 what you're saying exactly about --
16 you're saying the timeframe between
17 when he begins the project and finishes
18 the project?

19 CHAIRMAN MOORE: No, I'm saying
20 Mr. Corwin indicated that there is a
21 code requirement that, if you spend
22 more than half the value of the
23 structure --

24 MS. GORDON: I understand that.

25 CHAIRMAN MOORE: -- that you need

1 a variance. I'm indicating that may
2 actually be a code referring to damage
3 to the building in a Historic, and this
4 is a standard garage, it's not in very
5 good shape, but it hasn't been damaged
6 by fire or other causes; so I'm just
7 not sure that applies and that there
8 are any restraints on what he could
9 spend; so we would research that in the
10 meantime and certainly let you know if
11 there was a requirement.
12

13 No offense to Mr. Corwin.

14 MR. CORWIN: I would contend lack
15 of maintenance is damage to a building,
16 so that garage has not received a lot
17 of maintenance.

18 CHAIRMAN MOORE: Okay.

19 MR. SALADINO: Well, if the
20 applicant assures us that he is not
21 going to spend that amount, and we take
22 him for his word.

23 MR. CORWIN: If we take him for
24 his word.

25 MR. LEHMAN: The improvements are

1
2 extremely modest, we can certainly keep
3 them that way.

4 MR. CORWIN: Then there will be no
5 plumbing in these buildings.

6 MR. GLEASON: No plumbing. The
7 only electric supply is for the
8 subpanel for the pool.

9 CHAIRMAN MOORE: You indicated in
10 the site visit that you're not redoing
11 foundations so that you're not doing a
12 major structural improvement, so I can
13 understand pricing may not be very
14 high.

15 MR. GLEASON: It's low on the
16 priority list, you have seen the main
17 house.

18 CHAIRMAN MOORE: We saw that too.

19 Any other questions from the Board
20 just about the particulars in the
21 application, rather than dialogue on
22 its merits?

23 ATTORNEY PROKOP: I just have two
24 if nobody else has anything. When you
25 reach the point where nobody has

1 anything, I have two comments.

2
3 CHAIRMAN MOORE: Then we also will
4 have public input, but did you have a
5 comment about the project itself?

6 ATTORNEY PROKOP: Did you say
7 there is not going to be any plumbing
8 in the pool house?

9 MR. LEHMAN: Correct.

10 ATTORNEY PROKOP: I'm looking at
11 the accessory uses that are permitted
12 in R 1; it lists garden house, we have
13 been through this before on another
14 application, a pool house is a
15 permitted use even though it's not
16 listed as a permitted use?

17 MS. WINGATE: Yes. We did an
18 interpretation on accessory buildings
19 where pool house are a permitted use.
20 In section 150-20 nonconforming
21 buildings with conforming uses also
22 says that nothing in this article shall
23 be deemed to prevent normal
24 maintenance, repairs, structural
25 alterations, move-in reconstruction or

1 enlargement of a non-conforming
2 building provided that separate action
3 does not increase the degree or create
4 any new compliances with regard to
5 regulations pertaining to such
6 buildings.
7

8 CHAIRMAN MOORE: Referring to
9 remodeling it for what you just read.

10 ATTORNEY PROKOP: This is a non --

11 MS. WINGATE: It's a nonconforming
12 building with a conforming use.

13 ATTORNEY PROKOP: Okay.

14 The pool house is also a
15 conforming use, even though it's not
16 listed as a use in the code?

17 CHAIRMAN MOORE: We went through
18 an interpretation and I think the line
19 drawn was that no features for
20 habitation could be included in such an
21 accessory structure, but that if we
22 wish to call it a pool house, that
23 would be okay.

24 It would probably be a good idea
25 if the Village Board chose to update

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2 that list because that's a fairly
3 limited use to have a garden house,
4 garage or playhouse. I imagine you can
5 call it a playhouse and everyone would
6 be happy, but I think it would be a
7 good recommendation to the Board that
8 they update the list.

9 Fortunately, we do recognize that
10 automobiles exist and we don't call it
11 a stable anymore, that might be
12 appropriate, times change.

13 MR. PROKOP: The other thing I
14 wanted to mention was where is the
15 equipment for the pool house going to
16 be located?

17 MR. GLEASON: It's in the rear of
18 the garage.

19 ATTORNEY PROKOP: For the pool,
20 I'm sorry.

21 MR. LEHMAN: There is an existing
22 shed appendage on the back, on the
23 north side of the garage and it's the
24 perfect location. The Board had a
25 concern about the noise of the

1 equipment, and we decided to actually
2 enclose it in this back area, add a
3 door so that we could service the
4 equipment and keep the noise within
5 this back structure.
6

7 ATTORNEY PROKOP: Okay, so on your
8 plan, I think it's indicated as two
9 little boxes with no description; is
10 that where it is?

11 MR. LEHMAN: I believe you're not
12 looking at the latest plan if you don't
13 see it written on there.

14 May 8, 2016.

15 ATTORNEY PROKOP: There is no
16 setback -- isn't there a rear yard
17 setback requirement for that structure?

18 MS. WINGATE: It's existing.

19 MR. LEHMAN: We're using the
20 existing structure; we're not
21 increasing the structure.

22 MR. CORWIN: Just for the record,
23 what were you going to do with the
24 backwash from the filter?

25 MR. LEHMAN: We were proposing a

1
2 four-foot-by-six-foot drywell under the
3 area to the northeast side of the pool.

4 MR. SALADINO: That doesn't have
5 to go to the sanitary system?

6 MR. LEHMAN: We're fine with
7 either.

8 MR. SALADINO: It was my
9 understanding that the pool discharge
10 had to go through the --

11 MR. CORWIN: That was my
12 understanding too.

13 MR. LEHMAN: We're fine with that.
14 That could be misspeaking, I apologize.

15 CHAIRMAN MOORE: We can check into
16 that, but I believe the most recent
17 example was 22 Broad Street, and the
18 final determination for a shower --

19 MR. CORWIN: That was a shower.

20 CHAIRMAN MOORE: We may need to
21 clarify that.

22 MR. SALADINO: I think the latest
23 one was Fourth Street.

24 MS. WINGATE: Fourth Street, and
25 you asked them, he put it to the

1 sanitary sewer because that was
2 waterfront property. That might be a
3 difference.
4

5 CHAIRMAN MOORE: We have to
6 research that a bit.

7 MR. SALADINO: Is that a problem
8 for the applicant to put the pool
9 discharge to the sanitary system?

10 MR. LEHMAN: No.

11 MR. SALADINO: Can we make that a
12 condition?

13 CHAIRMAN MOORE: We'll have to
14 talk about that later.

15 MR. SALADINO: When we get there,
16 can we make that a condition?

17 I'm satisfied.

18 CHAIRMAN MOORE: Is the Board
19 satisfied with the overall review and
20 the plans?

21 MR. SALADINO: Are we going to let
22 the public speak?

23 CHAIRMAN MOORE: That's what I'm
24 doing, I'm just trying to get the
25 gentleman off the podium so we get the

1 public input.

2
3 If there are no more questions or
4 clarifications, I'll ask if there is
5 any member of the public who wishes to
6 speak regarding this application.

7 MS. POLLACK: Hello, everybody.
8 My name is Karen Pollack, 630 First
9 Street.

10 I just wanted to comment on this
11 application in regard to the degree of
12 variance that's requested for this
13 pool.

14 As we see, the code requires a
15 setback of 20 feet from all property
16 lines. Now, being that the lot is only
17 43 feet wide, for a pool to be legally
18 built in accordance with our code, it
19 would have to be no more than three
20 feet wide, and they're not just asking
21 for one variance but two for setbacks
22 on this pool; and they're not setbacks
23 of a foot or two, we're looking for
24 setback variance of 8.8-foot variance
25 as well as an 11.8-foot variance. On

1 the west property line there, they have
2 less than half of the required setback.

3 I'd like to respectfully ask the
4 Board to consider denying that request
5 because of the excessiveness of the
6 amount of the divergence from our code
7 that this entails, also with regard to
8 the combined side-yard setback for the
9 proposed addition.
10

11 Somewhere in our code, the purpose
12 of the gradual reduction of
13 nonconformity is stated. Now, this
14 enjoys some legal nonconformity with
15 the required side yards, combined side
16 yard setbacks, but here we are talking
17 about replacing an existing porch with
18 a new addition with a balcony or a,
19 something or other, a deck above
20 perpetuating the nonconformity of the
21 situation, and, in fact, in a way
22 adding to it because now you're talking
23 about an enhanced use from a porch to
24 actual living space.

25 And, again, I would ask that this

1 application be denied. Thank you.

2 CHAIRMAN MOORE: Anyone else?

3 MR. TASKER: Good evening. Arthur
4 Tasker from Beach Street in Greenport.

5 I'd just like to say that for the
6 reasons that the previous speaker just
7 stated with regard to variances,
8 particularly the degree of variances
9 that this particular application is
10 looking for and the fact that one of
11 the purposes, as you stated, of the
12 zoning code is to eliminate
13 nonconforming uses to create new or
14 greater nonconformities, as this
15 application looks for to the degree
16 that this application looks for would
17 be wrong.

18 And I would state in a broader
19 sense that maybe this property just
20 isn't suited to have a pool. Where
21 does it say everybody gets to have a
22 pool in their yard no matter how big
23 the yard is? Nowhere, of course.

24 I wanted to add my disagreement

1 with the application because of the
2 extent of the nonconformity required
3 and frankly, it would seem that if a
4 lesser degree of nonconformity were
5 agreed to or something like that, it
6 still would be unsuitable, probably
7 because you're going to end up with a
8 three-foot pool.

9 Thank you.

10 CHAIRMAN MOORE: Thank you.

11 Does any other member of the
12 public wish to speak tonight?

13 If not, I'd entertain a motion to
14 close the public hearing.

15 MS. GORDON: So moved.

16 MS. NEFF: Second.

17 CHAIRMAN MOORE: Ellen Neff.

18 All in favor?

19 MR. SALADINO: Aye.

20 MR. CORWIN: Aye.

21 MS. NEFF: Aye.

22 MS. GORDON: Aye.

23 CHAIRMAN MOORE: Any opposed or
24 abstained?
25

(No response.)

The public hearing is closed.

We're going to discuss this when we finish the rest of the public hearing matters.

The next item on the agenda is a continuation of an ongoing public hearing which has to do with both interpretation requests of the Board and also a request for variances. This is the SAKD Holdings Property.

I'd just like to make one comment about variances and emphasize the process we are doing tonight. First with regards to interpretations. An applicant has several recourses when a notice of disapproval is issued. Most people consider a Zoning Board of Appeals entertaining the requests for variances, and those have been requested by the applicant, but in addition, an applicant who has been denied something based on the building inspector's application of the code can

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2 also appeal, which is basically asking
3 for an interpretation.

4 So tonight, we have both, the
5 applicant has asked for a number of
6 interpretations regarding his
7 disapproval and then contingent on some
8 of those interpretations, he also
9 applied for variances, and there are
10 numerous variances applied for.

11 I just want to make it quite clear
12 and Mr. Saladino was quite good during
13 his oversight that the first part we
14 are going to do is hear any additional
15 public testimony, we have had some
16 already. Were there any new comments
17 from the public regarding the
18 interpretations? The merit of the
19 project and the variances being
20 requested will be discussed at a
21 separate part of this meeting.

22 MR. SALADINO: Can I just explain
23 about the interpretation?

24 CHAIRMAN MOORE: Yes, if you wish.

25 I wasn't here, so you will have to

1 explain it.

2
3 MR. SALADINO: At the last public
4 hearing, we had a vote on an
5 interpretation, 150-12 C, I believe;
6 and the vote was two/two, and I made
7 the mistake of saying that the appeal
8 was denied, and that is, in fact, not
9 correct. We found out later that it
10 would warrant a revote, we would need
11 to affirm or deny the interpretation
12 one way or the other.

13 Am I saying it right?

14 ATTORNEY PROKOP: I think that's
15 correct. I think it's called a
16 non-action.

17 MR. SALADINO: So I would just
18 like to correct the public record that
19 in the marked-up agenda and in the
20 minutes, this Board had said that the
21 approval was denied, when, in fact, it
22 wasn't; so depending on the chairman's
23 decision, the attorney, are you --

24 CHAIRMAN MOORE: We're going to
25 have a brief discussion and then have

1 the option to revote.

2
3 The point being that it's not a
4 vote for whether the applicant
5 succeeded in getting a variance, it is
6 an interpretation which is an
7 explanation based on interpretation
8 from the Zoning Board as to what the
9 code says.

10 If we can't come to a motion that
11 will pass, we made no interpretation;
12 and in that case, the code still
13 stands, the building inspector's
14 document of disapproval still stands,
15 so we really get nowhere, so we need to
16 consider whether we go forward.

17 There were two interpretations and
18 the second one was delayed until this
19 meeting, so that one has not had the
20 benefit of any further discussion on a
21 final vote.

22 So what I'll do is read the part
23 of the public hearing determining,
24 referring to the interpretations of the
25 code.

Continued public hearing on the application for of SAKD Holdings LLC, Daniel Pennessi, president. The property is located on the southeast corner of Front Street and Third Street, Greenport, New York 11944. Suffolk County Tax Map number 1001-5-4-5. The applicant proposes to construct a new, mixed-use, three-story building, having an 80-seat restaurant, and 715 square feet of retail use on the ground floor, and hotel uses for 16 units on the second and third floors, as well as a roof deck. The proposed uses are conditional uses under Greenport Village Code Sections 150-1 1 (b) (1) (2) and (3). The property is located in the WC, Waterfront Commercial District. The property is not located in the Greenport Village Historic District.

I would entertain any additional public comment regarding the interpretations. The public can look

1 at the list on the next page of the
2 requested interpretations, and if there
3 are any public comments about them, if
4 anybody does wish to speak, please
5 understand if you start talking about
6 the merits of the project overall, I'll
7 have to ask you to wait until that
8 discussion comes later.
9

10 Is anyone interested in making any
11 further comments?

12 MR. TASKER: Good evening again.
13 Arthur Tasker.

14 You may recall a couple of months
15 ago, I spoke with regard to the
16 concerns for the tremendous amount of
17 congestion that is going to occur with
18 this project, and although I feel it is
19 a worthy project, the degree of
20 difficulties that are going to be
21 created from a parking and congestion
22 standpoint, given the one-way traffic
23 or rather the traffic pattern on Third
24 Street and no parking on Front Street
25 is going to be extremely difficult.

1
2 I think we want to make sure that
3 we understand the distinction between
4 two different things that are being
5 looked for in terms of the
6 interpretations.

7 One has to do with the number of
8 parking spaces that are required by the
9 project, and as it stands now, if I
10 recall correctly, there would be a need
11 for a 24-parking space variance for
12 this project, that's without a loading
13 zone. Of course, if a loading zone is
14 required and it's put in the area where
15 the parking spaces are planned to be
16 put, there are an even greater number
17 of parking spaces a variance would be
18 required for in order to permit the
19 project to go forward.

20 But what I'd like to say is there
21 is some sense of that on the Board that
22 the requirement for a loading zone
23 seems pretty well accepted by the four
24 members who were present with regards
25 to that, and frankly, the congestion

1
2 dimension that would be caused by not
3 having a loading zone would seem to me
4 to greatly outweigh the additional
5 parking burden by not having a
6 sufficient number of parking spaces.
7 Let's face it, we all recognize the
8 parking situation in the four-block
9 central part of Greenport is a
10 nightmare, and you have to ask
11 yourself, you know, are 24 more cars
12 going to make a difference in terms of
13 the parking contrasted with the degree
14 of difficulty that's going to be
15 created when you've got trucks loading
16 and unloading, people loading and
17 unloading baggage to move in and out
18 the hotel to arrive at the, to use the
19 restaurant and so forth is really going
20 to be a nightmare, so what I am
21 suggesting, if you're going to cave on
22 something, cave on the parking, not on
23 the loading zone.

24 Thank you.

25 CHAIRMAN MOORE: Appreciate that.

1
2 Just to note for the record, at
3 the previous meeting, interpretation
4 number three, which Mr. Tasker referred
5 to for the requirement of loading berth
6 was supported by the Zoning Board of
7 Appeals.

8 MR. TASKER: No, I recognize that.

9 CHAIRMAN MOORE: I'm just
10 confirming that so that the record
11 knows.

12 Anybody else?

13 MS. POLLACK: I'm a little bit at
14 sea and I'm coming to the party a
15 little bit late on this one.

16 But off-street parking
17 requirements, I don't quite see what
18 there is to interpret. You know, the
19 codes are clear. You need parking for
20 a project of this magnitude. You're
21 talking about, what is it, a 16-unit
22 hotel and 80-seat restaurant, where are
23 the people supposed to park if the
24 parking is not provided? I mean,
25 scratching my head.

1 Loading berth, I agree with the
2 former speaker. I guess I'm not sure
3 if we're discussing the height
4 limitation or if that's a settled
5 issue.
6

7 CHAIRMAN MOORE: That also was
8 supported by the ZBA.

9 MS. POLLACK: Okay.

10 Again, you know, my feeling, I
11 might as well put my two cents is that
12 two stories is two stories.

13 Thank you.

14 CHAIRMAN MOORE: Is there anyone
15 else?

16 (No response.)

17 If not, then we'll proceed. I'll
18 just indicate in summary those of you
19 who have printed agendas, the areas
20 that are softer print are ones which
21 have been completed. Number one which
22 was the lot coverage issue, the
23 applicant withdrew that request for the
24 interpretation.

25 As we indicated, the loading berth

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2 was affirmed by the ZBA, as well as the
3 height limitations, as to what they
4 referred to which would require
5 variances.

6 The remaining items are the
7 interpretations regarding off-street
8 parking and there are two sections of
9 the code, section 150-12 C and also
10 150-16 A.1.

11 Mr. Pennessi, perhaps you would
12 want to indicate some additional
13 comments and then we can continue
14 discussions and we will be discussing,
15 I believe, both of those sections of
16 the code as not having come to any
17 conclusion last month.

18 MR. PENNESSI: Thank you.

19 Dan Pennessi for the applicant,
20 SAKD Holdings.

21 Good evening, members of the
22 Board.

23 On the first interpretation that
24 the Board is going to consider tonight,
25 I don't know if it's worth representing

1
2 our position on the interpretation for
3 the chairman's benefit; you can tell
4 me.

5 CHAIRMAN MOORE: I'm familiar with
6 some of the comments you made. I
7 believe you were focusing mostly only
8 on the second which was the 16A one,
9 and that was, of course, left open at
10 your request.

11 MR. PENNESSI: Yes.

12 I'll leave it to the Board if it
13 makes a decision on the first parking
14 section interpretation, but if it's
15 willing, I'll present the second
16 parking interpretation.

17 This relates to section 15-16A1 of
18 the code, and I'm going to read
19 directly from the section. It
20 specifically states that off-street
21 parking spaces open or enclosed shall
22 be provided for any use as specified
23 below: For land which is unimproved
24 within the CR and WC Districts and for
25 all other land. For all other land in

1 all other districts improved or
2 unimproved. Here is the relevant
3 section, land within the CR and WC
4 Districts which is improved as of
5 January 1, 1991 shall be entirely
6 exempt from off-street parking
7 requirements and from payments in lieu
8 thereof.

9
10 This property, as everybody knows,
11 is within the WC District and would be
12 subject to this particular section of
13 the code.

14 There was some discussion last
15 meeting about the definition of
16 improved land and the opposite
17 un-improved land, and we did a little
18 research and Black's Law Dictionary
19 described improved land as a valuable
20 addition made to the property,
21 unimproved land being the opposite of
22 that or raw land.

23 There was also some discussion and
24 I'd like to provide to the Board some
25 of the historical aerial photographs

1 and Sanborn fire maps that were able to
2 locate, specifically they identify that
3 as far back as the 1880s, the property
4 was improved by the Peconic Hotel.
5 That's the first evidence we were able
6 to find of this property was actually
7 improved.
8

9 Beyond that, it was a service
10 station through the '40s. The Northrop
11 Grumman Carousel and more recently, the
12 Village storage area and what exists
13 today, a paved parking lot with some
14 Village owned improvements.

15 CHAIRMAN MOORE: Not to interrupt
16 you, but you mentioned the carousel
17 within the Morton building, I believe
18 it's the Morton building and then
19 storage by the Village; do you have a
20 timeline on that? That seems to be a
21 bit mysterious.

22 MR. PENNESSI: I have photos. All
23 I have are dated photographs. I can
24 share them with the Village. There's
25 aerial photographs from 1954, 1960 and

1
2 1976, 1980, and 1994, and there are
3 fire Sanborn maps for 1890, 1897, 1940,
4 and 1964.

5 Is it all right if I hand them to
6 the Board members to take a look at?

7 CHAIRMAN MOORE: Sure.

8 MR. PENNESSI: (Handing.)

9 That first set is the fire Sanborn
10 map, starting from oldest to most
11 recent, and here are the aerial
12 photographs (handing).

13 CHAIRMAN MOORE: You're going to
14 continue with some further discussion.

15 MR. PENNESSI: Yes.

16 CHAIRMAN MOORE: At some point
17 we'll have a dialogue here and
18 additional input.

19 MR. PENNESSI: Absolutely.

20 The last point I'd like to make,
21 we've referenced it before, although I
22 still haven't seen is the Harborfront
23 Inn has a March 20, 2002 Zoning Board
24 of Appeals resolution. It's referenced
25 in a later Zoning Board of Appeals

1 resolution as well as a Planning Board
2 resolution for that property.

3
4 CHAIRMAN MOORE: Did you say '94?

5 MR. PENNESSI: March 20, 2002.

6 CHAIRMAN MOORE: I'm sorry.

7 MR. PENNESSI: Although we have
8 FOILED it, we don't have a copy, but in
9 the subsequent Planning Board and ZBA
10 resolutions, it states verbatim that
11 that particular property is quote,
12 exempt from off-street parking
13 requirements pursuant to Section 150-16
14 of the zoning code.

15 We would contend that this
16 property, because it was improved as
17 far back as the 1880s remained improved
18 until today and because it had been
19 improved as of January 1, 1991, it
20 would be in conformance with that
21 particular section of the zoning code,
22 150-16 A1 and, therefore, there would
23 not be any requirement for off-street
24 parking for the property.

25 CHAIRMAN MOORE: Okay. Thank you.

1
2 I wasn't present last month or the
3 previous month if that was actually
4 being discussed, I'm trying to remember
5 the different minute sections.

6 I did send a document by e-mail
7 which was read and you, I think you
8 were provided a copy; and I did not
9 provide a copy and any commentary on
10 section 16 that you just referred to;
11 and I'd just like to point out a few
12 things about the intent and wording in
13 those documents.

14 I think we all agree that they are
15 not well coordinated with identical
16 language. I make a note that these two
17 sections of the code which are dated
18 with the January 1, 1991 date on it
19 were passed at precisely the same time
20 for the same reason.

21 The section 150-12 C that seems
22 not to be in so much contention refers
23 to structures, improvements and the key
24 on these is that a structure that is
25 being upgraded or improved or change of

1 use obviously exists and it had to have
2 existed in 1991 to qualify for the
3 exemption. So what that means is the
4 building has to be in existence from
5 that date of passage of the code.
6

7 In the additional section that is
8 the actual, basically the bulk
9 regulations for parking requirements
10 for different types of applications,
11 it, again, is from the same date and it
12 mentions that, in this case -- I'm
13 looking for the wording here for
14 land which is unimproved, I would have
15 assumed that if the Village was trying
16 to distinguish empty land from the
17 previous section that it would say was
18 improved as of that date. It's minor
19 semantics, but the point is that any
20 building which may have been built, if
21 you could find a property built since
22 1991 in the Business District and the
23 applicant chooses to upgrade that
24 building, change of use that might have
25 more parking, they would not be exempt

1
2 even if a building were present after
3 1991.

4 To me it makes no sense to turn
5 around and take a property which is
6 vacant and exempt it because the
7 purpose of this law when it was created
8 was to provide relief to existing
9 developed properties which have no
10 parking. So what was occurring in the
11 Village was people who were wishing to
12 change use or intensify the use in a
13 business property essentially has no
14 parking at all, many of those don't
15 even have a couple spaces in the back,
16 and the Village Board chose the exempt
17 the businesses that existed before
18 1991, the structures from coverage; so
19 my contention is that these two
20 sections relate to each other and they
21 both refer to property that has been
22 improved as of 1991 and continues to be
23 improved.

24 I think we lose a little bit in
25 the translation, and so there is some

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2 contention about that; so I'll have to
3 ask my Board members to weigh in on the
4 discussion. I know there was a split
5 last month, and I would hope that it is
6 purely regarding the code because we
7 could do this interpretation without
8 looking at your property. We could
9 make it the general -- we are really
10 doing a general interpretation, and
11 it's not a matter of sympathy about the
12 hardship it might cause you, but it's
13 simply a difference in requirement that
14 the Village Board chose to do, so I
15 would entertain any additional
16 discussions.

17 MR. SALADINO: Mr. Pennessi and I,
18 we disagree on the concept of once
19 improved, always improved. I looked in
20 Blacks also and it mentioned tillable
21 land, cultivatable land.

22 MR. PENNESSI: Horse stables.

23 MR. SALADINO: Horse stables and
24 obviously none of that applies, I mean,
25 so it also mentioned services provided

1
2 to the property, which to me would mean
3 sewer, water, I'm not sure -- I would
4 like to hear from the building
5 inspector, she wasn't at the last
6 meeting, me personally, I would like to
7 hear from Eileen and get a sense of her
8 feeling as to that.

9 I'm not sure I can get my head
10 around this parking lot, and unless I
11 hear differently, this parking lot,
12 because it has blacktop on it, is
13 improved. Do we know, is there a
14 timeline, is there something in this
15 that tells us what was on that property
16 in April 1991?

17 MR. PENNESSI: January 1991.

18 MR. SALADINO: January 1991.

19 MR. PENNESSI: We found no
20 evidences specifically as to that date.

21 MR. SALADINO: So that's my
22 feeling about this. Is there sewer to
23 the property? No. Is there electric
24 to the property? No. Can it be
25 brought there? Obviously, yes. Is

1 there water to the property? No. This
2 was mentioned at the last meeting,
3 well, we have to look. You know, a
4 commonsense approach would be like,
5 it's not there. As far as tillable and
6 cultivable, you know, that's -- but I
7 would like to hear the reasoning, if
8 she chooses to respond from the
9 building inspector. Her interpretation
10 of improved. Not interpretation, her
11 opinion of improved.

12 CHAIRMAN MOORE: Before you speak,
13 also, is there in the definitions in
14 the zoning chapter a formal definition
15 of improved and unimproved property?
16

17 MS. WINGATE: I don't know. I
18 haven't spent any time looking at it,
19 but I know when I'm dealing with
20 residential lots, an unimproved lot
21 doesn't have a house on it. It could
22 have a driveway, but it still doesn't
23 make it improved. It could have a shed
24 on it and it still doesn't make it
25 improved, so I would say if it doesn't

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2 have utilities, sewer, water, and
3 electricity, it's an unimproved lot.

4 I could go to my definitions and
5 start looking around from them.

6 MR. PENNESSI: I could tell you we
7 could not locate a definition for
8 improved in the zoning code.

9 I guess this is the discussion,
10 the two questions I would have is, I'm
11 still having trouble reconciling the
12 fact that according to the exact same
13 local law, local law number 40-1990
14 added November 15, 1990, there were two
15 sections of the zoning code and they
16 used different language. I don't know
17 how we can reconcile those two sections
18 and make the statement that, in fact,
19 the intention was the same as to both
20 sections of the code. That's my first
21 question for discussion, and then the
22 second is if the Board is interpreting
23 both sections to facilitate the change
24 of a use or adaptation of a building
25 within these districts, what then

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2 existed before the Harborfront Inn to
3 allow the Zoning Board to rely on
4 Section 150-16 A1 to say that, yes,
5 this is, in fact, the appropriate
6 section of the zoning code to allow the
7 Harborfront Inn to not have any
8 off-street parking on site because I
9 believe it was not what exists today or
10 anything that looks like what exists
11 today, so it doesn't --

12 MR. SALADINO: But the fact that
13 there was a building, there was viable
14 businesses there, wouldn't you consider
15 that as being part of improved and that
16 particular building or business or
17 group of buildings was taken down and
18 then immediately another building was
19 put up, so the property, that
20 particular property in my mind doesn't
21 fit the definition of unimproved.
22 There were shops, there were stores,
23 there was -- what was there?

24 MR. CORWIN: There were stores
25 there.

1
2 MR. SALADINO: There was parking
3 there.

4 MR. PENNESSI: I would absolutely
5 agree that that property was improved.

6 MR. SALADINO: My point is that
7 property fit the definition of
8 improved, those buildings were torn
9 down and a new building was erected.
10 Again, I'm having a hard time
11 reconciling or getting my head around a
12 vacant lot that years ago had a Morton
13 building on it that was used as a
14 carousel with no services then became a
15 farmers market just to get out of the
16 rain and has been fallow for, it's to
17 be ten years or so, would be considered
18 improved property.

19 MR. PENNESSI: But it is improved.
20 I think that that's where there is a
21 disagreement. There are improvements
22 there.

23 If there's a parking lot, there
24 are utilities on site serving Village
25 improvements.

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MS. WINGATE: It's not a parking lot.

MR. SALADINO: It's not a parking lot.

MR. PENNESSI: It's a paved area that was previously used for commerce.

MR. SALADINO: Are there divided spaces? Are there lines? Is there lighting?

MR. PENNESSI: There are utilities powering Village utilities on site.

MR. SALADINO: But that's Village utilities.

MR. PENNESSI: There are transformers --

MR. SALADINO: That not --

MR. PENNESSI: -- on the land. There are utilities on the land.

CHAIRMAN MOORE: One point I'd like to make, and I thought I stated that --

MR. SALADINO: Is there a meter for that property? Is there a Village electric meter?

1
2 MR. PENNESSI: Not for serving the
3 improvements on that property, but
4 there are utilities --

5 MR. SALADINO: Is there a Village
6 water meter?

7 Well, there's utilities everywhere
8 that that property can certainly hook
9 up to, I'm not sure of the logistics of
10 what has to happen, a transformer and a
11 line to a meter to -- so my question to
12 you now, is there an electric meter for
13 that property?

14 MR. PENNESSI: I don't believe so.

15 MR. SALADINO: Is there a water
16 meter for that property?

17 MR. PENNESSI: I don't believe so.

18 MR. CORWIN: Is there easement
19 with that property for the
20 transformers?

21 MR. PENNESSI: There is an
22 easement encumbering the land which
23 permits the Village improvements to
24 exist, and I can read -- I'd be happy
25 to read the deed that grants that

1 easement, which if you give me a
2 second, I believe it describes those
3 utilities as improvements on the land,
4 if you give me a second.

6 CHAIRMAN MOORE: One thing that I
7 pointed out when I compared the two
8 sections was the fact that it's
9 nonessential to have the Village Board
10 approve one section of law that
11 distinguishes existing improved
12 properties, meaning they have
13 structures and that were there since
14 '91. The other section of the code is
15 totally different and allows that and
16 in between, as I mentioned, you can
17 have a building built since '91 and
18 it's not exempt, and it's a building
19 sitting there, so it seems to me pretty
20 clear that we're talking about the same
21 thing; and I don't think there is other
22 code, the Village code regarding the
23 expiration of improvements. If you
24 have a structure damaged by fire, more
25 than 50 percent, you have a time

1 period, and after that you no longer
2 can enjoy a nonconformity structure on
3 that site, you're, you know, time runs
4 out; and I don't know how -- I guess I
5 could say, I don't understand why a lot
6 can't return to being unimproved. It
7 could have been improved in 1880 and a
8 number of times through the '40s and
9 '50s, but it can go back to being an
10 unimproved lot, and I think that's
11 where we are.
12

13 It's not the end of the line, I
14 mean, the parking issues still have
15 remedies, so we're trying to be
16 technically correct to decide if or not
17 this section of the code applies to
18 that property.

19 MR. PENNESSI: No. I would agree
20 with you that an improved parcel can go
21 back to an unimproved state, but that
22 has not happened here.

23 MR. SALADINO: What's the reason?

24 MR. PENNESSI: Because there are
25 still improvements on that property

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2 today. The property has been, in fact,
3 continuously improved since it was
4 initially improved to Peconic Hotel.

5 MR. CORWIN: But your definition
6 is, it has asphalt concrete paving, so
7 it's improved; that's what I'm hearing,
8 period?

9 MR. PENNESSI: There are valuable
10 additions to that property. There are
11 certain --

12 MR. CORWIN: Asphalt concrete
13 paving.

14 MR. PENNESSI: There are certain
15 aspects of that property that will
16 enable the redevelopment of the
17 property without having to make changes
18 because of the neighboring materials --

19 MR. CORWIN: Are you going to use
20 any of the existing asphalt concrete
21 that's on the property or are you going
22 to take it all up?

23 MR. PENNESSI: We very well may.
24 There are parts of that property that
25 don't need to be changed because the

1 labor and materials and the value
2 created previously.

3 MR. SALADINO: Could you list
4 them, could you tell us?

5 MR. PENNESSI: I couldn't tell you
6 because it will be part of the needs
7 and methods of construction, certainly
8 as we get closer to construction, it
9 will become more apparent what can stay
10 and what has to go.

11 MR. CORWIN: I've seen a lot of
12 asphalt concrete go down and I'll tell
13 you, no contractor is going to go in
14 there and say, hey, we need to save 500
15 square feet of this asphalt concrete.
16 They're going to go in there and say,
17 take it all up, start all over again,
18 it's no good.

19 MR. PENNESSI: We frankly don't
20 know the extent of the footings and
21 foundation that's there.

22 CHAIRMAN MOORE: I have a
23 technical question for Mr. Prokop.

24 Are these two sections of the code
25

1 that are in the same article, and I
2 believe the same article, maybe not --
3 no, they're in the same general section
4 about parking requirements, are they
5 mutually exclusive?
6

7 ATTORNEY PROKOP: Can you just --
8 can you refer to the section, please?

9 CHAIRMAN MOORE: Section 150-16 A
10 1, which is the schedule of parking
11 requirements where Mr. Pennessi's
12 contingency is it says the property
13 continues to be improved. The other is
14 150-12 C which is a note at the bottom
15 of bulk requirements, I believe, which
16 exempts, and the question I have is if
17 one would be acknowledged not to apply,
18 but the other does indicate it applies,
19 does one cancel the other? I don't
20 know if that would be the case. It
21 might be a moot point if 150-12 C
22 requires it, can 150-16 excuse it? I
23 don't know how legally that works.

24 ATTORNEY PROKOP: I don't think
25 that -- so it's 150-16 A.

1
2 CHAIRMAN MOORE: That is in the
3 supplementary regulations, and it has
4 to do with the actual dimensional
5 requirements and number for the spaces
6 of different types of activities.

7 MS. GORDON: A few minutes ago
8 John Saladino described the situation
9 which the Harborfront Inn was built on
10 the basis of the -- well, that there
11 had been shops there. This was before
12 my time, so I don't know exactly what
13 they were, but there had been shops
14 there which were then deconstructed and
15 then the Harborfront was built on that
16 site.

17 It seems to me, and you said
18 immediately, it was built immediately,
19 but that suggests that you put some
20 importance simply on the passage of
21 time, and that seems to me to be very
22 kind of superficial, that, in fact, it
23 might take a very long time between the
24 destruction of one use and the creation
25 of a new use, you know, might have to

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come before all these boards for years and years and I don't think we would say then at that point that the property had become unimproved as a result of that time lapse. In fact, with this particular piece of property, the time lapse has been a matter of discussion and debate or within that period of time, there has been a lot of discussion and debate as to what to do with that corner. All sorts of, several different proposals have been made for properties that should go into that corner, and it seems to me that that context really suggests that this is an improved corner, whether it has utilities on it or not, so I tend to agree with Mr. Pennessi at least with respect to 150-16 A, that land within the CR and WC Districts which is improved as of January 1, 1991 shall be entirely exempt from off-street parking requirements.

25 MR. SALADINO: Could I just expand

1
2 on what I said?

3 MS. GORDON: Um-hum.

4 MR. SALADINO: My statement was
5 based on, it was one owner that
6 owned -- it was the same -- I'm sorry,
7 it was the same owner that owned the
8 property, Mr. Garthapastor (phonetic),
9 he owned the property, he owned the
10 property in -- he was the owner of the
11 shops, he was the owner of all the
12 stores there, he made a decision that
13 he wanted to build this hotel; so it
14 wasn't -- and when I said immediately,
15 it was an immediate process. It was a
16 continuing process. The same owner
17 owned the property, he decided to
18 demolish the existing buildings. The
19 same owner that owned the buildings
20 decided to demolish them, build a new
21 building. It was that owner that went
22 before the various boards and there was
23 never a time when the property was in
24 question, what was there, what wasn't
25 there, what the intention for that

1
2 property was; so if I said immediate, I
3 meant in terms that there was a
4 building there, the owner said, let's
5 tear it down, he got a permit from the
6 building inspector to tear it down, he
7 got a permit to build, he went before
8 the various boards, he built the new
9 building, so the way I see it
10 differently with that property and this
11 property was with this property there
12 is a question, there was multiple
13 owners, there was multiple intentions,
14 and there was an expanded period of
15 time that the property up until today
16 laid fallow. That was basically what I
17 was saying. I'm not saying immediately
18 like they tore the building down and
19 two weeks later, they put up a hotel.
20 You know, they followed the process,
21 they did a -- so it was a continuous
22 owner with a continuous intention for
23 the continued use of that property.

24 With this property on the corner,
25 it becomes blurry as far as what the

1 use was, what the use became, what the
2 use is now, who the owners were; so
3 that's kind of like what I meant.
4

5 CHAIRMAN MOORE: I would argue
6 too, there are timeline issues which
7 are written in the code and they refer
8 to 1991 and the present.

9 Regarding the Harborfront Hotel, I
10 was not involved in any of those
11 actions and wasn't, I'm forgetting the
12 date it was built, you indicated 2001,
13 I wasn't paying close attention, but I
14 have read the document which was a ZBA
15 document where they interpreted the
16 issue about the height for the building
17 versus the third floor, that was an
18 interpretation issue. I don't believe
19 the ZBA granted an exception. It
20 wouldn't have been within the ZBA,
21 since it was recognized within the code
22 to be exempt, and just as a correction,
23 they do have on-site parking. You
24 indicated there was no on-site parking.
25 There was no on-site parking required,

1 but they do have on-site parking. I
2 don't know the number, it's 100 room --

3 MR. SALADINO: They got a variance
4 for five spaces, I believe.

5 CHAIRMAN MOORE: Okay. Perhaps
6 they have --

7 MR. PENNESSI: If I misspoke, I
8 didn't mean there was no off-street
9 parking requirement, and I'm not sure
10 why they would have needed a parking
11 variance if they found, if the ZBA had
12 actually found that there was no
13 off-street parking required for the
14 property.

15 MR. SALADINO: Well, according to
16 this interpretation, they got a
17 variance because they had room for 30
18 cars and they needed room for 35 cars.

19 MR. PENNESSI: What date was that?

20 MR. SALADINO: September 11, 2002
21 was the date of the interpretation.

22 CHAIRMAN MOORE: Was that the
23 interpretation for height or was that
24 the variance?
25

1
2 MR. SALADINO: That was for the
3 Harborfront, they took it all --

4 CHAIRMAN MOORE: Yeah, it would
5 just seem logical if there was a
6 variance issued for parking, there was
7 requirement for parking.

8 MR. PENNESSI: I don't believe
9 there was a variance issued for
10 parking.

11 Specifically on page 2 of that
12 September 11, 2002 ZBA resolution, it
13 say at the conclusion of the March 20,
14 2002 public hearing, the Zoning Board
15 determined that the subject property
16 was exempt from off-street parking
17 requirements pursuant to section 150-16
18 of the zoning code.

19 It does state in the first
20 paragraph of that resolution that there
21 was an application, it said that there
22 was an interpretation requested
23 regarding the off-street parking
24 requirements of Section 150-16 A 1 of
25 zoning code, but I don't believe that

1 the Board ever resolved to grant the
2 five-parking-space variance or any
3 parking variance because, in fact, the
4 property was determined by the ZBA to
5 be not subject to off-street parking
6 requirements.
7

8 ATTORNEY PROKOP: Can I make a
9 suggestion, please?

10 CHAIRMAN MOORE: Yes.

11 ATTORNEY PROKOP: So in response
12 to your question, I didn't think that
13 the provisions of 150-12C are
14 inconsistent or exclusive of the
15 provisions of 150-16. I think they are
16 consistent.

17 I would like to point out to the
18 Board that, as I say each time that we
19 discuss this application, this Board
20 has already ruled on this question, and
21 this Board determined that this
22 property was not exempt from the
23 parking requirement in a prior
24 application, and I know it's open for
25 discussion, it's great constructive

1 discussion, but I think more relevant
2 than what happened at a different
3 property is the fact that this Board
4 has already determined that this
5 property has a parking requirement and
6 is not exempt.
7

8 CHAIRMAN MOORE: On previous
9 proposals?

10 ATTORNEY PROKOP: Yes.

11 CHAIRMAN MOORE: I'm not familiar
12 with those documents, not having been
13 on the ZBA at the time.

14 MR. PENNESSI: May I make a
15 comment to that?

16 Respectfully, Mr. Prokop, I
17 completely disagree. You and I have
18 been through this on numerous
19 occasions.

20 I have submitted multiple freedom
21 of information requests to the Village.
22 One such request is dated August 21,
23 2015. It's marked received by the
24 Village of Greenport Clerk's Office,
25 dated August 25, 2015. In it at

1 section 4, I requested a copy of all
2 applications made to the Planning Board
3 or Zoning Board of Appeals and all
4 resolutions and meeting minutes related
5 thereto for a proposed residential
6 development at lot
7 1001-005.00-04.00-005.000, and I
8 received no such resolutions. In
9 particular, no such resolutions from
10 the Zoning Board stating that this
11 property was required to have
12 off-street parking, and that there was
13 any prior determination made by the
14 Zoning Board of Appeals that this
15 property, in fact, did require
16 off-street parking.

18 CHAIRMAN MOORE: Did you get
19 acknowledgment from the Village that no
20 such document could be found or you
21 just never heard back?

22 MR. PENNESSI: I received
23 responses to the FOIL requests, that
24 document was not included, so I don't
25 know how we determine that it doesn't

1
2 exist. I can tell you that I did
3 receive responses from the Village to
4 each of my FOIL requests, none of which
5 included that resolution.

6 CHAIRMAN MOORE: You said you
7 received responses, meaning the
8 documents?

9 MR. PENNESSI: Correct, documents.

10 CHAIRMAN MOORE: In putting this
11 document that Mr. Saladino is, the
12 interpretation of the height versus
13 floors that was issued by the ZBA, you
14 have that one?

15 MR. PENNESSI: That document was
16 delivered in response to a separate
17 FOIL request I submitted as to the
18 Harborfront Inn property specifically.

19 MR. SALADINO: Mr. Pennessi, just
20 to be clear, the response from the
21 Clerk's Office to you was there was no
22 document in this office or the specific
23 document that you asked for wasn't
24 included in the package that you
25 received?

1
2 MR. PENNESSI: I asked for all
3 documents related to this property
4 having understood that there were a
5 number of prior applications. I did
6 receive documentation that was
7 responsive to that request. Those
8 documents that I received did not
9 include the Zoning Board resolution
10 indicating that they denied the
11 interpretation that we're requesting.

12 CHAIRMAN MOORE: I'm not sure. I
13 only have a recollection of this from
14 news media that there were, there was
15 at least one application, perhaps
16 several proposals for developing that
17 property in which parking was an issue.

18 Now, I'm not the right tree to
19 bark up about FOIL requests because I
20 have nothing to with it. I get
21 documents because I'm a board member, I
22 just ask for them, perhaps I have that
23 luxury, but I was able to find this
24 document without any difficulty, but I
25 have never asked for others. Perhaps

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2 you should ask again or appeal for
3 further and more specific information
4 because those documents should have
5 existed.

6 MR. PENNESSI: I have requested --

7 CHAIRMAN MOORE: It would help the
8 argument, not for you perhaps, but they
9 would help the resolution of the
10 process.

11 MR. PENNESSI: I believe this is
12 at least the second time, maybe the
13 third time that I'm making that request
14 on the record, and technically I'm not
15 obligated to make additional FOIL
16 requests, the Village is obligated to
17 deliver to me complete responses to my
18 FOIL request.

19 I would ask that if you have
20 better luck obtaining documents faster,
21 perhaps you could request it.

22 I believe if it was not delivered
23 in response to the FOIL request, that
24 it does not, in fact, exist and that
25 the Zoning Board of Appeals did not, in

1 fact, make that determination.

2
3 ATTORNEY PROKOP: It's going off
4 into murky waters here. I said to you
5 as the attorney of the Board then and
6 now that this Board previously
7 determined that this property was not
8 exempt from parking and whatever
9 happened to your FOIL request, I'm not
10 sure, that's a different department of
11 the Village, but it's not -- I can
12 assure you that I'm correct about the
13 discission of the Board.

14 Actually what happened in that
15 case was the applicant, instead of
16 challenging the Board for six months,
17 the applicant make a constructive
18 effort to find an alternative to
19 parking so that the application could
20 proceed.

21 CHAIRMAN MOORE: One thing perhaps
22 we can do because obviously, as you
23 say, it's not going to resolve tonight,
24 we can consider the two sections of the
25 code and issue an interpretation aside

1 from any specifics of your property.
2 We can indicate, as Mr. Prokop said
3 that his opinion is that the two
4 sections are consistent with each other
5 and basically mirror the same
6 requirement, and perhaps that's what we
7 should do.
8

9 Would the Board be interested in
10 discussing these sections?

11 MR. PENNESSI: May I make one more
12 point on the record and then ask for
13 clarification as to what you just said.

14 I did pull the deed coming from
15 the Village when the Village owned this
16 property in 2006; and that deed states
17 that the conveyance is subject to the
18 right of way, the right of the Village
19 of Greenport to maintain the existing
20 electric transformers and equipment
21 located in the southerly part of the
22 premises described herein and a right
23 of entry for access to maintain said
24 equipment and further that the transfer
25 and title herein subject to (inaudible)

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2 to be retained by the grantor, Village
3 of Greenport for both routine
4 operations and maintenance and repairs
5 of the pump station and gravity main
6 and force main under the slab of the
7 building and for periodic access to
8 repair the gravity main and the force
9 main of entire building slab.

10 I just wanted to clarify that the
11 opinion of the Board's counsel, I
12 thought that the question that was
13 posed to counsel was whether the
14 provisions were consistent with each
15 other even though Section 12 said
16 unimproved parcels notwithstanding any
17 other section of disagreement. If that
18 was the case, I just want to be sure of
19 what --

20 CHAIRMAN MOORE: I'm not sure Mr.
21 Prokop answered the question, if I
22 worded it correctly whether if one
23 section requires it and you maintain
24 another section whether that voids the
25 requirement of the section right up

1 front where it does require it. You
2 know, are we really talking about a
3 moot point here?
4

5 ATTORNEY PROKOP: I thought it was
6 asked if the two sections are mutually
7 exclusive and I don't think that they
8 are.

9 CHAIRMAN MOORE: The other point
10 is the 2006 document referred to a deed
11 document, is that a conveyance of the
12 property from the Village?

13 CHAIRMAN MOORE: Do you also have
14 the period during which the Village
15 owned that property? It ended in 2006
16 obviously.

17 MR. SALADINO: No, it ended --
18 yeah, 16th of August 2006, but in
19 reading this, you know, it says the
20 transfer and title is subject to a
21 permanent easement, it guarantees the
22 Village's use of those improvements.
23 It doesn't say that those improvements
24 are for your use, it says for the
25 Village's use.

1 MR. PENNESSI: I didn't know that
2
3 the code states what use the
4
5 improvement needs to be for.

6 MR. SALADINO: Do you have access
7
8 to that? You don't have access, it's
9 the Village's access.

10 CHAIRMAN MOORE: The only point I
11
12 would make --

13 MR. PENNESSI: It doesn't matter.

14 CHAIRMAN MOORE: I noticed your
15
16 eyes brightening when Mr. Saladino
17
18 actually said improvements, but my
19
20 question would be if the Village didn't
21
22 own that property and had made those
23
24 improvements before 1991, those
25 improvements are moot points because
 they aren't in existence since '91, so
 maybe we're talking about things that
 don't really matter.

 MR. PENNESSI: I believe the
 Village acquired the property in 1998.

 CHAIRMAN MOORE: In '98, okay. So
 then that's after the original date, so
 even if they built a hotel there and

1 operated it, it would not be exempt
2 from parking today. Right. I think
3 that's the case, so.
4

5 MR. PENNESSI: I would disagree,
6 but that's up for the Board to make a
7 determination.

8 CHAIRMAN MOORE: Anyway.

9 Is the Board prepared to move
10 forward with this interpretation
11 because nothing else will happen until
12 we complete this long list of
13 interpretations?

14 MS. GORDON: I want to be clear,
15 are we revoting on the 12 C or are
16 we -- because we did vote on 12 C, and
17 I would suggest that we go on and vote
18 on 16 A 1.

19 MR. SALADINO: I disagree.

20 CHAIRMAN MOORE: Well, the trouble
21 is that we did not successfully approve
22 a motion representing the
23 interpretation, so in a sense, we
24 didn't do an interpretation because
25 Mr. Pennessi's request for

1
2 interpretation doesn't settle his
3 issue, it just clarifies the code and
4 then we apply it to those issues, so we
5 are essentially, we have not made an
6 interpretation by not successfully
7 approving an interpretation.

8 I mentioned to Mr. Prokop earlier,
9 I was a little concerned that the
10 motion seemed to me a bit upsidedown,
11 that somehow it gave the impression of
12 a win/lose situation, rather than an
13 interpretation approval.

14 So I think we could actually vote
15 whether these documents are consistent
16 and require parking within the site
17 plan.

18 MS. GORDON: But they could be
19 consistent and not require, they could
20 be consistent in their exemption.

21 CHAIRMAN MOORE: They could if
22 that's the way the interpretation was
23 voted.

24 MR. CORWIN: I would like to add
25 my own thoughts before we do that if I

1
2 may.

3 CHAIRMAN MOORE: Yes.

4 MR. CORWIN: I too looked through
5 the dictionary and whatever I could
6 find on the worldwide web of what is
7 unapproved and what is approved; and I
8 found no place where asphalt concrete
9 qualified as improved. The only thing
10 I could take was some sort of
11 structure, that is to say a building
12 was approved. As far as the
13 Harborfront Inn, there was a structure
14 there, it was the old Bohak (phonetic)
15 building, it sat idle for a long time,
16 then it got turned into stores by Mr.
17 Garthapastor and that's where he was
18 coming from when he said my property is
19 improved, let me put up a hotel. I'm
20 going to knock the old thing down and
21 put up a new thing.

22 In my mind the question is, what
23 was it a year ago? If it was eleven
24 months ago and there was a building on
25 it, it was approved now, even if it was

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2 knocked down. If it was thirteen
3 months ago, and it was knocked down,
4 then it was no longer improved because
5 you only get a year on these things, so
6 my thinking is, it's not an improved
7 parcel.

8 CHAIRMAN MOORE: Would the Board
9 wish to consider a resolution which I
10 would suggest we could do then singly
11 for each section or jointly; it's,
12 basically, that we support, and the
13 resolution is, so we can vote on it,
14 that we would make a motion that we
15 would support the code as requiring
16 parking for properties on which
17 improvements did not exist as of
18 January 1991 and continued through the
19 present.

20 MS. GORDON: Could you repeat
21 that; and it's a general statement at
22 this point?

23 CHAIRMAN MOORE: Right. We are
24 making a statement as to whether the
25 code either singly or together these

1 two sections of the code with the
2 improvements not in existence as of
3 January 1, 1991 that there will be no
4 exemption from parking requirement.
5

6 Now, we can do them singly or
7 together, whichever the Board would
8 like, and that would be the basis of
9 whether we would successfully support
10 such a motion or not by a vote.

11 Does that seem the right approach?

12 MR. CORWIN: Yes. Let's do them
13 together.

14 MR. SALADINO: I was going to
15 suggest we do them separately. You're
16 the chairman, you decide.

17 CHAIRMAN MOORE: I just like to
18 listen.

19 MS. NEFF: Together.

20 CHAIRMAN MOORE: I'd say we do it
21 together.

22 MS. GORDON: But that doesn't
23 solve Mr. Pennessi's problem, it seems
24 to me.

25 CHAIRMAN MOORE: We're not problem

1 solvers in this case. We're
2 interpreting the code. I mean his
3 problem is he has a lot of hurdles to
4 jump over.

5 MS. GORDON: I don't think it
6 resolves -- I just feel it doesn't
7 resolve the question that is relevant
8 for our judgment about --

9 MR. SALADINO: Then that should be
10 reflected in your vote.

11 CHAIRMAN SALADINO: So what I
12 would suggest --

13 ATTORNEY PROKOP: Excuse me. What
14 was that, I'm sorry? Our judgment
15 about what, I'm sorry?

16 MS. GORDON: It just seems to me
17 the way this is being proposed is very
18 general, and if we are here to look at
19 the application of the code in this
20 specific instance, I'm a little
21 uncomfortable about the generality.

22 MR. CORWIN: Then that's fair
23 enough because he can ask for a
24 variance.

1
2 CHAIRMAN MOORE: What I'd like to
3 do is I'm going to suggest that we vote
4 on --

5 ATTORNEY PROKOP: Can I just --
6 I'm sorry.

7 I didn't want to belabor the
8 discussion, but it's not a de novo
9 determination that we're making. What
10 happened here is the building inspector
11 made a determination that the property
12 was not exempt, and that the parking
13 requirement applied, and that
14 interpretation is that the building
15 inspector is incorrect and that it
16 doesn't apply, so it's not exactly
17 general to that extent.

18 CHAIRMAN MOORE: You're saying the
19 interpretation that the applicant is
20 disagreeing with the building
21 inspector.

22 ATTORNEY PROKOP: With the
23 determination that was already made,
24 yes.

25 CHAIRMAN MOORE: Yes, and so

1
2 therefore, we have been asked to
3 interpret the fact that the building
4 inspector has issued a notice of
5 disapproval based on the code as she
6 reads it.

7 MR. SALADINO: So we affirm her --

8 CHAIRMAN MOORE: So we either
9 affirm it or by vote, we indicate she
10 might have been for whatever reason not
11 reading the code correctly; and it
12 applies to this particular question,
13 but it applies to the code in general
14 regarding any application or properties
15 meeting those circumstances, so it's
16 more of a general question which has
17 obviously direct impact on the
18 applicant.

19 MR. SALADINO: So just so it's
20 clear in my mind, we're going to do the
21 interpretation for 150-12, and 150-16
22 at the same time?

23 CHAIRMAN MOORE: We could.

24 MR. SALADINO: The only reason I
25 question is because we had a little bit

1 of a discrepancy on 150-12 c and it was
2 two/two and just in case it goes down
3 the road for an interested party for
4 judicial review, that at least we
5 reaffirm --

6
7 CHAIRMAN MOORE: I'm going to
8 suggest we do them separately. We'll
9 do 150-12 C first and then we'll do
10 150-16 A 1 second.

11 MR. SALADINO: Me personally, I
12 don't know about my colleagues, but me
13 personally, I would feel more
14 comfortable with that.

15 CHAIRMAN MOORE: I think so
16 because several people have expressed
17 more concern about one section than the
18 other.

19 To do this, first we need to
20 basically declare the ZBA as lead
21 agency for SEQRA resolution and an
22 interpretation of the code is a type 2
23 action requiring no further
24 environmental assessment.

25 I make the motion that we are

1 proceedings - May 17, 2016
2 declaring a type 2 action regarding
3 these interpretations, and I ask for a
4 second. This applies to both sections
5 of the code.

6 MR. SALADINO: Second.

7 CHAIRMAN MOORE: And Corwin?

8 MR. CORWIN: Yes.

9 CHAIRMAN MOORE: Ms. Gordon?

10 MS. GORDON: Yes.

11 CHAIRMAN MOORE: Ms. Neff?

12 MS. NEFF: Yes.

13 CHAIRMAN MOORE: Mr. Saladino?

14 MR. SALADINO: Yes.

15 CHAIRMAN MOORE: And I vote yes,
16 obviously.

17 That takes care of that issue.

18 Could someone more articulate than
19 I am wish to propose a motion regarding
20 Section 150-12 C?

21 MR. SALADINO: I had the motion.

22 CHAIRMAN MOORE: I'd rather not
23 use the one you used --

24 MR. SALADINO: I can't help you
25 then.

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CHAIRMAN MOORE: Okay.

I'll give it a try.

I am making a motion that the section 150-12 C as interpreted by the Zoning Board of Appeals requires that parking is a requirement for any property which is unapproved as of January 1, 1991 and through the current date as indicated in the code.

Does that seem correct?

I'd like a second.

MR. CORWIN: Second.

CHAIRMAN MOORE: And I will take the roll call.

Mr. Corwin?

MR. CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: No.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: Yes.

CHAIRMAN MOORE: And I will vote yes.

1
2 So the ZBA supports the code that
3 parking is required as declared by
4 Section 150-12 C.

5 In like fashion, we have already
6 the SEQRA resolution on this, that I
7 would make a motion that the
8 supplementary regulations under 150-16
9 A 1 do have a requirement for parking
10 as the property in question would be
11 unimproved and would thus require
12 parking.

13 I make that motion.

14 Second, please.

15 MR. CORWIN: Second.

16 CHAIRMAN MOORE: Mr. Corwin?

17 MR. CORWIN: Yes.

18 CHAIRMAN MOORE: Ms. Gordon?

19 MS. GORDON: No.

20 CHAIRMAN MOORE: Ms. Neff?

21 MS. NEFF: No.

22 CHAIRMAN MOORE: Mr. Saladino?

23 MR. SALADINO: Yes.

24 CHAIRMAN MOORE: And I would
25 indicate yes as I said during the

1 meeting.

2
3 Basically the code, these two
4 sections that parking would be a
5 requirement as it applies to your lot
6 since according to our definitions,
7 it's unimproved as of 1991 to the
8 present.

9 We can move on from there and make
10 considerations.

11 We had talked about, I think I
12 mentioned in my correspondence when I
13 was away that the exemption or the
14 excuse by the Planning Board of up to
15 20 spaces was not within our realm and
16 didn't apply to our consideration of
17 the requirement for parking, and that
18 does not prevent you from seeking that
19 relief. Currently that would leave you
20 short parking places and the Planning
21 Board would just turn around and send
22 you back, so you have the opportunity
23 within your site plan to entertain the
24 opportunities that you could arrange
25 your plans that parking might be

1
2 resolved with the Planning Board even
3 though we have maintained the
4 requirement for parking for your
5 current site plan.

6 MR. SALADINO: He would still need
7 a variance for the four spaces.

8 MR. PENNESSI: I'm asking for --
9 just to be clear, we asked for
10 simultaneous review with the Planning
11 Board to avoid this issue; but we are
12 here now in serial fashion, so because
13 of that, the current request takes into
14 consideration that the Planning Board
15 may not, in fact, grant that exemption
16 so the parking variance that we are
17 seeking is for 24 spaces because 12
18 will be provided on site.

19 CHAIRMAN MOORE: Yes.

20 And that is true, the Planning
21 Board has to weigh that and they have
22 to make a determination that's in the
23 best interest of the Village, and they
24 could just say you need parking and
25 then you would be back again.

1
2 MR. CORWIN: Well, these 12 spaces
3 aren't going to be provided on the site
4 because you have to do a loading place
5 too.

6 CHAIRMAN MOORE: So what the
7 resolution on this now, just so we are
8 keeping track of how things are going,
9 is that in the regular meeting agenda,
10 which I'm sure we're not going to get
11 to tonight, is the requested variances;
12 there were a total of eight, and with
13 our interpretations, those eight
14 variances exist as needed for your
15 project to move forward, so we'll have
16 to engage in a dialogue of those
17 different variances. The public
18 hearing was open, we may have lost most
19 of our speakers tonight, but we would
20 give one more opportunity for the
21 public to make comments, since we now
22 know what variances will be required.

23 And I'm kind of asking the Board
24 how we should proceed with that because
25 we also have in our regular meeting,

1 the discussion and possible resolution
2 of another variance request of people
3 who have been waiting patiently here,
4 so how should the Board recommend --

5 MR. SALADINO: Did we hear
6 anything about the -- has anybody
7 else -- the 45 days is complete?

8 MS. WINGATE: It's complete.

9 MR. SALADINO: Have we heard from

10 --
11

12 MS. WINGATE: Only the DOT.

13 MR. SALADINO: So the Village
14 Board, the Planning Board --

15 MS. WINGATE: Planning Board has
16 yet to weigh in.

17 CHAIRMAN MOORE: We have that
18 technical interference that until we
19 finish the SEQRA coordinated review, we
20 can't entertain that variance.

21 MR. SALADINO: Well, in all
22 fairness to the applicant, if they
23 don't respond within the 45-day time
24 limit, we have to assume they have no
25 comment, right?

1
2 MR. PENNESSI: And I believe I
3 would leave this to counsel, but I
4 believe that the variance could
5 continue through the process and that
6 lead agency can be assumed by the
7 Planning Board as we continue through
8 site plan approval, so that there
9 remains coordinated review so the 45
10 days having elapsed with only one
11 response would mean that those agencies
12 are done, but of course, we do have to
13 go to the Planning Board.

14 CHAIRMAN MOORE: Once the
15 coordinated review is completed and a
16 determination is made, isn't that the
17 end of the SEQRA process because the
18 same application was pending before the
19 Planning Board?

20 ATTORNEY PROKOP: Yes. I thought
21 the Planning Board adopted lead agency.

22 MR. SALADINO: We did.

23 CHAIRMAN MOORE: I don't recall.

24 MR. SALADINO: We did with the
25 intention of passing it to them, we

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2 would like segmentation, you know, a
3 segmented application whatever the
4 reality was.

5 ATTORNEY PROKOP: I think the
6 trustees are under the understanding
7 that they have until this Thursday to
8 discuss that at the meeting.

9 CHAIRMAN MOORE: The trustees,
10 yeah, that's Board of Trustees for the
11 Village.

12 MR. PENNESSI: I'm sorry.

13 CHAIRMAN MOORE: The coordinated
14 review, the Board of Trustees is
15 indicated as an interested party as
16 well.

17 MR. PENNESSI: They've responded.

18 CHAIRMAN MOORE: Have they?

19 ATTORNEY PROKOP: No. I think
20 they're under the understanding that
21 they have until this work session.

22 MR. SALADINO: You have a response
23 from the trustees?

24 MR. PENNESSI: No.

25 CHAIRMAN MOORE: That's typical.

1
2 Usually they don't have a comment, but
3 they may.

4 While you're here, I have a
5 question too.

6 Because of one document that did
7 come back, the Department of
8 Transportation document, there were a
9 lot of different requirements and just
10 from your assessment I assume that your
11 opinion is that you can satisfy all of
12 those requirements. I don't know if by
13 changing your site plan or they're
14 covered on the site plan.

15 MR. PENNESSI: That's right. We
16 would have to update the site plan to
17 account for some --

18 CHAIRMAN MOORE: Perhaps you can
19 provide that as soon as possible
20 because there could be, not you --

21 MR. SALADINO: I mean, that's for
22 us or that's for the Planning Board?

23 CHAIRMAN MOORE: Well, if we're
24 part of the coordinated review because
25 whether some of these documents have

1 any environmental connections and that
2 would be something perhaps you could
3 state as not.
4

5 I'm not familiar with how they
6 connect with the overall review, but if
7 that was an issue, it would be good
8 right up front that you could make that
9 suggestion as to whether these changes
10 of the site plan do change the impact
11 of your project for SEQRA review.

12 MR. PENNESSI: Having reviewed the
13 comments, it does not appear that any
14 of those changes would make such a
15 change to the proposed application to
16 require different or additional
17 variances from this Board or
18 interpretations; and that our revisions
19 to the plan in response could continue
20 through the Planning Board process. If
21 the Board would entertain perhaps a
22 discussion on these variances, I think
23 that accurately, the members describe
24 that we have kind of been through the
25 variance positions for a long time now

1 and, you know, perhaps we could at
2 least knock a few out or start to make
3 decisions. I don't know that the
4 discussion, at least the presentation
5 will not change from what's already
6 been said. I won't take up much more
7 time.
8

9 CHAIRMAN MOORE: We can discuss it
10 at length, we just can't make a
11 determination for approving or
12 disapproving a variance without the
13 coordinated review being complete, but
14 you're right, we can discuss it, and we
15 do that with you --

16 MR. PENNESSI: Is that right,
17 Mr. Prokop, the decision on variances
18 can't be granted --

19 ATTORNEY PROKOP: Yes, and we need
20 the SEQRA resolution. I'll have it
21 ready for the next meeting, based on
22 what comments came in or come in.

23 MR. PENNESSI: And the variance
24 can't be granted until the current
25 application is revised to incorporate

1 changes requested from those agencies.

2 MR. SALADINO: The DOT?

3 MR. PENNESSI: Yes.

4 CHAIRMAN MOORE: Well, the
5 variances are for things that are
6 currently in the plans, the variances
7 would be considered. The question is
8 whether your plans will change
9 significantly because of the DOT and
10 you were very good at analysis and the
11 information you supply is excellent,
12 you can perhaps just write down your
13 assessment to the boards as to whether
14 these have any impact, and then if they
15 don't, it's really a matter of site
16 plan adjustment and whether they affect
17 variances or whether they affect the
18 planning process.

19 MR. PENNESSI: That's, I guess,
20 the request. I would say that these
21 changes from DOT certainly will be
22 incorporated into the plans as we
23 proceed through site plan approval but
24 that they are addressed independent of
25

1 the ZBA's determination of whether to
2 grant variances or not.

3
4 CHAIRMAN MOORE: They have bearing
5 because until they're dismissed, the
6 coordinated review considers all the
7 comments made by the interested and
8 affected agencies.

9 MR. PENNESSI: But that
10 coordinated review will continue
11 probably for a while.

12 ATTORNEY PROKOP: The SEQRA
13 process is the coordinated review, the
14 coordinated review portion or either
15 just past that portion or almost past
16 it, but that would be going to the
17 SEQRA decision, and we're sort of like
18 transitioning into a SEQRA decision, so
19 we could make that at the next meeting.
20 I'll try to get a resolution together,
21 but we need to do that before we can
22 start acting on the individual
23 variances.

24 MR. PENNESSI: When was the 45
25 days up?

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ATTORNEY PROKOP: It's not clear.
I don't know when it was sent out. I'm
sorry.

MR. PENNESSI: Do you have that,
Eileen?

CHAIRMAN MOORE: Eileen, do you
have the 45-day timeline?

ATTORNEY PROKOP: We have a notice
that's dated March 9th, but that
doesn't mean that that's the date it
was sent out. We would have to confirm
the date that it was sent.

CHAIRMAN MOORE: I don't know. I
wouldn't be able to find it anytime
quickly in the minutes from March and
April.

MR. SALADINO: Eileen, did the
planner make any comments about the
DOT's comments?

MS. WINGATE: She is preparing
some information. She just got it last
week.

CHAIRMAN MOORE: That's related
specifically to DOT?

1
2 MS. WINGATE: That's relative to
3 DOT.

4 CHAIRMAN MOORE: Maybe you should
5 expedite that to Mr. Prokop.

6 My understanding is once that
7 SEQRA determination is made, that's the
8 end of that, and the Planning Board
9 would recognize that since it's a
10 coordinated review as having been
11 completed, so the transition, potential
12 transition of this to the Planning
13 Board, you know, my only concern is if
14 you're a gambling man, eight variances
15 is a steep process to successfully go
16 through, which for the Planning to take
17 this matter up again, they would all
18 have to be granted, the variances that
19 are requested, so I mean the process is
20 still in the Zoning Board's hands and
21 will be in until they resolve the
22 variances.

23 MR. CORWIN: Can I say something,
24 Mr. Chairman?

25 CHAIRMAN MOORE: Yes.

1
2 MR. CORWIN: I'm tired. I don't
3 want to go on with this anymore. I
4 don't think any of us are in a position
5 to take up the variance this evening,
6 and I'm sorry to the applicant, but I
7 think this whole thing of
8 interpretations was a waste of months,
9 of time for my time that I put in here.
10 Nothing I think it should have come
11 though straight as here is what I want,
12 please give me variances or don't.

13 MR. SALADINO: But we didn't have
14 a choice, that was his choice.

15 MR. CORWIN: Exactly, that's his
16 choice, so I'm saying leaving the
17 hearing open --

18 MR. SALADINO: So you should be
19 talking to him.

20 MS. NEFF: I just want to -- we've
21 been through that, now we are here.

22 Will there be any input from the
23 Board or the applicant about the order
24 in which we deal with variances or
25 would we like it or would the applicant

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like it?

CHAIRMAN MOORE: What you're asking is, is there a more convenient or more expeditious --

MS. NEFF: Yes. Is there a better way, path through the thicket?

CHAIRMAN MOORE: Well, there will be eight required.

MS. NEFF: My question is, is there any preference on the part of the Board or the applicant about the order in which we do it?

MR. SALADINO: My preference would be to let the applicant decide.

MR. PENNESSI: I can tell you right now what --

MR. SALADINO: He's been here forever.

MR. PENNESSI: We've given it a little thought.

CHAIRMAN MOORE: We're going to take them as we get them.

MR. PENNESSI: I do think that the decisions on one impact another, so I

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2 would suggest that we start with
3 setbacks, we then go to lot coverage,
4 then go to loading, then parking, then
5 height.

6 MR. SALADINO: I would be willing
7 to accommodate the applicant.

8 CHAIRMAN MOORE: Yes. Bring them
9 up as we go because having some
10 continuity to the flow of the process
11 and from, so far in the public hearing,
12 we do have the obligation to one more
13 time, now that the variances are clear,
14 ask for public comments, which I hope
15 will be limited. We can then, as you
16 have been anxiously waiting, close the
17 hearing and proceed to the deliberation
18 on variances.

19 The other issue I have is, we have
20 two gentlemen here waiting on another
21 discussion which we could move forward
22 on, I agree with Mr. Corwin, certainly
23 at my age, my mind is not as sharp
24 after 8:00 as it is before. Now we
25 start at 6:00, so we have about two

1 hours of time to run.

2
3 Would the Board consider
4 adjourning the public hearing one more
5 time, hopefully to complete it next
6 month, and that we would defer
7 discussion and decision on the
8 variances so the applicant before us
9 for the Central Avenue property --

10 MR. CORWIN: I would consider that
11 with no assurance that it's going to be
12 completed next month, eight variances,
13 we could be here another two or three
14 hours.

15 CHAIRMAN MOORE: We could maybe
16 make a special effort to work through
17 those.

18 The only other business on the
19 current agenda is that we have a motion
20 to accept an additional application.

21 Thank you, Mr. Pennessi.

22 MR. PENNESSI: Thank you.

23 MS. WINGATE: Was there a second
24 on that?

25 CHAIRMAN MOORE: On what?

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MS. WINGATE: Adjourning that --

CHAIRMAN MOORE: Let's do that.

MS. GORDON: I have one question before that.

In the part I read about the DOT, the rest of it, I think that in my review, I didn't -- it occurred to me that information about the traffic exiting in Greenport from Shelter Island ferry is nowhere discussed, and it could have some relevance, and is there a way to insert that into this process?

CHAIRMAN MOORE: You mean, to have that information added?

MS. GORDON: Yes.

CHAIRMAN MOORE: I don't know where we would get it.

MR. SALADINO: Didn't we have a traffic study?

MS. GORDON: No, we don't need -- because every car that comes off that ferry enters this street.

CHAIRMAN MOORE: Do they have that

1 volume of information? I don't know if
2 it's any --

3 MS. GORDON: I think they probably
4 do, it has to do with receipts.

5 ATTORNEY PROKOP: It's in their
6 ferry report to Suffolk County, I think
7 it's a million cars a year.

8 MS. NEFF: We are interested in --

9 MR. PENNESSI: In response to the
10 parking and traffic study delivered
11 from Dunn Engineering, it did review
12 the passenger receipts for the ferry.

13 CHAIRMAN MOORE: That's one that's
14 currently --

15 MR. PENNESSI: Yes.

16 CHAIRMAN MOORE: It's in the
17 packet, I know, and that was dated --

18 MR. PENNESSI: -- this year.

19 CHAIRMAN MOORE: There is a
20 traffic study in the package that has
21 a --

22 MR. PENNESSI: It's this year.

23 MS. GORDON: Yes, April, not a
24 good time to do a study.
25

1
2 MR. PENNESSI: It specifically --
3 it was 2016 that he prepared the
4 report, but it was a review of annual
5 ferry usage, so there should be car
6 counts in there, taking into
7 consideration the number of passengers
8 on the ferry.

9 CHAIRMAN MOORE: So what I'm going
10 to propose first is that we adjourn the
11 public hearing regarding the SAKD
12 request for variances, which we now
13 know are eight, until next month.

14 MR. SALADINO: Second.

15 CHAIRMAN MOORE: All in favor?

16 MR. SALADINO: Aye.

17 MR. CORWIN: Aye.

18 MS. NEFF: Aye.

19 MS. GORDON: Aye.

20 CHAIRMAN MOORE: Sustained.

21 Regarding the gentleman for the
22 Central Avenue property, we are not
23 obliged to make a decision now that we
24 closed the hearing for 62 days. We
25 don't usually take that long, but for

1 the benefit of the clarity and
2 completion, we put in the regular
3 meeting agenda next month deliberation
4 on your variance requests as the first
5 item. We will still have public
6 hearing regarding the SAKD Holdings,
7 and I would suggest that when we do
8 consider the variances that we consider
9 two variances grouped separately, the
10 pool and the porch.
11

12 MR. LEHMAN: We agree with that
13 completely. If there is any way that
14 we can discuss the house, it would help
15 my client to continue.

16 CHAIRMAN MOORE: The one thing I
17 would like to point out, and I've had
18 some discussion with the building
19 inspector, when I looked at the
20 combined setback requirement for
21 variances, I kind of scratched my head
22 because the house already occupies a
23 larger -- it would be the requirement,
24 it's grandfathered, but its combined
25 setbacks are even smaller than the

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2 proposal of the porch. On explanation,
3 Eileen indicated the porch really has
4 no foundation. If it had been on the
5 foundation, it was part of the
6 footprint of the house, it would have
7 been a no-brainer, and it wouldn't have
8 been a variance.

9 My personal view on it is it's a
10 formality to me because you're
11 replacing something with something
12 else, but we will discuss whether the
13 something else is an issue for the
14 variance. I see that we can discuss
15 that expeditiously first. I would
16 guess there would be more extensive
17 discussion about the pool, its size and
18 its location, and if that's okay with
19 you, that's how I think we prefer to do
20 it.

21 MR. LEHMAN: And you would discuss
22 it tonight or next month?

23 MR. CORWIN: Next month.

24 CHAIRMAN MOORE: Next month, I
25 would have to ask you. The application

1
2 has just come in, we worked through the
3 public hearing, and we're ready to move
4 on the discussion next month.

5 I would hope, I wouldn't guess,
6 but I would hope we could reach a
7 conclusion next month on the variance.
8 The public hearing is closed, public
9 comment has been made.

10 So if that's the case, then we'll
11 defer any further decisions on the
12 Central Avenue property. I don't know
13 if we need a motion for that because
14 we're not obliged to make a decision
15 tonight.

16 Mr. Prokop?

17 ATTORNEY PROKOP: I would table
18 it. Official action should, since it's
19 on your calendar.

20 CHAIRMAN MOORE: I make a motion
21 then to table the discussion and
22 possible action for the 144 Central
23 Avenue property.

24 Do I have a second?

25 MR. CORWIN: Second.

1 CHAIRMAN MOORE: All in favor?

2 MR. CORWIN: Aye.

3 MR. SALADINO: Aye.

4 MS. NEFF: Aye.

5 MS. GORDON: Aye.

6 CHAIRMAN MOORE: We'll discuss it
7 next month.

8
9 With that, we need to do the
10 application on item number 3 of the
11 regular agenda. There's a motion to
12 accept an application for area
13 variance, public notice, schedule a
14 public hearing for George Liakeas, 610
15 Main Street, Greenport, New York,
16 Suffolk County Tax Map number
17 1001-3-4-3.

18 The applicant seeks a building
19 permit for the construction of two
20 additional dwelling units in an
21 existing two-family house in the R-2.

22 MS. WINGATE: Three, three
23 dwelling units.

24 MS. NEFF: It's a two-family and
25 they're requesting three --

1 MR. SALADINO: They're requesting

2 --

3
4 CHAIRMAN MOORE: Because it's a
5 two-family allowance, they're
6 requesting permission for two
7 additional units.

8 MS. WINGATE: Sorry. I got lost.

9 ATTORNEY PROKOP: Can I comment?

10 CHAIRMAN MOORE: Yes.

11 ATTORNEY PROKOP: What the
12 existing house is, and please correct
13 me if I'm incorrect, is it's a
14 three-dwelling unit house, there's two,
15 it's two non-owner dwelling units and
16 it's one owner dwelling unit.

17 MS. WINGATE: Four units in total.

18 ATTORNEY PROKOP: That's what he
19 wants to go to?

20 CHAIRMAN MOORE: That's what it
21 is.

22 ATTORNEY PROKOP: He wants to
23 legalize it.

24 MS. WINGATE: He wants to legalize
25 it.

1
2 ATTORNEY PROKOP: It's supposed to
3 be, I should say it's supposed to be.

4 MR. CORWIN: Let me say, this
5 makes it a little more difficult, he
6 draws a plan, there's three dwelling
7 units and one hotel unit because one of
8 the units doesn't have a kitchen.

9 MS. WINGATE: Correct.

10 MR. CORWIN: Which fits a hotel as
11 far as I'm concerned.

12 MS. WINGATE: That's the unit that
13 he lives in on weekends, and it has a
14 washer/dryer in it, and he allows his
15 tenants to use the washer/dryer and he
16 hops in and out on weekends, so it's --
17 don't know what that unit is.

18 CHAIRMAN MOORE: It's habitated,
19 but it may not meet building
20 requirements for a residential unit.

21 MS. WINGATE: Yeah.

22 MR. SALADINO: Am I the only one
23 on this Board that's like insulted by
24 this?

25 CHAIRMAN MOORE: Perhaps your skin

1
2 hasn't thickened sufficiently.

3 MR. SALADINO: I don't know. I've
4 lived here a long time, and I find this
5 application insulting.

6 CHAIRMAN MOORE: John, you
7 surprise me to not be rolling with the
8 punches.

9 MR. SALADINO: I said it with a
10 smile.

11 CHAIRMAN MOORE: Yes, I know.

12 Okay, let me finish reading.

13 This property is located in the
14 Historic District, so Article 4,
15 Section 150-8 in the R-2 one- and
16 two-family residential district, no
17 building or premises shall be used and
18 no building or part of a building shall
19 be erected or altered which is
20 arranged, intended or designed to be
21 used, in whole or in part any purpose
22 except for the use as a one- or
23 two-family dwelling.

24 The house has four separate and
25 independent apartments, as represented

1 on existing floor plans as submitted
2 dated 12/07/15.

3 Article 5, Section 150-8 B (2),
4 conversion of an existing dwelling to a
5 multifamily dwelling subject to the
6 following standards and subject to
7 Planning Board approval:
8

9 Said structure shall have not less
10 than 1,000 square feet of livable floor
11 area for each dwelling unit created,
12 requiring a variance for each of the
13 four units.

14 The lot on which such structure is
15 located shall contain a minimum of
16 15,000 square feet of lot area and
17 shall contain at least 5,000 square
18 feet of lot area for each dwelling
19 unit, which to me adds up to 20,000
20 square feet.

21 And one and one-half parking
22 spaces shall be provided for each
23 dwelling unit.

24 The lot size is 10,890 square feet
25 with four units proposed requiring a

1 lot size of 20,000 square feet
2 requiring an area variance of 9,110
3 square feet.
4

5 The property provides two parking
6 spaces where a total of 6 parking
7 spaces are required, thus requiring a
8 variance for 4 parking spaces.

9 That's the proposal. I hope you
10 all had a chance to look at the plans.

11 If they're sufficient, I make a
12 motion to accept the application for
13 consideration and ask for a second.

14 MS. GORDON: Second.

15 CHAIRMAN MOORE: Ms. Gordon
16 second, and I would say all in favor?

17 MR. SALADINO: Aye.

18 MS. NEFF: Aye.

19 MS. GORDON: Aye.

20 CHAIRMAN MOORE: Aye.

21 Any opposed?

22 MR. CORWIN: Nay.

23 CHAIRMAN MOORE: So that's three

24 --

25 MR. SALADINO: Actually I'm going

1
2 to vote no.

3 CHAIRMAN MOORE: Okay. Three ayes
4 and two nays.

5 Motion carries.

6 We'll be considering that for a
7 public hearing next month.

8 We indicated a 5 o'clock or 5:30
9 for the other site visit.

10 MR. SALADINO: The other one was 5
11 o'clock.

12 CHAIRMAN MOORE: We will visit the
13 610 Main Street property at 5:30, if
14 that's acceptable.

15 With that, we can move on to
16 several additional items,
17 administrative. We've done the site
18 visit and decided to do it at 5:30.

19 MR. SALADINO: And the public
20 hearing.

21 CHAIRMAN MOORE: Would be at the 6
22 o'clock meeting.

23 MR. SALADINO: June 14th.

24 CHAIRMAN MOORE: Yes, June 14th is
25 acceptable?

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MS. NEFF: That's a Tuesday.

CHAIRMAN MOORE: That is a transition period. I would like to clarify something. We're trying to meet on the third Tuesday of each month, the third Wednesday would have been the 15th and we are requesting that we meet on the 14th of June, technically the second Tuesday because it is a month from now, full month and Ms. Gordon has a conflict which was arranged months ago for the 21st.

You had mentioned the 14th and I --

MS. WINGATE: That's what I was looking at here.

CHAIRMAN MOORE: Is the 14th agreeable to everybody?

ATTORNEY PROKOP: Yes.

MS. NEFF: Yes.

MR. CORWIN: It's not agreeable to me. I would love to go to the third Tuesday.

CHAIRMAN MOORE: The only comment

1 I make is, we have just recently
2 transitioned to the third Tuesday and
3 some of our members have longstanding
4 arrangements and I suspect by the
5 following month, we may have all gone
6 past our long-term planning and will be
7 available on the third Tuesday.
8

9 Would you be able to come, Mr.
10 Corwin, on the --

11 MR. CORWIN: Yes.

12 CHAIRMAN MOORE: I appreciate it,
13 and if you would indulge that, I would
14 ask that we schedule on Tuesday,
15 June 14th at 6:00 p.m. here at the
16 firehouse, if that's agreeable to
17 everybody.

18 I have to back up to item number
19 five, motion to accept the ZBA minutes
20 for April 19, 2016.

21 So moved.

22 A second, please.

23 MS. GORDON: Second.

24 CHAIRMAN MOORE: All in favor?

25 MR. SALADINO: Aye.

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MR. CORWIN: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: I abstain because
I wasn't present.

Motion to approve the ZBA minutes
for March 16, 2016.

So moved.

Second, please.

MR. SALADINO: Second.

CHAIRMAN MOORE: All in favor?

MS. NEFF: Aye.

MS. GORDON: Aye.

MR. SALADINO: Aye.

CHAIRMAN MOORE: Any opposed,
abstentions?

MR. CORWIN: I abstain.

CHAIRMAN MOORE: And I abstain.

Motion carries.

We scheduled our site visits for
5:00 and 5:30, that's been done, and we
have scheduled the meeting.

Do we really need a motion? We
agreed to the June 14th date.

1 MR. CORWIN: I think we should
2 have a motion because it's
3 questionable.
4

5 CHAIRMAN MOORE: Motion to
6 schedule the next ZBA meeting for
7 Tuesday, June 14, 2016 at 6:00 p.m.

8 So moved.

9 A second, please.

10 MS. GORDON: Second.

11 CHAIRMAN MOORE: All in favor?

12 MR. SALADINO: Aye.

13 MS. GORDON: Aye.

14 MS. NEFF: Aye.

15 CHAIRMAN MOORE: Any opposed or
16 abstained?

17 MR. CORWIN: Nay.

18 CHAIRMAN MOORE: One nay.

19 Motion carries.

20 Finally, a motion to adjourn.

21 Can I have a second?

22 MS. NEFF: Second.

23 CHAIRMAN MOORE: All in favor?

24 MR. SALADINO: Aye.

25 MR. CORWIN: Aye.

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MS. NEFF: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Motion carries.

Meeting is adjourned.

Thank you, everybody.

(Time noted: 8:20 p.m.)

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C E R T I F I C A T E

I, STEPHANIE O'KEEFFE, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That the within proceedings is a true and accurate record of the stenographic notes taken by me.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter

IN WITNESS WHEREOF, I have hereunto set my hand to this 17th day of May, 2015.

Stephanie O'Keeffe

STEPHANIE O'KEEFFE

ATTORNEY PROKOP: [40] 12/14 13/12 13/20 14/5 15/24 17/5 34/22 35/5 35/9 36/9 36/12 37/18 38/6 38/14 47/13 76/6 76/23 84/7 84/10 85/9 90/2 93/4 100/13 101/4 101/21 111/19 112/4 112/18 115/18 117/11 117/25 118/8 125/5 129/16 131/8 131/10 131/17 131/21 131/25 137/19
CHAIRMAN MOORE: [202]
CHAIRMAN SALADINO: [1] 100/11
MR. CORWIN: [56] 2/23 5/9 5/24 6/3 8/4 9/8 20/2 27/6 27/14 27/22 28/2 28/11 28/20 29/6 30/19 33/13 33/22 34/3 38/21 39/10 39/18 44/20 68/23 71/17 74/4 74/11 74/18 75/11 96/23 97/3 99/11 100/22 104/7 105/12 105/16 106/14 106/16 108/25 119/22 119/25 120/14 123/9 126/16 128/22 129/24 130/2 132/3 132/9 135/21 137/21 138/10 138/25 139/17 139/25 140/16 140/24
MR. GLEASON: [7] 30/12 30/16 30/22 31/2 34/5 34/14 37/16
MR. LEHMAN: [20] 25/9 26/21 27/10 27/16 27/24 28/5 28/13 28/25 29/22 33/24 35/8 37/20 38/10 38/18 38/24 39/5 39/12 40/9 127/11 128/20
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MR. PROKOP: [1] 37/12
MR. SALADINO: [106] 2/19 5/10 8/9 8/15 9/6 9/10 9/19 9/22 10/8 10/21 11/7 12/13 14/2 20/7 21/4 21/10 26/13 27/5 30/8 30/14 30/17 30/24 33/18 39/3 39/7 39/21 40/6 40/10 40/14 40/20 44/19 46/21 47/2 47/16 64/16 64/22 65/17 65/20 68/11 68/25 69/5 70/3 70/7 70/12 70/16 70/22 71/4 71/14 73/22 75/3 78/24 79/3 82/3 82/15 82/20 82/25 87/18 93/16 94/4 95/18 99/13 100/9 102/6 102/18 102/23 103/10 104/5 104/13 104/20 104/23 105/22 106/22 108/5 110/5 110/9 110/12 110/20 111/21 111/23 112/21 113/20 116/2 118/17 120/12 120/17 121/13 121/17 122/5 124/19 126/13 126/15 130/3 130/25 132/21 133/2 133/8 135/16 135/24 136/9 136/18 136/22 138/24 139/10 139/14 140/11 140/23
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MS. GORDON: [31] 5/11 32/13 32/23 44/15 44/22 77/6 79/2 95/13 96/17 98/19 99/21 100/5 100/16 104/9 105/18 106/18 124/3 124/16 124/21 125/3 125/23 126/18 130/5 135/13 135/18 138/22 139/3 139/13 140/9 140/12 141/2
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MS. NEFF: [24] 2/21 5/7 5/12 44/16 44/21 99/18 104/11 105/20 106/20 120/19 121/5 121/9 125/8 126/17 130/4 130/23 135/17 136/25 137/20 139/2 139/12 140/13 140/21 140/25
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150-12 [12] 24/12 47/5 55/9 61/21 76/14 76/21 102/21 103/2 103/9 104/20 105/5 106/4
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2015 [3] 85/23 85/25 142/14
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8.8-foot [1] 41/24
80-seat [2] 49/11 53/22
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