VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK  
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ZONING BOARD OF APPEALS

REGULAR MEETING

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Third Street Firehouse  
Greenport, New York  

May 17, 2016  
6:08 p.m.

BEFORE:

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'Keeffe  
Court Reporter

Flynn Stenography & Transcription Service  
(631) 727-1107
CHAIRMAN MOORE: Let's begin the meeting. This is Village of Greenport Regular Meeting of the Zoning Board of Appeals. It's 6:08.

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

MR. SALADINO: I have no objection.

MS. NEFF: Nor I.

CHAIRMAN MOORE: Mr. Corwin?

MR. CORWIN: I have no objection.

CHAIRMAN MOORE: Thank you.
Okay. So what we'll do is go to item number four on the regular agenda. If anyone needs an extra copy, I have my own, so if anybody would like it.

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

I will read item number four.

Motion to accept an application
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for an area variance, publicly notice
and schedule a public hearing for Sarah
Latham, 817 Main Street, Greenport, NY
11944.

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

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

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

The applicant seeks to increase
the number of bedrooms from three to
four rooms requiring a variance of one
bedroom in capacity.

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

Can I have a second?

MS. NEFF: Second.

CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Any opposed or abstaining?

(No response.)

CHAIRMAN MOORE: So that motion carries.

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

MR. CORWIN: Let's make this one
first --

CHAIRMAN MOORE: This one first.

MR. CORWIN: -- and then Main Street.

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

MS. LATHAM: On what day?

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

MS. LATHAM: The next Zoning Board meeting.

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

MS. WINGATE: -- June 14th.

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

MS. WINGATE: June 14th.

CHAIRMAN MOORE: Okay, probably June 14th, and the meeting will be at 6:00.
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From now on, as much as possible, we're going to try and meet, start meetings at 6:00. We used to be at 5:00.

MS. LATHAM: Okay.

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

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

MS. LATHAM: Right.

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

MS. LATHAM: So it will be outside, I won't have to worry about --
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CHAIRMAN MOORE: What are you saying; are you saying that you need to --

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

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

MS. LATHAM: Okay.

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

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

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

MS. LATHAM: Okay.

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

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

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

MS. LATHAM: Counting the
bathroom?

MR. SALADINO: I didn't know --

MS. LATHAM: I included the
bathroom.

MR. SALADINO: I didn't know we
were counting the bathroom as living
space.
MS. LATHAM: So that was actually -- that's actually a question of mine. I wrote them as suites. All of the rooms have a bathroom and the bedroom area, but I believe the bedroom area is also fourteen feet by eight or nine, so it should --

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

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

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

MR. SALADINO: I'm looking at this plan for bedroom number four, and this plan says bedroom number four is 190 square feet, and using a mathematical
equation, that's not what I get, so if we can just perhaps correct that for when you come back.

MS. LATHAM: Sure. Okay.

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

MR. SALADINO: Is it 5 o'clock?

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

MS. LATHAM: Okay.

I have just one other question.

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

CHAIRMAN MOORE: I looked through
the minutes, and there was already a
discussion of that at the Planning
Board meeting about a coordinated
review being in the Historic District,
this is an Unlisted action, it elevates
it to a type one that requires the
coordinated review, which simply means
that additional agencies and boards are
notified seeking comments, and at some
point whether this board would declare
itself, I think the Planning Board
actually declared itself lead agency.

MR. SALADINO: Joe?

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

CHAIRMAN MOORE: I'll have to
catch up with the building inspector as
to how we can get the coordinated
review done as part of one of the
meetings because the Planning Board
would meet sometime very soon and then
there would be a lapse after we meet,
but they're usually the last Thursday
of the month and the first Thursday of
the next; so there is a thirty-day
requirement for comments both from the
agencies and the public; so someone
will have to go over the calendar and
figure out the best way to have that
happen. If they're the lead agency, I
suppose they would perform the
coordinated review.

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

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

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

CHAIRMAN MOORE: So we'd have to
work out that timing to try and do it
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as expeditiously as possible.

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

ATTORNEY PROKOP: It's 45 days.

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

MS. LATHAM: Okay. And there is
nothing I can do to help or expedite --
I guess my goal is, it's been since, I
don't know, it feels like forever that
I have been attempting to have this
approved, and I'm really hoping for
like July 4th maybe, which seems like a
long way away, but it's probably not
even 45 days from today.

CHAIRMAN MOORE: As far as review
is concerned --

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

CHAIRMAN MOORE: So I have to say
starting when?

MS. WINGATE: Monday.

CHAIRMAN MOORE: You mean next
Monday?

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

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

MS. WINGATE: Planning meets next
week.

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

ATTORNEY PROKOP: Do you know what
the letter is; you said there is a letter in the file about the basement?

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

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

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

MS. LATHAM: Yes.

CHAIRMAN MOORE: It's clear for use, I thought I heard.
MS. WINGATE: I have some calculations to do, but yes.

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

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

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

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

MS. WINGATE: In 2014, a window up-high basement window was changed to an egress window. There was no building permit taken out because there was no structural changes; it was an existing header, so I went looking through the file this week and that is what I remember, so there is an egress window, there is an existing -- they constructed the well outside the window, but I want to do some calculations on light and vent.
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
announcements.

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

MS. WINGATE: Not yet.

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

While we're taking care of those administrative matters, would the Board want to wait until later for that other application and just go ahead with the
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public hearings that we need to do?

MR. CORWIN: Let go ahead with the public hearings.

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

MR. SALADINO: Is that --

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

MS. WINGATE: I was expecting Pat Moore.

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

And before we get the information together for the public hearings, I just want to make special thanks to John Saladino for serving as acting chair and from what I've seen in the transmissions, I was able to see two of the meetings live, unfortunately last month's meeting was not when the new broadcast system was initiated, so it was not broadcast, but I have seen the...
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minutes, and it looks like the meetings went well, everything was under control.

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

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

MR. SALADINO: David has one.

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

MS. WINGATE: They went away.

CHAIRMAN MOORE: Can everybody identify themselves.

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

I think we can start with the regular agenda's public hearings.

Eileen, would you have the notification information for James Gleason so I can read that into the record?

I did notice that the property was
properly placarded, and I note it was,
I assume it's there for the required
period of time.

MS. WINGATE: Um-hum.

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

MS. WINGATE: Yes, sir.

CHAIRMAN MOORE: The following
people, I don't have the maps, so I
don't know the proximity to the
property because some of the -- most of
the address are somewhere else but the
Village of Greenport. At 236 Third
Street was notified because there is an
adjoining property to the rear, Ellen
Walker, and it's only listed as 256
Avenue, oh, it's Sixth Avenue
Greenport, so it's a local resident,
and Judith Sone-Innamorato, 4 Valley
Road, Syosset, that's another adjoining
property. I'm having trouble reading
the address, Frank Field Realty,
Incorporated, 40 Middleton Road,
Greenport; Dennis McMahon, 133 Central
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Avenue; GPO Central LLC, Post Office
Box 1360, Southold, New York; Kay
Blind, 141 Central Avenue, Greenport,
New York; so those are the properties
that were notified for this
application.

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

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

The proposed swimming pool setback
is 11.2 feet on the north property
line, requiring an area variance of 8.8
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Section 150-7c.(3a) of the Village of Greenport code requires the edge of the pool shall be kept a distance of not less than 20 feet from all property lines, in the R-2 District.

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

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

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

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

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

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

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

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

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

I believe we have addressed all the items that we discussed at the last
meeting in terms of notations. We did have the opportunity to conceal the pool equipment on the north side of the existing garage. There was an existing structure that you had seen tonight, so we are trying to do everything possible to minimize the impact with this application.

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

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

MR. LEHMAN: I concern -- I understand the concern is that, I think both sides then become nearly unusable, and we're trying to maintain somewhat
at nine feet a clearance between the
pool and the garage, so you can have
some lounge chairs on the side of the
pool.

MR. SALADINO:  Okay.

MR. CORWIN:  I have a couple
questions.

What kind of pool cover are you
going to have?

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

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

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

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

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

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.

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

MR. CORWIN: I commend you on the thermal cover. I had one other question. As I understand the code, maybe I'm mistaken, if you do more than 50 percent of the value of a structure, so looking at the existing garage, I think you would need more than 50 percent of the value of the -- Southold Town Assessor calls it at about $9,500; and I'm guessing 4,700 is more -- you're going to spend more than that on the garage; so in my thinking, you need a variance for the garage too because it does not have the 5 feet setback for an accessory building.

MR. LEHMAN: Really the two items that we are looking to do in the garage are change the opening in the front and
put in a window, and switch it to the
side and re-side it.

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

MR. SALADINO: Can I ask a question?

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

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

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

MR. GLEASON: Forty-seven what?

MR. SALADINO: Four thousand seven hundred dollars.

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

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

MR. SALADINO: Step up to the
podium, please.

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

CHAIRMAN MOORE: There might be another issue too, which is the technical aspect of the code. We would have to take a look at that, the section I think Mr. Corwin is referring to is the section that relates to damage of a building, a non-conforming building if damaged more than 50 percent, has a timeline for reconstruction and if that is not accomplished within that period of time, the non-conformance grandfathering goes away. We would have to look to see if what you're saying actually fits with that code, unless there is a section of the code that I'm not familiar with, that you're...
referring to, so I'm just indicating that I'm not sure that would be a requirement, you know, with the house if you were improving the house and spending more than its current determined value of the structure, whether that would be an issue; I'm not sure it is, not to have a table argument here, but we have to check if that really is a requirement.

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

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

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

MS. GORDON: I understand that.

CHAIRMAN MOORE: -- that you need
a variance. I'm indicating that may actually be a code referring to damage to the building in a Historic, and this is a standard garage, it's not in very good shape, but it hasn't been damaged by fire or other causes; so I'm just not sure that applies and that there are any restraints on what he could spend; so we would research that in the meantime and certainly let you know if there was a requirement.

No offense to Mr. Corwin.

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

CHAIRMAN MOORE: Okay.

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

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

MR. LEHMAN: The improvements are
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extremely modest, we can certainly keep
them that way.

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

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

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

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

CHAIRMAN MOORE: We saw that too.

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

ATTORNEY PROKOP: I just have two
if nobody else has anything. When you
reach the point where nobody has
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anything, I have two comments.

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

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

MR. LEHMAN: Correct.

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

MS. WINGATE: Yes. We did an interpretation on accessory buildings where pool house are a permitted use.

In section 150-20 nonconforming buildings with conforming uses also says that nothing in this article shall be deemed to prevent normal maintenance, repairs, structural alterations, move-in reconstruction or
enlargement of a non-conforming building provided that separate action does not increase the degree or create any new compliances with regard to regulations pertaining to such buildings.

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

ATTORNEY PROKOP: This is a non --

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

ATTORNEY PROKOP: Okay.

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

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

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

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

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

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

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

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

MR. LEHMAN: There is an existing shed appendage on the back, on the north side of the garage and it's the perfect location. The Board had a concern about the noise of the
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equipment, and we decided to actually
enclose it in this back area, add a
door so that we could service the
equipment and keep the noise within
this back structure.

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

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

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

MS. WINGATE: It's existing.

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

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

MR. LEHMAN: We were proposing a
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four-foot-by-six-foot drywell under the area to the northeast side of the pool.

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

MR. LEHMAN: We're fine with either.

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

MR. CORWIN: That was my understanding too.

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

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

MR. CORWIN: That was a shower.

CHAIRMAN MOORE: We may need to clarify that.

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

MS. WINGATE: Fourth Street, and you asked them, he put it to the
sanitary sewer because that was waterfront property. That might be a difference.

CHAIRMAN MOORE: We have to research that a bit.

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

MR. LEHMAN: No.

MR. SALADINO: Can we make that a condition?

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

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

I'm satisfied.

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

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

CHAIRMAN MOORE: That's what I'm doing, I'm just trying to get the gentleman off the podium so we get the
If there are no more questions or clarifications, I'll ask if there is any member of the public who wishes to speak regarding this application.

MS. POLLACK: Hello, everybody.

My name is Karen Pollack, 630 First Street.

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

As we see, the code requires a setback of 20 feet from all property lines. Now, being that the lot is only 43 feet wide, for a pool to be legally built in accordance with our code, it would have to be no more than three feet wide, and they're not just asking for one variance but two for setbacks on this pool; and they're not setbacks of a foot or two, we're looking for setback variance of 8.8-foot variance as well as an 11.8-foot variance. On
the west property line there, they have
less than half of the required setback.

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

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

And, again, I would ask that this
application be denied. Thank you.

CHAIRMAN MOORE: Anyone else?

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

I'd just like to say that for the reasons that the previous speaker just stated with regard to variances, particularly the degree of variances that this particular application is looking for and the fact that one of the purposes, as you stated, of the zoning code is to eliminate nonconforming uses to create new or greater nonconformities, as this application looks for to the degree that this application looks for would be wrong.

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

I wanted to add my disagreement
with the application because of the extent of the nonconformity required and frankly, it would seem that if a lesser degree of nonconformity were agreed to or something like that, it still would be unsuitable, probably because you're going to end up with a three-foot pool.

Thank you.

CHAIRMAN MOORE: Thank you.

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

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

MS. GORDON: So moved.

MS. NEFF: Second.

CHAIRMAN MOORE: Ellen Neff.

All in favor?

MR. SALADINO: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Any opposed or abstained?
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(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...
also appeal, which is basically asking for an interpretation.

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

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

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

CHAIRMAN MOORE: Yes, if you wish.

I wasn't here, so you will have to
MR. SALADINO: At the last public hearing, we had a vote on an interpretation, 150-12 C, I believe; and the vote was two/two, and I made the mistake of saying that the appeal was denied, and that is, in fact, not correct. We found out later that it would warrant a revote, we would need to affirm or deny the interpretation one way or the other.

Am I saying it right?

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

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

CHAIRMAN MOORE: We're going to have a brief discussion and then have
the option to revote.

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

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

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

So what I'll do is read the part of the public hearing determining, referring to the interpretations of the 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 l (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...
at the list on the next page of the requested interpretations, and if there are any public comments about them, if anybody does wish to speak, please understand if you start talking about the merits of the project overall, I'll have to ask you to wait until that discussion comes later.

Is anyone interested in making any further comments?

MR. TASKER: Good evening again. Arthur Tasker.

You may recall a couple of months ago, I spoke with regard to the concerns for the tremendous amount of congestion that is going to occur with this project, and although I feel it is a worthy project, the degree of difficulties that are going to be created from a parking and congestion standpoint, given the one-way traffic or rather the traffic pattern on Third Street and no parking on Front Street is going to be extremely difficult.
I think we want to make sure that we understand the distinction between two different things that are being looked for in terms of the interpretations.

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

But what I'd like to say is there is some sense of that on the Board that the requirement for a loading zone seems pretty well accepted by the four members who were present with regards to that, and frankly, the congestion.
dimension that would be caused by not having a loading zone would seem to me to greatly outweigh the additional parking burden by not having a sufficient number of parking spaces. Let's face it, we all recognize the parking situation in the four-block central part of Greenport is a nightmare, and you have to ask yourself, you know, are 24 more cars going to make a difference in terms of the parking contrasted with the degree of difficulty that's going to be created when you've got trucks loading and unloading, people loading and unloading baggage to move in and out the hotel to arrive at the, to use the restaurant and so forth is really going to be a nightmare, so what I am suggesting, if you're going to cave on something, cave on the parking, not on the loading zone.

Thank you.

CHAIRMAN MOORE: Appreciate that.
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Just to note for the record, at
the previous meeting, interpretation
number three, which Mr. Tasker referred
to for the requirement of loading berth
was supported by the Zoning Board of
Appeals.

MR. TASKER: No, I recognize that.

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

Anybody else?

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

But off-street parking
requirements, I don't quite see what
there is to interpret. You know, the
codes are clear. You need parking for
a project of this magnitude. You're
talking about, what is it, a 16-unit
hotel and 80-seat restaurant, where are
the people supposed to park if the
parking is not provided? I mean,
scratching my head.
Loading berth, I agree with the former speaker. I guess I'm not sure if we're discussing the height limitation or if that's a settled issue.

CHAIRMAN MOORE: That also was supported by the ZBA.

MS. POLLACK: Okay.

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

Thank you.

CHAIRMAN MOORE: Is there anyone else?

(No response.)

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

As we indicated, the loading berth
was affirmed by the ZBA, as well as the height limitations, as to what they referred to which would require variances.

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

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

MR. PENNESSI: Thank you.

Dan Pennessi for the applicant, SAKD Holdings.

Good evening, members of the Board.

On the first interpretation that the Board is going to consider tonight, I don't know if it's worth representing
our position on the interpretation for
the chairman's benefit; you can tell
me.

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

MR. PENNESSI: Yes.

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

This relates to section 15-16A1 of
the code, and I'm going to read
directly from the section. It
specifically states that off-street
parking spaces open or enclosed shall
be provided for any use as specified
below: For land which is unimproved
within the CR and WC Districts and for
all other land. For all other land in
all other districts improved or unimproved. Here is the relevant section, land within the CR and WC Districts which is improved as of January 1, 1991 shall be entirely exempt from off-street parking requirements and from payments in lieu thereof.

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

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

There was also some discussion and I'd like to provide to the Board some of the historical aerial photographs.
and Sanborn fire maps that were able to locate, specifically they identify that as far back as the 1880s, the property was improved by the Peconic Hotel. That's the first evidence we were able to find of this property was actually improved.

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

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

MR. PENNESSI: I have photos. All I have are dated photographs. I can share them with the Village. There's aerial photographs from 1954, 1960 and
1976, 1980, and 1994, and there are fire Sanborn maps for 1890, 1897, 1940, and 1964.

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

CHAIRMAN MOORE: Sure.

MR. PENNESSI: (Handing.)

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

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

MR. PENNESSI: Yes.

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

MR. PENNESSI: Absolutely.

The last point I'd like to make, we've referenced it before, although I still haven't seen is the Harborfront Inn has a March 20, 2002 Zoning Board of Appeals resolution. It's referenced in a later Zoning Board of Appeals.
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resolution as well as a Planning Board resolution for that property.

CHAIRMAN MOORE: Did you say '94?

MR. PENNESSI: March 20, 2002.

CHAIRMAN MOORE: I'm sorry.

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

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

CHAIRMAN MOORE: Okay. Thank you.
I wasn't present last month or the
previous month if that was actually
being discussed, I'm trying to remember
the different minute sections.

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

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

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

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

In the additional section that is the actual, basically the bulk regulations for parking requirements for different types of applications, it, again, is from the same date and it mentions that, in this case -- I'm looking for the wording here for land which is unimproved, I would have assumed that if the Village was trying to distinguish empty land from the previous section that it would say was improved as of that date. It's minor semantics, but the point is that any building which may have been built, if you could find a property built since 1991 in the Business District and the applicant chooses to upgrade that building, change of use that might have more parking, they would not be exempt.
even if a building were present after 1991.

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

I think we lose a little bit in the translation, and so there is some
contention about that; so I'll have to ask my Board members to weigh in on the discussion. I know there was a split last month, and I would hope that it is purely regarding the code because we could do this interpretation without looking at your property. We could make it the general -- we are really doing a general interpretation, and it's not a matter of sympathy about the hardship it might cause you, but it's simply a difference in requirement that the Village Board chose to do, so I would entertain any additional discussions.

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

MR. PENNESSI: Horse stables.

MR. SALADINO: Horse stables and obviously none of that applies, I mean, so it also mentioned services provided.
to the property, which to me would mean sewer, water, I'm not sure -- I would like to hear from the building inspector, she wasn't at the last meeting, me personally, I would like to hear from Eileen and get a sense of her feeling as to that.

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

MR. PENNESSI: We found no evidences specifically as to that date.
MR. SALADINO: So that's my feeling about this. Is there sewer to the property? No. Is there electric to the property? No. Can it be brought there? Obviously, yes. Is
there water to the property? No. This was mentioned at the last meeting, well, we have to look. You know, a commonsense approach would be like, it's not there. As far as tillable and cultivatable, you know, that's -- but I would like to hear the reasoning, if she chooses to respond from the building inspector. Her interpretation of improved. Not interpretation, her opinion of improved.

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

MS. WINGATE: I don't know. I haven't spent any time looking at it, but I know when I'm dealing with residential lots, an unimproved lot doesn't have a house on it. It could have a driveway, but it still doesn't make it improved. It could have a shed on it and it still doesn't make it improved, so I would say if it doesn't
have utilities, sewer, water, and electricity, it's an unimproved lot.

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

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

I guess this is the discussion, the two questions I would have is, I'm still having trouble reconciling the fact that according to the exact same local law, local law number 40-1990 added November 15, 1990, there were two sections of the zoning code and they used different language. I don't know how we can reconcile those two sections and make the statement that, in fact, the intention was the same as to both sections of the code. That's my first question for discussion, and then the second is if the Board is interpreting both sections to facilitate the change of a use or adaptation of a building within these districts, what then.
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existed before the Harborfront Inn to allow the Zoning Board to rely on Section 150-16 A1 to say that, yes, this is, in fact, the appropriate section of the zoning code to allow the Harborfront Inn to not have any off-street parking on site because I believe it was not what exists today or anything that looks like what exists today, so it doesn't --

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

MR. CORWIN: There were stores there.
MR. SALADINO: There was parking there.

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

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

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

If there's a parking lot, there are utilities on site serving Village improvements.
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?
MR. PENNESSI: Not for serving the improvements on that property, but there are utilities --

MR. SALADINO: Is there a Village water meter?

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

MR. PENNESSI: I don't believe so.

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

MR. PENNESSI: I don't believe so.

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

MR. PENNESSI: There is an easement encumbering the land which permits the Village improvements to exist, and I can read -- I'd be happy to read the deed that grants that
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easement, which if you give me a second, I believe it describes those utilities as improvements on the land, if you give me a second.

CHAIRMAN MOORE: One thing that I pointed out when I compared the two sections was the fact that it's nonessential to have the Village Board approve one section of law that distinguishes existing improved properties, meaning they have structures and that were there since '91. The other section of the code is totally different and allows that and in between, as I mentioned, you can have a building built since '91 and it's not exempt, and it's a building sitting there, so it seems to me pretty clear that we're talking about the same thing; and I don't think there is other code, the Village code regarding the expiration of improvements. If you have a structure damaged by fire, more than 50 percent, you have a time
period, and after that you no longer can enjoy a nonconformity structure on that site, you're, you know, time runs out; and I don't know how -- I guess I could say, I don't understand why a lot can't return to being unimproved. It could have been improved in 1880 and a number of times through the '40s and '50s, but it can go back to being an unimproved lot, and I think that's where we are.

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

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

MR. SALADINO: What's the reason?

MR. PENNESSI: Because there are still improvements on that property.
today. The property has been, in fact, continuously improved since it was initially improved to Peconic Hotel.

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

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

MR. CORWIN: Asphalt concrete paving.

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

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

MR. PENNESSI: We very well may. There are parts of that property that don't need to be changed because the
labor and materials and the value
created previously.

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

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

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

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

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

Are these two sections of the code
that are in the same article, and I believe the same article, maybe not -- no, they're in the same general section about parking requirements, are they mutually exclusive?

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

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

ATTORNEY PROKOP: I don't think that -- so it's 150-16 A.
CHAIRMAN MOORE: That is in the supplementary regulations, and it has to do with the actual dimensional requirements and number for the spaces of different types of activities.

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

It seems to me, and you said immediately, it was built immediately, but that suggests that you put some importance simply on the passage of time, and that seems to me to be very kind of superficial, that, in fact, it might take a very long time between the destruction of one use and the creation of a new use, you know, might have to
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. Pennesi 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.

MR. SALADINO: Could I just expand
on what I said?

MS. GORDON: Um-hum.

MR. SALADINO: My statement was based on, it was one owner that owned -- it was the same -- I'm sorry, it was the same owner that owned the property, Mr. Garthapastor (phonetic), he owned the property, he owned the property in -- he was the owner of the shops, he was the owner of all the stores there, he made a decision that he wanted to build this hotel; so it wasn't -- and when I said immediately, it was an immediate process. It was a continuing process. The same owner owned the property, he decided to demolish the existing buildings. The same owner that owned the buildings decided to demolish them, build a new building. It was that owner that went before the various boards and there was never a time when the property was in question, what was there, what wasn't there, what the intention for that
property was; so if I said immediate, I meant in terms that there was a building there, the owner said, let's tear it down, he got a permit from the building inspector to tear it down, he got a permit to build, he went before the various boards, he built the new building, so the way I see it differently with that property and this property was with this property there is a question, there was multiple owners, there was multiple intentions, and there was an expanded period of time that the property up until today laid fallow. That was basically what I was saying. I'm not saying immediately like they tore the building down and two weeks later, they put up a hotel. You know, they followed the process, they did a -- so it was a continuous owner with a continuous intention for the continued use of that property. With this property on the corner, it becomes blurry as far as what the
use was, what the use became, what the
use is now, who the owners were; so
that's kind of like what I meant.

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

Regarding the Harborfront Hotel, I
was not involved in any of those
actions and wasn't, I'm forgetting the
date it was built, you indicated 2001,
I wasn't paying close attention, but I
have read the document which was a ZBA
document where they interpreted the
issue about the height for the building
versus the third floor, that was an
interpretation issue. I don't believe
the ZBA granted an exception. It
wouldn't have been within the ZBA,
since it was recognized within the code
to be exempt, and just as a correction,
they do have on-site parking. You
indicated there was no on-site parking.
There was no on-site parking required,
but they do have on-site parking. I don't know the number, it's 100 room --

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

CHAIRMAN MOORE: Okay. Perhaps they have --

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

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

MR. PENNESSI: What date was that?

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

CHAIRMAN MOORE: Was that the interpretation for height or was that the variance?
MR. SALADINO: That was for the Harborfront, they took it all --

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

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

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

It does state in the first paragraph of that resolution that there was an application, it said that there was an interpretation requested regarding the off-street parking requirements of Section 150-16 A 1 of zoning code, but I don't believe that
the Board ever resolved to grant the
five-parking-space variance or any
parking variance because, in fact, the
property was determined by the ZBA to
be not subject to off-street parking
requirements.

ATTORNEY PROKOP: Can I make a
suggestion, please?

CHAIRMAN MOORE: Yes.

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

I would like to point out to the
Board that, as I say each time that we
discuss this application, this Board
has already ruled on this question, and
this Board determined that this
property was not exempt from the
parking requirement in a prior
application, and I know it's open for
discussion, it's great constructive
discussion, but I think more relevant than what happened at a different property is the fact that this Board has already determined that this property has a parking requirement and is not exempt.

CHAIRMAN MOORE: On previous proposals?

ATTORNEY PROKOP: Yes.

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

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

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

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

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

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

MR. PENNESSI: I received responses to the FOIL requests, that document was not included, so I don't know how we determine that it doesn't
exist. I can tell you that I did receive responses from the Village to each of my FOIL requests, none of which included that resolution.

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

MR. PENNESSI: Correct, documents.

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

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

MR. SALADINO: Mr. Pennessi, just to be clear, the response from the Clerk's Office to you was there was no document in this office or the specific document that you asked for wasn't included in the package that you received?
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MR. PENNESSI: I asked for all documents related to this property having understood that there were a number of prior applications. I did receive documentation that was responsive to that request. Those documents that I received did not include the Zoning Board resolution indicating that they denied the interpretation that we're requesting.

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

Now, I'm not the right tree to bark up about FOIL requests because I have nothing to with it. I get documents because I'm a board member, I just ask for them, perhaps I have that luxury, but I was able to find this document without any difficulty, but I have never asked for others. Perhaps
you should ask again or appeal for
further and more specific information
because those documents should have
existed.

MR. PENNESSI: I have requested --

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

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

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

I believe if it was not delivered
in response to the FOIL request, that
it does not, in fact, exist and that
the Zoning Board of Appeals did not, in
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ATTORNEY PROKOP: It's going off into murky waters here. I said to you as the attorney of the Board then and now that this Board previously determined that this property was not exempt from parking and whatever happened to your FOIL request, I'm not sure, that's a different department of the Village, but it's not -- I can assure you that I'm correct about the discussion of the Board.

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

CHAIRMAN MOORE: One thing perhaps we can do because obviously, as you say, it's not going to resolve tonight, we can consider the two sections of the code and issue an interpretation aside.
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from any specifics of your property.

We can indicate, as Mr. Prokop said
that his opinion is that the two
sections are consistent with each other
and basically mirror the same
requirement, and perhaps that's what we
should do.

Would the Board be interested in
discussing these sections?

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

I did pull the deed coming from
the Village when the Village owned this
property in 2006; and that deed states
that the conveyance is subject to the
right of way, the right of the Village
of Greenport to maintain the existing
electric transformers and equipment
located in the southerly part of the
premises described herein and a right
of entry for access to maintain said
equipment and further that the transfer
and title herein subject to (inaudible)
to be retained by the grantor, Village of Greenport for both routine operations and maintenance and repairs of the pump station and gravity main and force main under the slab of the building and for periodic access to repair the gravity main and the force main of entire building slab.

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

CHAIRMAN MOORE: I'm not sure Mr. Prokop answered the question, if I worded it correctly whether if one section requires it and you maintain another section whether that voids the requirement of the section right up
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front where it does require it. You know, are we really talking about a moot point here?

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

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

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

MR. SALADINO: No, it ended -- yeah, 16th of August 2006, but in reading this, you know, it says the transfer and title is subject to a permanent easement, it guarantees the Village's use of those improvements. It doesn't say that those improvements are for your use, it says for the Village's use.
MR. PENNESSI: I didn't know that the code states what use the improvement needs to be for.

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

CHAIRMAN MOORE: The only point I would make --

MR. PENNESSI: It doesn't matter.

CHAIRMAN MOORE: I noticed your eyes brightening when Mr. Saladino actually said improvements, but my question would be if the Village didn't own that property and had made those improvements before 1991, those 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...
operated it, it would not be exempt from parking today. Right. I think that's the case, so.

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

CHAIRMAN MOORE: Anyway.

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

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

MR. SALADINO: I disagree.

CHAIRMAN MOORE: Well, the trouble is that we did not successfully approve a motion representing the interpretation, so in a sense, we didn't do an interpretation because Mr. Pennessi's request for
interpretation doesn't settle his issue, it just clarifies the code and then we apply it to those issues, so we are essentially, we have not made an interpretation by not successfully approving an interpretation.

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

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

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

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

MR. CORWIN: I would like to add my own thoughts before we do that if I
CHAIRMAN MOORE: Yes.

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

In my mind the question is, what was it a year ago? If it was eleven months ago and there was a building on it, it was approved now, even if it was
knocked down. If it was thirteen months ago, and it was knocked down, then it was no longer improved because you only get a year on these things, so my thinking is, it's not an improved parcel.

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

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

CHAIRMAN MOORE: Right. We are making a statement as to whether the code either singly or together these
two sections of the code with the
improvements not in existence as of
January 1, 1991 that there will be no
exemption from parking requirement.

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

Does that seem the right approach?

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

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

CHAIRMAN MOORE: I just like to
listen.

MS. NEFF: Together.

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

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

CHAIRMAN MOORE: We're not problem
solvers in this case. We're interpreting the code. I mean his problem is he has a lot of hurdles to jump over.

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

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

CHAIRMAN SALADINO: So what I would suggest --

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

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

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

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

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

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

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

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

CHAIRMAN MOORE: Yes, and so
therefore, we have been asked to interpret the fact that the building inspector has issued a notice of disapproval based on the code as she reads it.

MR. SALADINO: So we affirm her --

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

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

CHAIRMAN MOORE: We could.

MR. SALADINO: The only reason I question is because we had a little bit
of a discrepancy on 150-12 c and it was
two/two and just in case it goes down
the road for an interested party for
judicial review, that at least we
reaffirm --

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

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

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

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

I make the motion that we are
declaring a type 2 action regarding
these interpretations, and I ask for a
second. This applies to both sections
of the code.

MR. SALADINO: Second.

CHAIRMAN MOORE: And Corwin?

MR. CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MS. GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MS. NEFF: Yes.

CHAIRMAN MOORE: Mr. Saladino?

MR. SALADINO: Yes.

CHAIRMAN MOORE: And I vote yes,
obviously.

That takes care of that issue.

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

MR. SALADINO: I had the motion.

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

MR. SALADINO: I can't help you
then.
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.
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So the ZBA supports the code that parking is required as declared by Section 150-12 C.

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

I make that motion.

Second, please.

MR. CORWIN: Second.

CHAIRMAN MOORE: 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 would indicate yes as I said during the
Basically the code, these two sections that parking would be a requirement as it applies to your lot since according to our definitions, it's unimproved as of 1991 to the present.

We can move on from there and make considerations.

We had talked about, I think I mentioned in my correspondence when I was away that the exemption or the excuse by the Planning Board of up to 20 spaces was not within our realm and didn't apply to our consideration of the requirement for parking, and that does not prevent you from seeking that relief. Currently that would leave you short parking places and the Planning Board would just turn around and send you back, so you have the opportunity within your site plan to entertain the opportunities that you could arrange your plans that parking might be.
resolved with the Planning Board even though we have maintained the requirement for parking for your current site plan.

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

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

CHAIRMAN MOORE: Yes.
And that is true, the Planning Board has to weigh that and they have to make a determination that's in the best interest of the Village, and they could just say you need parking and then you would be back again.
MR. CORWIN: Well, these 12 spaces aren't going to be provided on the site because you have to do a loading place too.

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

And I'm kind of asking the Board how we should proceed with that because we also have in our regular meeting,
the discussion and possible resolution
of another variance request of people
who have been waiting patiently here,
so how should the Board recommend --

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

MS. WINGATE: It's complete.

MR. SALADINO: Have we heard from

MS. WINGATE: Only the DOT.

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

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

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

MR. SALADINO: Well, in all
fairness to the applicant, if they
don't respond within the 45-day time
limit, we have to assume they have no
comment, right?
MR. PENNESSI: And I believe I would leave this to counsel, but I believe that the variance could continue through the process and that lead agency can be assumed by the Planning Board as we continue through site plan approval, so that there remains coordinated review so the 45 days having elapsed with only one response would mean that those agencies are done, but of course, we do have to go to the Planning Board.

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

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

MR. SALADINO: We did.

CHAIRMAN MOORE: I don't recall.

MR. SALADINO: We did with the intention of passing it to them, we
would like segmentation, you know, a segmented application whatever the reality was.

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

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

MR. PENNESSI: I'm sorry.

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

MR. PENNESSI: They've responded.

CHAIRMAN MOORE: Have they?

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

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

MR. PENNESSI: No.

CHAIRMAN MOORE: That's typical.
Usually they don't have a comment, but they may.

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

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

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

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

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

CHAIRMAN MOORE: Well, if we're part of the coordinated review because whether some of these documents have
any environmental connections and that would be something perhaps you could state as not.

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

MR. PENNESSI: Having reviewed the comments, it does not appear that any of those changes would make such a change to the proposed application to require different or additional variances from this Board or interpretations; and that our revisions to the plan in response could continue through the Planning Board process. If the Board would entertain perhaps a discussion on these variances, I think that accurately, the members describe that we have kind of been through the variance positions for a long time now...
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and, you know, perhaps we could at least knock a few out or start to make decisions. I don't know that the discussion, at least the presentation will not change from what's already been said. I won't take up much more time.

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

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

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

MR. PENNESSI: And the variance can't be granted until the current application is revised to incorporate
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changes requested from those agencies.

MR. SALADINO: The DOT?

MR. PENNESSI: Yes.

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

MR. PENNESSI: That's, I guess, the request. I would say that these changes from DOT certainly will be incorporated into the plans as we proceed through site plan approval but that they are addressed independent of
the ZBA's determination of whether to
grant variances or not.

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

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

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

MR. PENNESSI: When was the 45
days up?
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?
MS. WINGATE: That's relative to DOT.

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

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

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

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

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

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

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

MS. NEFF: I just want to -- we've been through that, now we are here. Will there be any input from the Board or the applicant about the order in which we deal with variances or would we like it or would the applicant
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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would suggest that we start with setbacks, we then go to lot coverage, then go to loading, then parking, then height.

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

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

The other issue I have is, we have two gentlemen here waiting on another discussion which we could move forward on, I agree with Mr. Corwin, certainly at my age, my mind is not as sharp after 8:00 as it is before. Now we start at 6:00, so we have about two
hours of time to run.

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

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

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

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

Thank you, Mr. Pennessi.

MR. PENNESSI: Thank you.

MS. WINGATE: Was there a second on that?

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

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

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

MS. NEFF: We are interested in --

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

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

MR. PENNESSI: Yes.

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

MR. PENNESSI: -- this year.

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

MR. PENNESSI: It's this year.

MS. GORDON: Yes, April, not a
good time to do a study.
MR. PENNESSI: It specifically --

it was 2016 that he prepared the
report, but it was a review of annual
ferry usage, so there should be car
counts in there, taking into
consideration the number of passengers
on the ferry.

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

MR. SALADINO: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MR. CORWIN: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Sustained.

Regarding the gentleman for the
Central Avenue property, we are not
obliged to make a decision now that we
closed the hearing for 62 days. We
don't usually take that long, but for
the benefit of the clarity and completion, we put in the regular meeting agenda next month deliberation on your variance requests as the first item. We will still have public hearing regarding the SAKD Holdings, and I would suggest that when we do consider the variances that we consider two variances grouped separately, the pool and the porch.

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

CHAIRMAN MOORE: The one thing I would like to point out, and I've had some discussion with the building inspector, when I looked at the combined setback requirement for variances, I kind of scratched my head because the house already occupies a larger -- it would be the requirement, it's grandfathered, but its combined setbacks are even smaller than the
proposal of the porch. On explanation, Eileen indicated the porch really has no foundation. If it had been on the foundation, it was part of the footprint of the house, it would have been a no-brainer, and it wouldn't have been a variance.

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

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

MR. CORWIN: Next month.

CHAIRMAN MOORE: Next month, I would have to ask you. The application
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has just come in, we worked through the public hearing, and we're ready to move on the discussion next month.

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

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

Mr. Prokop?

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

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

Do I have a second?

MR. CORWIN: Second.
CHAIRMAN MOORE: All in favor?

MR. CORWIN: Aye.

MR. SALADINO: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: We'll discuss it next month.

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

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

MS. WINGATE: Three, three dwelling units.

MS. NEFF: It's a two-family and they're requesting three --
MR. SALADINO: They're requesting --

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

MS. WINGATE: Sorry. I got lost.

ATTORNEY PROKOP: Can I comment?

CHAIRMAN MOORE: Yes.

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

MS. WINGATE: Four units in total.

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

CHAIRMAN MOORE: That's what it is.

ATTORNEY PROKOP: He wants to legalize it.

MS. WINGATE: He wants to legalize it.
ATTORNEY PROKOP: It's supposed to be, I should say it's supposed to be.

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

MS. WINGATE: Correct.

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

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

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

MS. WINGATE: Yeah.

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

CHAIRMAN MOORE: Perhaps your skin
hasn't thickened sufficiently.

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

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

MR. SALADINO: I said it with a smile.

CHAIRMAN MOORE: Yes, I know.

Okay, let me finish reading.

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

The house has four separate and independent apartments, as represented
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on existing floor plans as submitted
dated 12/07/15.

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

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

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

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

The lot size is 10,890 square feet
with four units proposed requiring a
lot size of 20,000 square feet requiring an area variance of 9,110 square feet.

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

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

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

MS. GORDON: Second.

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

MR. SALADINO: Aye.

MS. NEFF: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Aye.

Any opposed?

MR. CORWIN: Nay.

CHAIRMAN MOORE: So that's three --

MR. SALADINO: Actually I'm going
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to vote no.

CHAIRMAN MOORE: Okay. Three ayes and two nays.

Motion carries.

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

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

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

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

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

MR. SALADINO: And the public hearing.

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

MR. SALADINO: June 14th.

CHAIRMAN MOORE: Yes, June 14th is 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
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I make is, we have just recently transitioned to the third Tuesday and some of our members have longstanding arrangements and I suspect by the following month, we may have all gone past our long-term planning and will be available on the third Tuesday.

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

MR. CORWIN: Yes.

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

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

So moved.

A second, please.

MS. GORDON: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.
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.
MR. CORWIN: I think we should have a motion because it's questionable.

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

So moved.

A second, please.

MS. GORDON: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN MOORE: Any opposed or abstained?

MR. CORWIN: Nay.

CHAIRMAN MOORE: One nay.

Motion carries.

Finally, a motion to adjourn.

Can I have a second?

MS. NEFF: Second.

CHAIRMAN MOORE: All in favor?

MR. SALADINO: Aye.

MR. CORWIN: Aye.
MS. NEFF: Aye.

MS. GORDON: Aye.

CHAIRMAN MOORE: Motion carries.

Meeting is adjourned.

Thank you, everybody.

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

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
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