VILLAGE OF GREENPORT
COUNTY OF SUFFOLK  STATE OF NEW YORK

PLANNING BOARD
SPECIAL MEETING

Third Street Fire Station
Greenport, New York

November 14, 2019
4:00 p.m.

BEFORE:
WALTER FOOTE - CHAIRMAN
JOHN COTUGNO - MEMBER
LILY DOUGHERTY-JOHNSON - MEMBER
PATRICIA HAMMES - MEMBER
REED KYRK - MEMBER

ROBERT CONNOLLY - PLANNING BOARD ATTORNEY
PAUL PALLAS - VILLAGE ADMINISTRATOR
KRISTINA LINGG - CLERK TO THE BOARD
AMANDA AURICHIO - CLERK TO THE BOARD
(The meeting was called to order at 4:02 p.m.)

CHAIRMAN FOOTE:  Good afternoon.  Welcome to the Village of Greenport's Planning Board.  This is a Special Meeting.

We have two items to discuss tonight.  The first item is for 326 Front Street.  And this is a discussion and possible motion of the Board to solicit comments regarding the application of the Greenporter, located at 326 Front Street, and provide those comments to the Zoning Board of Appeals at the request of the Zoning Board of Appeals; Suffolk County Tax Map No. 1001-4.-8-29, and Lots 30 and 31.

In our -- this basically is for the purpose of communicating our thoughts and comments to the Zoning Board, any concerns we, as a Planning Board, based upon our review and pre-submission conference, have had concerning this particular project.

AUDIENCE MEMBERS:  We can't hear you.

CHAIRMAN FOOTE:  You can't hear me?  Oh, I'm sorry.  Okay.  You could hear me, right?

MS. BRAATEN:  Yes.

CHAIRMAN FOOTE:  Okay.  I'll just -- I'm going to wait for the door to go down.  No wonder
CHAIRMAN FOOTE: Okay. So, to reiterate, this is for 326 Front Street, this is the first item. We're going to discuss among the Board Members to solicit comments regarding the application of the Greenporter Hotel, located at 326 Front Street.

I'm going to ask each Board Member at this time to express the concerns they've had based upon our prior review of this application, with the thought of communicating our ideas and thoughts and concerns to the Zoning Board, because I understand there's -- it's still in public hearing at the Zoning Board and they had requested our feedback.

At the -- as a -- following our giving our individual concerns, we can put together very promptly a letter summarizing those concerns and address it to the Zoning Board.

So going on that basis, I'd like -- I turn now to Reed. Do you have any thoughts you'd like to, and concerns you'd like to express in this application.

MEMBER KYRK: Yes. I mean, some of them
that I'm going to have to use, I guess. Yes, I do.

Some of our concerns have been discussed among us, and my overall concern about the application is just the -- a matter of aesthetics, really. It looks entirely different than the entrance to our town, and it always has.

But I think, though, in adding a third floor and actually making it much more imposing, I think that that's a concern to me. I mean, perhaps it hasn't been gifted with the older trees that the rest of the -- you know, the rest of the street exhibits. It's just -- so if you want, you know, if you want my concern, it's really one of aesthetics as you enter the town. It really doesn't -- I think the third floor actually accentuates the difference, yeah.

CHAIRMAN FOOTE: Okay. Thank you, Reed. Lily, would you like to comment?

MS. DOUGHERTY-JOHNSON: Yeah. I don't really have an issue with the height, especially because it's the -- I think it's just the solar panels and a vent that would really go over.

As to the aesthetics, if you knew what it looked like before, you know, like originally, I
think this is actually an improvement, not now, but like in the 1980s, when I first knew it.

But parking I think is always the concern, so I do think that it's just always a concern, and something to -- I don't think we shouldn't allow it, but I do think, just thinking that what it could be used for in the future, you're still going to have that amount of parking. You have to think about that when you're doing a variance.

But I think that's -- those are my only thoughts.

CHAIRMAN FOOTE: Thank you. John?

MEMBER COTUGNO: Yes. I think it's too intense of a use. These extra units for the site size and the parking is way out of line. And aesthetically, I think it's not good looking at all. I would be against a height issue, no matter what, but it's just like adding a box on top of another box, so it's completely out of line with Greenport. But, as I say, I think the parking is the biggest issue, the height is the second biggest issue, and the aesthetics is up there in the top two.

CHAIRMAN FOOTE: Thank you. Trish?

MEMBER HAMMES: I have some similar
concerns with respect to the overall significance of the building, once it's been joined into one structure from the front. But my biggest concern is the parking. And I know that they've tried to give assurances that the restaurant is closed and that doesn't need to be counted. But I think, as we saw, as we've seen with some other applications for other businesses that are coming before us, things change, and who owns it today may not own it tomorrow and may want to do something different with it.

So, at a minimum, I think the parking needs to be addressed one way or the another. I'd be in favor of at least applying payment-in-lieu-of provisions to buy it down, because they're 27 over, is my understanding, on the variance.

And then in terms of the overall aesthetics and the size, you know, it's been a concern of mine. Could I get over it? I guess that's something we haven't as a Board had a public hearing on yet. So, as I understand, that's not really per se what the variances are for, they're for the height and for the parking, so that's kind of what I had focused on.

The height I have less of an issue than the
joining of the two buildings into one big structure, which I don't think the variance specifically addresses, but, obviously, the use, the use of it.

CHAIRMAN FOOTE: Okay. Thank you, Trish. As far as the parking, would it be possible to -- Rob, to get a legal memo on this, just in terms -- because it's very complicated, because different parts of the existing hotel were bought at different periods of time. And one of the things that, you know, the owner is suggesting is, you know, certain aspects of it, if not all of it, are grandfathered and excluded from the parking restrictions.

And I -- it's just so complicated. It would be helpful for us, and I think also for the Zoning Board, if we could, you know, share it with the Zoning Board, just to get a legal memo that sort of expresses what our -- what the Village's position is on it.

TRUSTEE ROBINS: Sure, I could put together the memo. I could say that the Zoning Board gave them multiple opportunities to apply for interpretations instead of area variances for the parking, and the applicants decided to go forward
with the variance request. But, you know, the
Zoning Board is -- gave them multiple
opportunities to not seek the variances and just
get an interpretation. But I can put together a
memo.

CHAIRMAN FOOTE: Okay. Okay, thank you.
As far as my concerns, I also am concerned
about the height of the structure. I -- for a
couple of reasons. One is just where it's
located. It just seems like -- I was just
driving by it the other day, actually this
morning, and it just suddenly struck me, because
of its proximity particularly to the street, it's
so close to be turned into a three-story
structure. I think it's really going to stand
out and throw me off, throw us off. And it just
doesn't look like it -- as Reed suggested, it
doesn't really fit into the landscape. And it's
just -- it's jarring, I guess is the word I would
use.

The other -- I don't mind so much the
combination of the buildings, that doesn't -- I
think, actually, the architectural choices to
merge it are actually quite beautiful, but I
think that the -- I have a real problem with the
balconies. And the balconies I have a problem
with because they're balconies, and because it
makes the structure that much closer to the
street. However, I must say, on the other hand,
the Architect did a very good job of explaining
that, well, actually the balconies are intended
to soften the facade, that the facade itself is
rather unattractive alone. I'm not going to use
that word, probably I think what he meant, but --
and for that reason, it actually makes it look
better. So that's -- that's my aesthetic
concern.

And then the other part of that is just we
have to think about the precedent this could --
this could set. So, you know, everything in
Greenport, as far as I know, with very rare
exceptions, is two story. And there's confusion
in the code about whether or not three story is
permitted. And, you know, conservatively, it's
decided that it's not in and that you need a
variance. But it just to me, to authorize a
three-story usage here is -- could set a bad
precedent, because the next owner of a two-story
commercial structure, just going down towards
Front -- towards Main, will say, "Well, you
let" -- "You did it here, why can't you do it here, and why can't you do it?" Now, imagine Front Street with everything suddenly a three-story structure. I think we all have a problem with that, I know I would.

So it's just something that, again, this is -- I'm trying to put my head as a member, you know, on behalf of the public and how I foresee a concern about allowing for this to go forward, and that's how I feel about that.

At this point, I don't think -- unless anybody else has anything to add, I think we're done talking about this particular application. And, again, we can summarize our thoughts in a quick letter to the Planning Board that --

MEMBER HAMMES: Zoning Board.

CHAIRMAN FOOTE: To the Zoning Board.

Sorry.

(Laughter)

CHAIRMAN FOOTE: I'll probably give one to ourselves, too. And that's it. Okay.

Let's go on to the next item. This is for 123 Sterling Avenue. This is a pre-submission conference regarding the application submitted by Paul Pawlowski on behalf of 123 Sterling Avenue
Corporation on Thursday, November 14th, 2019, at 4 p.m.
The application is for possible amendments to a
stipulation agreement, dated March 12th, 2007,
for the property located at 123 Sterling Avenue.
This property is located in the Waterfront
Commercial District.

I think it's also -- a parcel of it is also
in the R-2 District as well, although the
property, the structure under most discussion is
in the Waterfront Commercial District.
This property is not located in the
Historic District, although, again, part, part of
the parcel, I think, is in the Historic District,
right?

MR. PAWLOWSKI: Yes.
CHAIRMAN FOOTE: The back parcel, yeah.

So let me just say the ground rules here,
because I know that a lot of people have high
interest in this. I'm going to start off by
inviting the applicant to come up and give us a
presentation. And following that, I'm going to
give members of the public the opportunity to
speak. We have to be efficient with our time.
This is not a public hearing where I can't put a
limit on how much you can speak, but we do want
to give you the opportunity to give this initial input. And I'm going to limit generally each person's thoughts to -- you know, I'd like to keep it to a few minutes, two or three minutes, literally. So don't forget, there will be a public hearing later on, so you can always add that later on.

So, at this point, I'd like to invite the applicant to come up and announce yourself, and let us hear your ideas.

MR. PAWLOWSKI: What I'm showing you guys, I have copies.

Hello. Paul Pawlowski, owner of 123 Sterling. Thanks for your time tonight. I want to review what we have submitted for, just a little history.

We purchased this property this past year. The property, when we purchased it, came with approved building permit, approved site plan from the previous sellers. And several years ago, the previous owners, the Neighborhood Association and the Village Board, of whom reached an agreement based on the approved plan.

Our goal here today is to start the potential process of a few modifications to this
approved plan. We are proposing a modification
to the site plan and to the use of the property,
while staying within the already approved merits.
We feel that this modification will reduce the
impact to the neighborhood and improve the
overall site plan.

I've met with the Neighborhood Association
several times, as my goal is to work with them,
as well as with the Village Board, to improve the
plan that's approved. Here is what we are
proposing:

Just briefly on the approved plan, approved
plan is a 45,000 square foot three-story
structure with balconies, 12 market rate condos,
five affordable rate condos, 15,000 square foot
of commercial space, one detached outbuilding for
marina use, parking along Sterling Avenue. Total
spots required, 83, and provided is 83. No
perimeter landscaping.

What we are proposing, and based off of
this application and the submission, we're
proposing to work within the same exact approved
building in size, height, shape, and with the
balconies. So the footprint as approved and as
proposed, and the height, etcetera, does not
change. We're proposing new exterior siding and overall look.

We're proposing 20 market rate single-family condos, five affordable rate condos in the outbuilding. The outbuilding footprint to increase to 30-by-50, versus 30-by-40. Rooftop pool on that outbuilding. The five affordable rates condos to go within that building.

With that outbuilding, 1650 square foot of commercial space. The 1650 square foot commercial space is roughly an 87% reduction from what's approved currently. I would say that's the biggest modification we're looking for, is the -- is the use modification from commercial to more residential.

No parking along Sterling, and relocated to the first floor parking garage. Parking required is 49 spaces as proposed, and provided would be 77 spaces, of which roughly 17 would be on the first floor indoors and not viewable from Sterling Ave.

Public access at Stirling Basin, there's a small section that we would donate for public access on the north, northeast corner of that property. We're also going to be providing with
the wetlands permit application, we're going to provide a pumpout station within our marina for the Village pumpout, Village boat to be able to pumpout there, versus having to go all the way around to the ferry location.

So those are the main merits of what we're proposing in a bullet-point fashion.

I just want to point out on the approved site plan, the footprint would stay the same with the larger structure, and the smaller outbuilding would increase by 10 feet, with similar allowable setbacks. The biggest change to the site plan would be to relocate or remove these parking spots along Sterling Avenue, because how they are, the cars would be faced in towards the building in the rear. The car would be roughly almost on Sterling Avenue.

The proposed site plan, just to point it out, would have sidewalks and curbing all the way down to the public access point on the water. The parking would be on the first floor, mainly, most of the first floor. This drive-through would just mainly be a one-way drive-through for deliveries, and most of the exterior parking lot would be on the west side of the property.
As we know, this is the approved appearance. We would stay within the same footprint, same balconies, but our goal is to improve the appearance. And with the -- with the proposed appearance, with the proposed appearance, our goal is, again, to work within what's approved, replace the siding with a reclaimed brick and gray shiplap. None of that's metal, it's -- besides the railing might be, and then improve the windows. Again, we're -- our goal is to work within what's approved, and improve on that with this appearance.

The brick would be reclaimed, and the shiplap would be a Hardie, Hardie material that comes prepainted gray, just to add a little bit of change to the building.

The goal behind this is to make it look like a refurbished large old oyster factory, and versus what the approved, approved appearance is.

(Laughter)

AUDIENCE MEMBER: Old fishery.
CHAIRMAN FOOTE: Quiet, please.
MR. PAWLOWSKI: So those are our bullet point proposed modifications and proposed appearance.
A lot of questions have been asked about why stay with the current building. We don't want to -- you know, there was a lot of work done years ago by a lot of people involved to get to this approved point. We don't want to go down that road again. What we're really asking for is to improve the site plan. I think it would be hard to disagree that taking parking along a residential road away is a good thing, and improve on the potential use.

I fully respect that when the oyster factory was there, it was much more of a commercial situation going on down Sterling Avenue. Since then, since that building was demolished, it's only a residential neighborhood. So our second major modification is for the use, to reduce that commercial impact to the street, and add more of a crystal ball in knowing what the use would be with residential units.

The other modification would be the -- a small pool on the rooftop. The main reason for the rooftop is we simply -- you know, the property is narrow. If we do it on the rooftop, it won't take up any green space, it would be self-contained. And that's the goal with the
pool, which is to have a private pool for the
potential buyers, that would be private for them,
and also private for neighboring properties by
putting it on the rooftop.

We definitely want to, obviously, honor the
five affordable rate condos. The reason we
proposed to put them in the outbuilding is
because they're small units, they're basically
one-bedroom apartments. The other units are
larger two to three-bedroom apartments. So it
would be nice to have those units separated, just
because it's two different potential, you know,
family sizes and stuff, so it works out well. By
putting them in the outbuilding, it allows us to
remove the parking along Sterling and put the
parking on Main, using much of the first floor.

Without relocating those uses, I don't
know -- you know, we -- the parking calculations
by code, we can fulfill them. We don't need any
public parking spaces, we could do it all on our
own property. But by relocating the five units
to the outbuilding, and the commercial space to
the outbuilding, it makes the site plan better by
being able to remove those parking spots along
there.
As far as why we are sticking with this building as well, it's the optimal location for -- on this waterfront property. Obviously, we'd like to be close to the water. When -- and then most of the exterior parking lot would be hidden in the back. Even on Ludlam, we would be providing a sidewalk and green space and screening as well.

So for one of the largest parking lots in Greenport, you really wouldn't see it much at all. You actually wouldn't see it at all, except for the two 24-foot-wide entrances.

This building offers us the ability to -- you know, regardless of approved or proposed, we could keep moving forward, because the structure, the structural aspect, the height, nothing changes in that regards. This is the best analogy I could give. It's basically what changes. What happens on the inside of these walls is what the modification is, not so much the building itself.

I realize the appearance is very important. I'm not going to make everyone happy, but I think, when complete, it will look good, I'm confident in that.
When factoring any project, there's a lot of things to factor, the investment itself, how people would like to live in that -- on that property. So this building offers full-floor living versus walk-up. This building is much more efficient than say doing multiple buildings, because we could do it with one elevator, one parking garage, and it's -- for those apartments, they mainly all would have a water view.

So I respect that this is a large project for the Village and for the neighborhood, but I kind of want to point out that if you look at comparable projects and properties similar to Stirling Cove, which is 48 units, Oyster Point, which is 34 units, Pipes Cove and us, we're technically the smallest, one of the smallest out of all of those waterfront accessible communities, and all of them have been around for 20 to 30 years plus.

So it is a big project. I understand and respect the emotion behind the project, but I really want to say this isn't anything new to the Village at all for what we're proposing. And I say that to help reduce some of the stress behind this project. We're not trying to come in here
and put a power plant in or something of big magnitude. Yes, it's a big building, there's no denying it, but the scale of the project is one of the smallest of its kind in the Village.

I also point this out because everyone's concerned. I'd be concerned with traffic. My goal is to own one of them and maintain one of them once it's done, you know, until my kids are out of the Mattituck School District. During that time, my parents will be living in one of these, and they're going to be concerned about traffic on the road.

You know, if you look at Stirling Cove, it's almost double the amount of proposed units we're asking for. And I've gone down that street a lot, and yes, there's cars, yes, there's traffic, but you barely even notice it. I didn't even know there was 48 units back there. So I'm not saying that to say, "Hey, this isn't a big project." I'm just really pointing out that what we're proposing is very similar to what's already in the Village.

Our goal today is to move forward and improve on what's approved. We fully, as the owners of this project, realize that we're at the
mercy of the Boards and the Neighborhood Association and the other people in the Village. We hope that, within reason, you know, we could improve on this, and that's our goal. Like I said, I met with the Neighborhood Association four times. While I realize they much -- rather be much more involved in the design aspect, and maybe a different scenario, you know, six of the seven points that we discussed together we came to somewhat of a common ground with.

And I'm here to keep the communication open, I'm here to answer questions, and I appreciate everyone's time.

CHAIRMAN FOOTE: Thank you. Okay. Would somebody from the public like to speak concerning this at this time?

MR. HILBRAND: Well, let's get the ball rolling.

(Laughter)

My name is Jaap Hilbrand. I didn't plan -- I live at 160 Sterling Street.

I didn't plan to stand here and talk, actually, but I thought this was an application for a hospital, it looks like a hospital. Where does the red brick come from in the neighborhood?
I live at 160, one of the Victorian houses, and I've been there for approximately 45 years. Our sole intent has always been to be a business or presentation to the boaters of the Greenport Village, and I think we have succeeded in doing that, by keeping everything in the old style. This changes everything.

On that picture, where would the pool be?

MR. PAWLOWSKI: I'll get back up at the end to answer all the questions.

MR. HILBRAND: Okay. Am I looking at the beginning of Sterling Avenue here? If I tell you how many trucks and --

CHAIRMAN FOOTE: Can you stop for a second?

MR. HILBRAND: I'm sorry.

CHAIRMAN FOOTE: I think it's more efficient. You can -- if you don't mind, he can --

MR. HILBRAND: Sure.

CHAIRMAN FOOTE: You can address each question individually. It will just get the flow more efficient that way.

MR. PAWLOWSKI: I'll just bring up the poster. So there was two questions. The first one was where, where is this building. So this
is Stirling Basin, so that you would be
looking -- this is the northeast corner of the
property, similar to that rendering. The
proposed pool would go above the already approved
outbuilding on the roof.

MR. HILBRAND: So not on the entire
complex?

MR. PAWLOWSKI: Not on the -- it's on the
property --

MR. HILBRAND: Yeah.

MR. PAWLOWSKI: -- but on the roof of one
of the structures of the property.

AUDIENCE MEMBER: Indoor pool or outdoor
pool?

MR. PAWLOWSKI: It's outdoor rooftop pool.

MR. HILBRAND: What size?

MR. PAWLOWSKI: Twenty-by-forty.

MR. HILBRAND: Sizable. Okay. Back to the
issue. Could you move that so we can see the --

is it a brick outside?

AUDIENCE MEMBER: Yes, reclaimed brick.

MR. PAWLOWSKI: So the proposed siding is a
reclaimed brick, and the gray is a gray shiplap.

MR. HILBRAND: As I mentioned, I wasn't
planning on speaking until I saw that. And I
thought this is a hospital. What is the brick
doing in that neighborhood?

MR. PAWLOWSKI: So some of the rationale
behind the brick, and now, again, this is open to
discussion and personal preference, but we came
to the brick aspect because brick is very
prevalent in maritime communities. And while I
understand that a lighter color, or shiplap, or
something of that nature, when you're dealing
with a building of this size, the brick will
disappear and not stand out nearly as much as a
brighter, lighter building, not nearly, and
that's -- that's one of the rationale?

MR. HILBRAND: I would certainly disagree
on that, but I would --

MR. PAWLOWSKI: So it's --

MR. HILBRAND: I'll leave the floor open to
some of the people in that neighborhood who
are much --

MR. PAWLOWSKI: So just --

MR. HILBRAND: -- better versed in the
technicalities --

CHAIRMAN FOOTE: Okay.

MR. HILBRAND: -- where the Planning Board
is concerned.
CHAIRMAN FOOTE: Very good. Thank you.
Yes.

I actually have a question that I'd like to address to the Town Attorney, if that's in order. My understanding is that there was a 2007 stipulation that came through the courts. And my question is where is the authority for the Planning Board to make any changes whatsoever? It would seem to me that the appropriate body to address these proposed changes would be to go back to the court. So where -- so the question, to make it very simple, is where does the Planning Board get its authority?

MR. CONNOLLY: It's on Page 7 of the stipulation.

MS. SHEMIN: Excuse me?

MR. CONNOLLY: On Page 7 of the stipulation it says that "123 Sterling reserves the right at any time to seek any modifications and plans through the ordinary channels for obtaining such modifications at that time." So that means that they're coming through the proper channels at the time, they're starting at the Planning Board.
MR. MOORE: Just read a little further, though, the next section about abandonment.

MR. CONNOLLY: There's nothing about that being abandoned. He hasn't abandoned the modified plans.

MS. SHEMIN: Please speak up so we can hear you. I didn't hear what you said.

MR. CONNOLLY: The plans haven't been abandoned, so --

CHAIRMAN FOOTE: Yeah.

MR. CONNOLLY: He's doing what he's --

MS. SHEMIN: Well --

CHAIRMAN FOOTE: And even if they were, it's the same process --

MEMBER HAMMES: Right.

CHAIRMAN FOOTE: -- because if it's abandoned, so you still go through the ordinary channels for obtaining such approvals.

So, I mean, the stipulation, in my reading and our Legal Counsel's reading, is that this is the plan that's approved, but the developer has the right to seek further modifications, if that person goes through the normal approval channels. Now, the consequence of that would be that the Neighborhood Association, which -- if everything
was built exactly according to the stipulation, the Neighborhood Association would not be permitted under the terms of the stipulation to challenge it legally. They'd get kicked -- that's what the stipulation says. However, if there is a modification, my reading is that would open the right of the Neighborhood Association to go back and challenge it in court. So that's really what's going on here.

MEMBER HAMMES: I think they'd be actually -- it would happen once we made a determination, and then they would challenging the determination in the same way that they challenged the original determination in favor of it.

MS. SHEMIN: So the process -- excuse me, I'd like -- so the process is the -- it's the Board that makes the final decision about the proposed changes to the 2007 stipulation. And the Neighborhood Association has the option to go back to court and to challenge those, those changes that were approved by the Planning Board.

CHAIRMAN FOOTE: Yeah, well, it's not just this Board, but if there's a zoning issue that comes up, the Zoning Board. It's if something
comes up.

MS. SHEMIN: So it's a joint -- so it's a joint --

CHAIRMAN FOOTE: Yeah.

MS. SHEMIN: -- decision.

MEMBER HAMMES: If there's -- if there's a variance required.

CHAIRMAN FOOTE: I said if a zoning issue comes up, yeah. Okay.

MS. SHEMIN: So in order for you to, let's say, come to an agreement on the proposed changes, what resources do you -- do you use? I mean, on the Board, do we have people who are engineers, who are aware of environmental law, who are just aware of land usage and zoning? Well, zoning perhaps you do have some expertise.

CHAIRMAN FOOTE: Yeah.

MS. SHEMIN: But where do you get -- you know, how do you come to your, you know, decision-making processes?

CHAIRMAN FOOTE: These are great questions, and we do have these resources available to us at our request. For example, we have our own Counsel who's advising us on the zoning related issues, land use issues.
As far as architectural issues, that's a great question, and we do intend to, at least, you know, I do, and I think my fellow Board Members would agree, intend to look into retaining somebody to look at the architectural features. We may, we may want to consider asking the Historic Board to weigh in on their views on it, because Greenport's an historical town. And even though it's technically -- the building itself is not in the Historic District, we think it might be a meaningful input to get. Obviously, most importantly, quite frankly, are getting the input from people like you, the public, the community, and getting, you know, their concerns expressed, and all of that gets factored in before we make any kind of decision.

MS. SHEMIN: Okay. I do appreciate that. I just wanted to point out that, to me, that some of the objections that were raised regarding the Greenporter Hotel just now, just a few moments ago, I've heard those exact same reservations being made about this project, and the objections all came from the dais here. So, I mean, just keep that in mind, that there has to be consistency in the decision-making. What's good
for one is good for the other.

Thank you very much.

CHAIRMAN FOOTE: Thank you.

(Applause)

CHAIRMAN FOOTE: Yes.

MR. SPIRIDAKIS: Hi, everybody. I'm Tony Spiridakis, and I live on Sterling Street.

One of the questions that I had is, is there parking under the building?

MR. PAWLOWSKI: First floor parking, not underground, but in the first floor.

MR. SPIRIDAKIS: So residents have their parking in --

MR. PAWLOWSKI: Correct.

MR. SPIRIDAKIS: So it's not all in the back. Okay, that's great. Because it would seem like --

CHAIRMAN FOOTE: Excuse me, but that's under the proposed modifications. The current plan doesn't call for parking on the first floor.

MR. SPIRIDAKIS: Of any kind, yeah, I understand. I was asking about the proposed.

I just want to reiterate what was brought up about -- the one thing that came to mind about what I heard before about the Greenporter...
location is this idea of three stories and two stories. I mean, I understand -- I don't really understand. I guess this was approved in 2007, correct? So now we've carried something up to 2019, and it seems like -- it seems gigantic compared to the other. I respect also the other housing that have more units than you, but all of those are two story, if I'm not mistaken, are they not, all those?

MR. PAWLOWSKI: Just to clarify in the height, the height of this building would not exceed the height of Stirling Cove's building. Yes, Stirling Cove's are two-story, I believe, with the roof, but the overall height is exactly the same height.

MR. SPIRIDAKIS: But this is a three-story.

MR. PAWLOWSKI: Still maintaining the same height, the overhaul height of Stirling Cove.

MR. SPIRIDAKIS: Okay. So Bay, the Bay Apartments, would they be the same height as this as well?

MR. PAWLOWSKI: (Nodded yes).

MR. SPIRIDAKIS: Okay. So the other thing that I worry about, that I don't know, that parking is one thing, but I live on Sterling
Street, which if you live on Sterling Street, you know that it's barely possible to get two cars down the street at the same time, literally.

MR. HILBRAND: Impossible.

MR. SPIRIDAKIS: It's impossible. So there's parking along the one side of Sterling Street and no parking allowed on the other side. This absolutely becomes a one-lane thoroughfare. So I'm just wondering how -- and then when you turn on Sterling Avenue, you dead-end, so now you have to go right or left.

I'm just concerned, living -- you know, moving into a new quiet, wonderful neighborhood, how -- which I have to be very careful when I come out of my street at the church. You know, turning, it's just -- in terms of the traffic impact, have you done the study on the actual impact to the -- to that aspect?

MR. PAWLOWSKI: Well, one of the main reasons for our proposed modification to the use is to reduce the commercial, which will then in turn reduce the traffic flow, because it's more residential than commercial. And we're also -- we're going to have two entrances to the property, one off Ludlam and one off Sterling.
Avenue, to help with that impact, but similar to if you go to Stirling Cove and you sit there on the weekend or in the summer. If the main use is residential, we feel it's much less than the approved use.

MR. SPIRIDAKIS: It's just I would bring it up as an issue. And then I -- you know, the idea of making it modern in terms of what the neighborhood, I guess, has -- I mean, I've been coming out here my whole life, so it's not like I'm unfamiliar with the Village or the architecture, and so forth, and that is a tough call. I mean, I personally think that in -- from the time of Sharkey's, this has become a very beautiful neighborhood with a lot of cedar shingle and the historic -- and the detail, you know, getting a garage built these days, so that it actually is approved because of its architectural design and, you know, the affinity of the Village. This just seems very out of place in terms of all of that. But I don't know what the options were for you, so that's it.

CHAIRMAN FOOTE: Thank you. Would anybody else from the public like to speak? Yes.

MR. MACKEN: Hi. Frank Macken from
So living on Sterling Avenue, our primary concern -- well, there are two concerns. One is the visual, and the other is the flooding issue, because this property is in a FEMA floodplain. And, actually, most of the property where they're building right now is in a FEMA floodway per the FEMA 2009 map. And in a floodway it needs to be maintained free of encumbrances, and it also -- you cannot raise the grade. And, actually, what's happening now is that they're raising the grade about two feet, judging by the water -- the waterproofing on the -- on the foundations they've already put in. They've put in a solid foundation, whereas every other house that was built across the street had to have a wash-through underneath, so water could pass underneath. So what this does, you're creating a solid raised island. So then you're, you know, basically forcing about 100 -- 100,000 cubic feet of water up our street.

And Hurricane Hugo in 1985, water came halfway up our street. In Sandy, water came halfway up our street, and this entire lot was flooded. The entire lot we're talking about was
underwater. So we're really concerned.

This is not being -- I mean, this property, because of this stipulation, it seems to have armor-plated this property against any review. Normally, the -- it would have gone before the Planning review, Planning Board in terms of the visual, which is, I mean, unlike anything, apart from the ELI Hospital, is unlike anything on the North Fork.

And they're currently having a big discussion in Riverhead about planning in Riverhead, and opposing a -- there's a four-story building that was proposed down there. And as somebody said, several people said, all the issues that were raised in terms of the Greenporter and The Menhaden, which was also mentioned tonight in terms of the three story thing.

What this shows here, this original building, even at -- which was supposed to mimic a -- the part of the building, which is only one-third of the size of the original Sharkey's building, of that Fish Express building, was that kind of industrial look, and it was nowhere near the height of this building.
In the stipulation, the 2007 stipulation, there is no mention of height. And so what has happened, without any Planning review, is that the developer has gone into the Village with a set of plans and says, "This is what I want to build" and they've gone, "Boy, Paul, that looks great," rubber stamp, without any consideration of the height.

So they've got a two-foot foundation. Then per the plans, they've got a 34-foot building on top of those foundation. That's 36 feet already. Then they got parapets.

And then what is not shown on this, actually, it's on the other one, what is not shown is the series of bulkheads that have to be up there. There's an elevator bulkhead, there's stair bulkheads. There's a whole mess of mechanical equipment that is going to be put on the roof, especially considering flood issues. So all that stuff is going to be up there. And we're wondering, even given the height, the visual impact and the bulk of this building, which is going to alter the landscape of Greenport completely.

I mean, nothing this big has -- no one
single building has ever been built this large in Greenport or this high, except if you count maybe the cinema or something, and that's all downtown. So this neighborhood is a residential neighborhood, always was a residential neighborhood. It was this remnant of an oyster plant, which had become Fish Express. They had like about one fish -- they had one Arctic truck came through every three days, and that was the extent of -- the extent, and a pickup or two. That was the extent of the commercial traffic. So to say that there's going to be no effect on commercial traffic when you got 83 parking spaces coming in is just ludicrous. Ludlam Place is narrower than Carpenter Street, which is about the same or narrower than Sterling Street. So the only wide street is Sterling Avenue. The Stirling Cove condos, they have Central Avenue and have Bay Avenue, both of which are quite wide, or as wide as Sterling Avenue. So to force this amount of traffic into this neighborhood is going to be really radical. And in terms of the visual impact, yeah, I covered that. Okay. So the stipulation, the famous stipulation,
which has been used to shield any -- this development from any proper review, was arrived at to, in -- because the Village were trying desperately to cling to Waterfront Commercial, or at least not to let -- not to let it go without a fight. So they insisted that the waterfront -- that the -- whatever was built there had to observe the Waterfront Commercial. So Mayor Kapell, at the time, insisted on this.

And so the developers wanted to build residential, and the Village had a no-condo-allowed thing anymore. So what was arrived at was 15,000 square feet of commercial with a marina application. So -- and that was a stipulation. And, basically, they said even though the Sharkey's building was not three -- was not three-story, only part of it, a very small part of it at the front was three-story, the rest was two-story. And as somebody pointed out, Stirling Cove is all two-story, and all of the other condo developments are all two-story.

So, basically, what happens, if you take what is proposed now, to take that 15,000 square feet and reduce it to 1200 square feet basically just guts the original stipulation and makes it
meaningless, because now you're talking residential, and that could be a totally other -- that should be and could be a completely other thing.

And the one-story marina building that they have, that they now propose to turn into a three-story building with a rooftop pool, I don't think there's anything like that in Greenport, and I doubt that's permitted.

In any case, this is a large property. It all floods, and so it's going to have a really dangerous effect in terms of flood, and will probably raise flood insurances, insurance rates for everybody all the way around.

And the last thing I wanted to say was there are -- another element of the stipulation was affordable housing. To add affordable housing, which is now 12 years later, is even more relevant than ever. So, basically, taking the -- the developer originally wanted to move that affordable off the -- off site, but the Village said no. So now the idea is to take the affordable and separate it from market and put it in this adjoining building. And that's something that's been -- that's an issue, certainly,
everywhere in terms of affordable housing. And, certainly, it's an issue in New York City and everywhere else, is to basically, you know, not separate it and, you know, ghetto-ize it, or whatever and -- but just to -- that it all be mixed use.

And this building will not then be -- it will be all basically million dollar condos with balconies, with elevator, all that kind of stuff, and parking underneath, just like you would have in Brooklyn waterfront or Miami waterfront, but it does not fit in Greenport, this does not.

And everything -- just one last thing. I know I've gone on for a little while, but everything that you decide on this project will set a precedent for everything else that's happening in Greenport, that is going to happen in Greenport. The Claudio's redevelopment is coming up. They're making tentative probes in it now, but that -- and then Clark's Shipyard, and then all the way around. And the whole of Front Street is up for grabs, because there's big money moving in and development is coming. And so whatever you do, whatever is decided on this is going to be -- is going to have huge
repercussions.

And I think if you had been reviewing the building that -- on the other -- that Mr. Pawlowski is proposing there, at least on the third floor you would have required setbacks, which is normal, breaking the line, breaking that big square line, and, you know, doing setbacks, or gables, or whatever, and just reducing it.

And I don't think that it's in any way credible to say that this building is going to be the same height as the Stirling Cove condos.

MR. PAWLOWSKI: Why? Why?

MR. MACKEN: Because it's just visually alone, and also because those are -- it's just not going to be. It's not going to look like that. Those are all broken like that. Even if at any point any of them are 35, 35 feet, and yours is going to be bigger than 35 feet, as I pointed out earlier on, but where are you going to put the bulkheads?

MR. PAWLOWSKI: So just to -- without arguing with you, but mathematically and factually, this will not be any taller than Stirling Cove. Actually, if you factor in the HVAC systems that are on Sterling, some of those
roof systems, they are technically taller. There's no doubt the scale of this is larger, without a doubt, I'm not arguing that. And you're right on the scale, but height you're wrong. Height's mathematics.

As far as this building, the one that's permitted is 35 feet from grade. The one proposed is 35 feet from grade. That building right there has no parapet wall. That building right there you would see the elevator bulkheads and everything like that. With what's proposed, you're not going to see one HVAC unit from anywhere. And there's not going to be an elevator going to this roof, there's just going to be a service staircase. So you will not see one HVAC unit with what's proposed.

MR. SPIRIDAKIS: How is that possible?

MR. PAWLOWSKI: Because there's a parapet wall on this proposed that will hide every HVAC unit that is 36 inches in height, maximum. So height, this -- what's proposed is less than what's permitted. And I'm just arguing back facts, I'm not trying to get into an argument with you, but that is the facts behind this.

MR. MACKEN: Okay.
MR. PAWLOWSKI: As far as compared to
Stirling Cove, the height of the top -- Stirling
Cove has a different architecture, so that's not
my point. I'm talking about overall height.
They have a 12-foot visual roof line. That, that
takes the place of our third floor. And the big
reason why this is -- the proposed is still third
floor -- three floors is because we're going off
what's permitted, but we're trying to improve the
parking situation by putting it on the first
floor.

MR. MACKEN: Okay. But it doesn't compare
to those in terms of the roof line as you talk
about. And the other thing is that grade is
not -- the 35 feet is not -- as far as I know,
technically, it's not -- it's measured from the
crown of the road, it's not very -- measured from
grade.

MR. PAWLOWSKI: Ours is.

MR. MACKEN: And it looks like you guys are
raising the grade there, which is not permitted
under FEMA rules.

MR. PAWLOWSKI: We're not raising the grade
at all. There will be a stone veneer along that
foundation.
MR. MACKEN: Well, it's -- all of these things, I mean, we basically feel that like, you know, there's nobody looking at this, there's nobody that's monitoring it properly, there's no -- there's no impartial professional viewpoint. We're supposed to take the developer and the builder's and the architect's word at face value, but how do we monitor? How do we know that these things are true? I mean, how do we know that like that's what it's going to end up looking like?

You know, I mean, this is another issue in terms of like -- because the Village does not have a proper Building Inspector. And we feel that it's not -- just not, you know, it's not being -- this thing has just been pushed through, rubber-stamped, and nobody's taking any consideration of what it's going to look like.

And the visual impact is going to be huge. You can say that's a different architecture over there, but yours should be the same architecture as that one, you know, not this, you know, thing that belongs in Brooklyn, or Miami, or somewhere else, but not in Greenport.

Anyway, thank you very much.
CHAIRMAN FOOTE: Okay. Thank you.

MR. MACKEN: I apologize for going on so long.

CHAIRMAN FOOTE: Yes. Before the next speaker speaks, one of the comments he made was that the stipulation did not permit a three-story building to be built. It's my understanding that, in fact, the plans attached to the stipulation did show a three-story building; is that correct?

MR. CONNOLLY: It did, yeah.

CHAIRMAN FOOTE: Okay. So I just wanted to clarify that understanding. Yes.

MS. MOORE: Good evening. Doug Moore, 26 years at 145 Sterling Street, and now fondly a former resident. But I have a great appreciation for our neighborhood, and I think everybody does.

One thing I'd like to say is I think most people would like to see a resolution. I'm sure the Village would like to see the tax rate go to an occupied status, rather than vacant, and I think everybody would support a solution.

And the original stipulation, I'd like to point out, was a compromise. It was what everyone said through an agreement that they
could tolerate, and it had very specific
requirements. And, unfortunately, the agreement
has not a lot of detail in it, planning and also
process. And that's my concern, is the process
that's going on.

One of the previous speakers wondered how
the Planning Board could make all the approvals,
and you indicated that's not the case. But I
would also caution you that you have to determine
what is a minor change and what is a significant
change.

I think the abandonment part referenced, I
think, a total change. The developers would come
back and ask for something totally different.
But it does point out that any change that occurs
should come under review. And I think that
applies to the main building as well, even though
the footprint is something that essentially is,
you know, set in place now, it's a footprint.
But I think that any change from what the plans
actually specify should have a review as if this
is something coming to the Planning Board for
their full consideration.

And I have a feeling that your first action
at the formal plan submission and review is to
immediately refer to the Zoning Board, and you may need many pages to enumerate all the variances that will be necessary. This new building in the back, which is a total change of use from the original commercial service building, is a nightmare for the Zoning Code, I can assure you, even though it's on a residential lot. So I would hope that you are getting good advice from your Attorney, and that you are looking at details.

I'd like to point out that the consent agreement was generated out of fatigue. (Laughter)

MR. MOORE: That drives a lot of decisions. And I hope you will not become fatigued in your ability to review the plans. Let's get this resolved.

MR. HILBRAND: Doug, would you tell the Board what your history is as far as Zoning Board and Planning Board?

MS. MOORE: I did before. Seven years as Chair of the Zoning Board of Appeals.

CHAIRMAN FOOTE: Yeah. Thank you. Next, please.

MS. MUNDUS: Hi there. Pat Mundus,
182 Sterling Street.

I'm not going to reiterate what everybody already said, I think the concerns are pretty clear. I just want to say thank you very much. The Planning Board and the Zoning Board are both volunteer groups, and thank you very much for your service to the community.

Not only -- it's my understanding, I wasn't here in Greenport when the Stirling Basin Neighborhood Association signed off on this stipulation agreement, but, as Doug pointed out, it was -- the end product was fatigue, and they lost two lawsuits trying to fight this.

So I have to say this is very clever marketing. Who would want this in their neighborhood? No matter where you live in Greenport, all it need is some coils and some barbed wire on the top, it looks like a prison.

(Laughter)

MS. MUNDUS: No matter where you live in Greenport, nobody wants this in their backyard.

So this is now, like I said, very clever marketing. Well, you know, it's a huge improvement, there's no question about it. But when I put this picture up on the Village of
Greenport's Facebook page -- thank you, Mary Bess, for supporting that -- there were 225 comments. Nobody, not one single person said that it was good looking, appropriate, or it spoke to our neighborhood. They said things like prison, doctor's office, drug testing facility, hospital, okay?

(Laughter)

MS. MUNDUS: I would think, this is your legacy, your name's going to be all over this, that you would want to try to build something that we all could support.

And when you came in in May and gave us a beautiful thing with the clustered housing and all of that, almost everybody in the neighborhood was behind you, and then, suddenly, we're back to square one. I understand, as a businessman, where you're coming from, but, you know, to tell us that this speaks to our neighborhood is bullshit.

(Laughter)

MS. MUNDUS: It means nothing, okay? The idea that this is in the same scale as all the other condos, condos were basically a moratorium after they all went up, okay?
This is reactionary thinking. This is -- the whole thing was approved in 2007. And I thank you very much for bringing this to the Planning Board, because this is the only bulwark that we as a community have to have any kind of support for our neighborhood. There are houses there that were built in the late 1700s. One of them was built in the middle 1700s, 1850, my own house, 1935. This speaks -- has nothing to do with the vernacular of our neighborhood.

It's very clear in the Village Code that the Planning Board's job is to, on the behalf of the Village residents, balance the -- you know, the use of the economic wellbeing of the owner against the greater good of the community. And it's in plain English, explicitly, where it tells the Planning Board they must make sure that any new commercial waterfront property that's developed in the neighborhood has to speak to the neighborhood and has to respect the vernacular.

So thank you very much. I'm glad this process is unfolding. We got absolutely no support from the Village Trustees when we brought them. We had gotten no support at all from Town Hall. So it's in your hands, and we thank you.
very much for careful review. Thank you.

(Applause)

FATHER JOSLIN: Good evening. I'm Roger Joslin. I'm the Priest at Holy Trinity Episcopal Church on Main Street. And so I don't live on Sterling, on the basin myself, Avenue or Street, but I do walk there a lot and I deeply appreciate it. I live on Main Street. I've been here 2 1/2 years and I've grown to really appreciate this beautiful village that we live in.

And there's a couple of things. As far as the aesthetics go, people have different opinions all the time. I'm not going to jump into that one. My guess is that as a developer, you want to sell these units, and so you want to build something beautiful. So I expect at some point, our interests in there seem like they ought to align in the neighborhood and your wanting to sell something that people want to live in.

I do have a couple of concerns. One's really more just a question, a clarification, because we live in a very walkable city. I think it's one of the most valuable things that we have about living in Greenport is that we are, in fact, compact, our houses are close to together.
So I don't -- you know, density for me isn't really a bad word. Being close together enables us to support local businesses with enough people that we can have a grocery store, and bars, and restaurants, and coffee shops that enough people live close enough that -- and we can walk, walk to each other's houses, so that's not such a bad thing. Traffic, that's another issue around how you deal with it.

And I applaud the design, moving, moving the parking away from the street itself, that seems a great vast improvement. Because we're a walkable place and the most -- one of the most valuable things that we have as a village is our waterfront. Do I understand that public access is available along the basin, the basin itself, a boardwalk, sidewalk something along those lines?

MR. PAWLOWSKI: It is.

FATHER JOSLIN: So people could walk in front of there, that's good.

The other thing I want to raise that hasn't been, maybe it was touched on, is that another great thing about Greenport is that we have housing for -- people of a wide range of incomes live here. We've got rich and poor living side
by side. And I'm glad to see that there's affordable housing here. However, since it's been changed from commercial to residential, you've increased the number of residential units. So before it was something like maybe a quarter of the residential units were affordable, and now that's been -- excuse me, more like a third. I suppose there were affordable --

CHAIRMAN FOOTE: Right. There's five out of 17.

FATHER JOSLIN: Five out of 17 --

CHAIRMAN FOOTE: Yeah.

FATHER JOSLIN: -- were affordable. And now, if you're going to have 20 units, there's still five. And so you've reduced the percentage of affordable housing there. And it would be nice to see you retain those, that separate building with those affordable units and put some other -- one of the -- some of the larger units in the main structure as affordable as well, because there are families who need affordable -- not just single people, one bedrooms. There are, you know, families who need that as well.

So I'm going to leave the aesthetics up to you guys, that you'll build something good that
all of our village can enjoy. Thank you.

CHAIRMAN FOOTE: Thank you.

MR. PAWLOWSKI: So, and I'll be brief, and I just want to touch on a few points that were brought up.

As far as rubber-stamp and pushing this through, that's exactly the complete opposite of what's actually happening. Two days after I bought the property I met with the Neighborhood Association. I met with them four times. I've met with the Village Administrator a few times. We're here tonight. We're going to go through a process. Nothing is being pushed through, quite the contrary. I'm here to communicate. I've been communicating. We're going to go through a process, and that's what we're going to do.

And if, at the end of the day, we get through this process and these modifications could happen, or we could come to a mutual agreement, that's going to be good for all of us. But if we can't, I have a permit to build what's approved. That's not my intentions, that's not my goal, but we invested a lot of money, and we know that that's what we may have to do. But we're -- our intentions are to work with you.
And I hope, I hope I've proved my communication. I hope I proved that we're not trying to push this through in any way, but we are definitely working within the parameters of the approved building and approved site plan.

So, when it comes to height, the discussion's over with. I'm going by what the permit says. I'm here for two modifications, use and some site plan changes. If I can't -- if we can't come to that agreement, I'm moving on. And I say that just because the last thing that I want to -- you know, people to think is we're just trying to push this through. We're not.

MR. SPIRIDAKIS: When you say you're moving on, are you moving on 17 and five, or are you moving on 20 and five?

MR. PAWLOWSKI: No, no, I would never.

MR. SPIRIDAKIS: I just want to know what you mean by that, that's all.

MR. PAWLOWSKI: To be very clear, I will never move out of what's permitted or the stipulation --

MR. SPIRIDAKIS: Which is, which is --

MR. PAWLOWSKI: -- ever without approval.

MR. SPIRIDAKIS: Which is the 17 and the
CHAIRMAN FOOTE: It's twelve. It's 12 and --

MR. SPIRIDAKIS: I just wanted to make sure.

CHAIRMAN FOOTE: Twelve and five, isn't it?

MR. PAWLOWSKI: Twelve and five, with a total of 17.

MR. SPIRIDAKIS: I just wanted to make sure I understand that. Thank you.

MR. PAWLOWSKI: So we knew buying this that we might be stuck to the stipulation. We're trying to go through a process to make modifications, and based on those modifications, height is the same, bulkheads are improved, parking's improved, potential traffic flow is improved. We don't need an engineer to tell us what's going to be more traffic or less traffic, 15,000 in commercial, or a few more residential.

So that's -- that's our goal.

The one big thing, you know, as far as the percentage, that's a good point. If there's a compromise to keep an equal percentage of affordable housing, I'm all for it. That adds -- you know, we'll figure that out. We'll figure
out siding. We'll work together, for sure.

But separating the affordables from the main building was mainly because of family size. There's not one ounce of this that will make them lesser value or anything. My sister, who works in Greenport, will be living in one of those, whether it's in the main building or the outbuilding. So there's no part of me.

I proposed the largest affordable housing project in Southold history, so I'm all for it. So it's not about separating, it's just about figuring out how to remove the parking, what's best to do with that parking, and how to make these initial merits work.

As far as gutting the stipulation, and it was very conflicting, but the big difference between what we're asking for and what's approved is the commercial aspect of this, and this will go to the ZBA. But on one hand, one of the residents brought up traffic flow, and this and that. Do you want the commercial? It's more traffic flow. I'm not saying that to say anything except for the fact.

You know, precedent, we have a permit. We are asking for modifications that I hope other
developers in the area do take precedent over. We're proposing to hide our parking. We're proposing to reduce impact. So the precedent that's set by what's approved versus what's proposed is much worse than what I'm proposing.

So I'm willing to go through this process, I'm excited to go through the process, and we are improving on what's approved. That has to be very, very clear, we are improving. I'm not going to make everyone happy on aesthetics. I realize 203 people were negative. If you counted those 203 comments, it was roughly 27 of the same people.

I'm here to improve a situation. I'll work with you. I'll hear you, Ellen, I'll hear you Pat, I'll hear the Planning Board, I'll hear the ZBA, and I'll do that until we reach an agreement, but I'm not going to go around and around and around forever, I'm just not.

The approved I could sell and fill, the proposed I could sell and fill. I'm excited to improve it. I hope you guys are, too. This is not about forcing anything through.

I put the foundation in to beat the weather. And whatever the building is, based on
these modifications, there's not -- you know, the
structure doesn't change, the structural doesn't
change, its use and an improvement to the site
plan, and what's what I -- you know, based on
those comments. There's no clever marketing
either. The approved was to sell the picture.

MS. MUNDUS: It's either or, I mean, it's
pretty obvious to everyone here.

MR. PAWLOWSKI: So I'm just pointing out
what we're proposing, I'm not marketing anything
here. The approved is the seller's picture or
the previous owner's. This is what we're
proposing, and the only way to do it is to put a
picture. I'm not --

MS. MUNDUS: If you soften it, the
neighborhood will help you, that's what I would
say.

MR. PAWLOWSKI: Great. Give me -- give me
constructive criticism on how to soften it and we
will take it into account.

MS. MUNDUS: Well, that's what the Planning
Board is for, so we have it.

MR. PAWLOWSKI: Good.

CHAIRMAN FOOTE: Thank you.

MR. PAWLOWSKI: Everyone have a good night.
AUDIENCE MEMBER: And how about speed bumps on the adjacent streets?

MS. ALLEN: No.

MR. PAWLOWSKI: What?

MS. ALLEN: No

AUDIENCE MEMBER: Yes.

CHAIRMAN FOOTE: Let's -- hold on.

MR. PAWLOWSKI: That's not my fault.

CHAIRMAN FOOTE: I don't want comments made unless somebody's up at the podium to address them. Would you like to speak next? Thank you.

Before you do speak, I have one kind of legal question for Rob, and which is I'm looking at the stipulation, and the language reads, "In the event that 123 Sterling obtains all approvals for the modified plans and no such approvals are challenged or invalidated, 123 Sterling reserves the right to abandon the modified plans, except that if it abandons the modified plans, but thereafter seeks to develop the property, 123 Sterling shall apply for approvals of the new development plans de novo through the ordinary channels for obtaining such approvals."

So my question is were the modified plan -- is this the first time that the modif -- that
approvals were obtained for the modified plans, or were there -- did the previous owner of 123 Sterling actually obtain approvals, like did they ever get a building permit before?

ADMINISTRATOR PALLAS: No.

CHAIRMAN FOOTE: No? Okay. So is it the position of the Building Department is that it was never abandoned?

ADMINISTRATOR PALLAS: Yes, that's correct.

CHAIRMAN FOOTE: Okay. In --

MR. CONNOLLY: The stipulation approves the modified plans.

CHAIRMAN FOOTE: No.

MR. PAWLOWSKI: Not my plans, the seller's plans. The seller's plans were modified.

CHAIRMAN FOOTE: No, I know, I understand that. But the modified plans are the -- those are the -- in the agreement, those are the ugly plans, the old plans.

(Laughter)

CHAIRMAN FOOTE: Okay. So my question is, did -- that's a legal conclusion, though, that it didn't abandon, it didn't abandon that pre-approved twenty -- 2007 stipulated plan. But what is the basis for that conclusion, that it
wasn't -- because I think a lot of people out here are saying, "Well, look it was 2007, and it's 12, 12 years later. What do you mean it wasn't abandoned?" You know, nothing was done for 12 years. So how do we take -- how is the Village taking the position that it wasn't abandoned, is my question.

MR. CONNOLLY: Well, there's no -- the final draft in 2007, there'd be a sunset provision in the stipulation.

CHAIRMAN FOOTE: Right.

MR. CONNOLLY: There's no sunset stipulation in here for that sort of sunset provision.

CHAIRMAN FOOTE: Right. But I'm saying, if it was -- let's say it was considered abandoned. Then, in fact, the way I read this, it's like he had to start all over again. He wouldn't be subject to the terms of the modified plan if --

MR. CONNOLLY: Right.

CHAIRMAN FOOTE: Right?

MR. CONNOLLY: Correct.

CHAIRMAN FOOTE: So, really, it's a critical question to answer, is was that, in fact, abandoned or not? Now, I think that the --
you know, as a lawyer, the thing that sort of weighs in the favor that it wasn't was that it says that in the event that 123 Sterling obtains all approvals for the modified plans, and no such approvals are challenged or invalidated. So that has to happen first if that -- before you determine whether or not an abandonment occurred. If that never happened, then maybe that's why it's considered not to have been abandoned.

MR. CONNOLLY: They applied for a building permit. It's based on that the plans were submitted with the stipulation.

CHAIRMAN FOOTE: I understand that. So --

MEMBER HAMMES: I'm sorry.

CHAIRMAN FOOTE: Yeah.

MEMBER HAMMES: But my understanding is, is that they applied for a building permit last year before they sold. The building permit was issued based on these plans.

CHAIRMAN FOOTE: Okay, I under -- yeah. But, so the question is there was never a permit issued previously, this is the first time?

ADMINISTRATOR PALLAS: That's correct.

CHAIRMAN FOOTE: Okay.

ADMINISTRATOR PALLAS: I totally
understand.

CHAIRMAN FOOTE: All right. Thank you.

MR. HILBRAND: That's why the basement, the foundation is in there, capisce?

CHAIRMAN FOOTE: Yes, go ahead.

MS. SCHNEPEL: Ellen Schnepel, S-C-H-N-E-P-E-L. I hadn't really expected to speak today, because I've spoken before, and I don't like to take time from other people's comments, and I'm not actually referring to any of the building plans. I just want to make a few clarifications about some of the things that have been said so far.

Paul, you constantly are mentioning we've had meetings with you, the Association. It's been the Steering Committee that has met with you, not the whole association.

MR. PAWLOWSKI: Sorry.

MS. SCHNEPEL: And because we meet with you doesn't mean we've given you tacit approval for your plans. We have constantly been recommending things to you, which you have not listened to or incorporated into your plans.

So when you mention that you've been transparent, I'd like to know what your
definition is of transparent, because these plans have changed from May. You had us at hello when you showed us the plans of the cluster housing in May. And I'm making a reference to Jerry Maguire's movie, the movie, because you had us at hello. Now you have us at goodbye.

I don't know what -- what got you from May to here when we were with you in May six months ago. We would have given you every single approval you wanted. You wouldn't have to go through this whole process, other than, you know, it has to be presented for changes from the original stipulation.

When you say that you've made concessions to us, the one concession was the walkway, and that wasn't even going to be a huge walkway with, you know, parking benches, it was just a little access for the public. We wanted there to be space around the, you know, perimeter of the building so that people could enjoy Stirling Basin.

So I'm just making those clarifications, because I think we're not talking together over these issues. If you want us to work with you, then you have to listen to us. And the meetings
we've had with you have sometimes been with lawyers, sometimes not.

But, again, it's negotiation. It's not, you know, pushing through your ideas without listening to us. And this is why there's -- there are these meetings. And we hope, you know, you will be able to listen to what the Planning Board Members have and what the community has, because both are very important.

CHAIRMAN FOOTE: Thank you.

MR. PAWLOWSKI: So to touch -- now, thanks, Ellen, for that.

To touch base on this, from May 2nd to now, May 2nd I showed the approved building, a townhouse concept and a clustered concept, to get an understanding of not only what the Neighborhood Association would potentially want, but also the Village residents themselves. That was May 2nd. What I proposed on May 2nd, nothing on merits has changed from May 2nd to today. A few points changed that were spoken about in our Steering Committee meetings, whether with a lawyer or without, that I added to.

So immediately after having the May 2nd meeting, I got down to -- a meeting with the
architect, the engineers, to see how all this
would work, would cluster work, would the
townhouses work, would all that work, and with
balancing all of them, that's how we came back to
the main building.

The cluster aspect would not -- we would
not meet our parking calculations by code by
doing that design, we could not meet it. We
wouldn't be able to remove the parking along
Sterling. So we came back to this.

So once I figured that out, I immediately
called for another meeting with the Steering
Committee, because I did want to be transparent,
and in that meeting we reviewed the -- some of
the aspects the neighborhood community wanted.
And I said base any on your support, I flat out
said we're staying with this building. Base any
of your potential support, knowing that it's
going to be the pre-approved building, and the
rest of the things we spoke about in our
meetings, I'm going to, you know, try to amend.
And that was -- I said that very clearly.

From that meeting, one of the big things
was gaining some public access to the end of
Stirling Basin, which we are donating that
property. Another one was remove the parking along Sterling, so we're trying to do that. Another was to make sure that there's no limited landscape lighting, which we're not proposing any, we'll only do what's needed by code. Another one was that our drainage would be self-contained; it is. Another was the parking lots would stay permeable stone, which we are doing.

The one thing we did try and see, just to reduce density, not to take away the merits, maybe relocating the affordable units within the Village, but that's not acceptable by the Boards.

So -- and then I received a letter back from your attorney to my attorney based on those meetings, and I fulfilled seven -- six out of the seven. The seventh was you had clearly stated you wanted more input on the design. So that's as transparent as I possibly could be.

I have not changed my tune on the proposed merits since day one. The only change is 150 square foot more to -- 450 more square foot to the commercial, from 1200 to 1650, and the rooftop pool.

So that -- I just really want to be clear
on that. You know, I don't know how else to be
more transparent. And I could -- we could have
further meetings, we could discuss the siding
next, whatever, whatever you guys want to do, but
I'm trying to keep this within a reasonable
approach, and based on modifications, without
recreating the whole wheel.

CHAIRMAN FOOTE: Yes.

MR. MANCINI: John Mancini, I live on 103
Sterling Street, I've been there for 30 years. I
was one of the antagonists of the oyster factory.
We -- I understand now you're going to the Zoning
Board?

MR. PAWLOWSKI: I don't know the process
yet.

MR. MANCINI: Well, you know, the whole
story with the three houses across from your
proposed building, those were spot-zoned at one
time, and our group brought you to court --
brought Mr. Middleton to court, the owner of the
oyster factory. And those were reverted to
residential, that's why they're residential,
because the Village Board had actually spot-zoned
those residential lots into commercial.

Now, according to the stipulation, you
have -- you had a commercial portion of this building and now you're going down to residential. And you sound like you're doing us a favor. I don't know why you want to get rid of the commercial. Maybe there's no money in it, perhaps. And you say because it's not going to be commercial, we're going to save all this traffic. But, if you live on Sterling Street, and I heard some people that do live on Sterling Street, it's a main thoroughfare. Have you ever gone down Sterling Street? Every dog, every dog in Greenport goes down Sterling Street.

(Laughter)

MR. MANCINI: The school buses go down. All your cement trucks are going back and forth. There's no other way out. Can your cement trucks go through Ludlam? Can they?

MR. PAWLOWSKI: Yeah, once we get rid of the electric lines.

MR. MANCINI: Well, maybe a small one. But the point is everything goes through Sterling Street, and we still have parking on Sterling Street. I'd like to see no parking on Sterling Street. I'd like to see Sterling Street a one-way, but that would preclude 18-wheelers, because an
18-wheeler couldn't possibly go down Sterling Avenue or Ludlam. But I'd like a one-way street. You're talking about 25 apartments now as though apartments don't generate traffic. You know, you sell these apartments, and people buy furniture, they have furniture trucks coming. They want to do renovations, they have contractors coming. They all come down Sterling Street, so you're not really saving us any traffic.

If you had 17 apartments and a commercial space that wasn't doing much business, we'd be better off. I'd like to see 17 apartments. And whatever you do with the commercial space has got to be waterfront commercial. You got a boat display area, whatever you call it, but I don't think it will generate as much traffic as five -- all these additional apartments.

So my big concern is the traffic. I don't know, you're the Planning Board. What are you going to do with Sterling Street? They don't even pave Sterling Street.

(Laughter)

MR. MANCINI: You know, we're probably the highest taxpayers in this village and we don't
get our street paved. I've been there for 30 years, it's never been paved, right? So is that in the plan? I don't know.

And now I'd like to ask you another question. With all these apartments, what kind of cooling system and heating system are you having for these apartments? Are you going to have a cooling tower, or are you going to have compressors on the roof? I mean, we've got to talk about a lot of noise here. You're not having bulkheads on the roof, right?

MR. PAWLOWSKI: I am.

MR. MANCINI: Oh, now it's going to -- you're going to have bulkheads?

MR. PAWLOWSKI: You wouldn't see the compressor.

MR. MANCINI: Well, I'm not talking about seeing them, hearing them.

MR. PAWLOWSKI: You wouldn't hear them.

MR. MANCINI: Yeah. I don't know what else you have going there. You're going to have a -- you're going to have heat pumps, or electric heat, or ductless, or AC? I don't know what you're going to have. Again, actually, somebody should be looking at that already. What's going
on this week? I know one of the roofs is going to have a pool. You're going to have elevators. Is there going to be a motor room up there, or is it going to be hydraulic on the first floor? I don't know.

There are a lot of questions here. And all I want to tell you is I don't know what kind of due diligence has gone into this, but the bigger it gets the worse it gets for us. Tone it down.

You know, my house burned down and I had to rebuild it. I'm right near this, I'm only one block -- one house away from it.

MR. HILBRAND: Tell them about the fire trucks.

MR. MANCINI: Well, the fire truck, my house burned down because the fire truck couldn't get through the streets. And then they found out the hydrant wasn't working, so my house burned down. That was built in 1731. It's gone. It survived candles, flintlocks, fireplaces.

(Laughter)

MR. MANCINI: Some jerk that I had as a tenant burned it down with a cigarette. But when I rebuilt, I'm not in the Historical District, I'm on Sterling Street, but they told me I had to
use HardiePlank, they told me how many muntins I had to have in my windows. Now, you have brick, yet Stirling Cove is all clapboard -- it's not clapboard.

AUDIENCE MEMBER: Cedar shake.

MR. MANCINI: Cedar, cedar shake. This, this does look like a hospital. I mean, again, there's a lot that has to go into this thing.

And why aren't there trees anymore? I'm going to be walking down -- I go down that Sterling Avenue quite a lot and I don't want to see that from the street level. There should be trees. Cover this thing up, even if they only go 10 or 12 feet high. I don't want to see this thing.

That's all I have. Thank you.

CHAIRMAN FOOTE: Would anybody else like to speak at this time from the public?

MR. HILBRAND: Jaap Hilbrand, 160 Sterling Street. As I earlier indicated, they call me the 80-year workaholic. Why? Because I live in a beautiful home and I plan to maintain it. The neighborhood houses are W-O-R-K, but it's beautiful.

We don't need to comment on this anymore,
but I'd like to say to the Planning Board, thanks
for all your time. And if you are going to
Southold by ways of the beach -- I brought this
up to the Board of Trustees, but I want you to
think of it as well, because you're more involved
with the aesthetics. There's three newly built
Greek monstrosities.

MR. SPIRIDAKIS: Hey, watch that.
(Laughter)

MR. HILBRAND: It's true, Tony.

MR. SPIRIDAKIS: Tone it down.

MR. HILBRAND: Do you know the buildings
I'm talking about, three in a row?

AUDIENCE MEMBER: Oy.

MR. HILBRAND: Jewish, he had a very good
expression for it, it's Oy. How could anybody
build something that ugly? We don't want that to
happen on Sterling Street. Once it's built, it's
going to be there forever. Thank you.

CHAIRMAN FOOTE: Thank you. I'd like to
take a five-minute recess, and then we'll
reconvene.

(Recess: 5:33 p.m. - 5:39 p.m.)

CHAIRMAN FOOTE: Okay. We're back. So --
excuse me. Would you all be quiet now so we can
continue the meeting? Thank you. Order, order.
Okay.

So, at this point, we're going to -- I'm going to ask the individual Board Members just to kind of weigh in and give us your preliminary thoughts on this, ask any questions you'd like to the applicant. I'll start on the left from Trish.

MEMBER HAMMES: First, I had -- I had two questions related to the affordable units, because it wasn't clear to me based on -- I had actually been at your presentation back in May, as well as some of the Board meetings where this has come up. So is it your intention to leave those as that you're going sell them, or are you still asking to convert them to rental?

MR. PAWLOWSKI: So, as far as that intention, so the intention is to keep the five that we have to do. Currently, they are for sale. The problem I see with that is being for sale is not in the best interest of affordability in perpetuity. Those units would sell for $175,000, capped at that number, which is very affordable. Like can I have one? Seriously. But that buyer could flip it the next day and
only pay a 25% flip tax. I don't really necessarily agree with that.

If part of this compromise, and this compromise would be in all of our favor, if we would all like to see these rentals, and I stick to the affordable housing rates in perpetuity, I'm all for that.

We have no choice but to sell these units. And there's two good ingredients to it. A person has to either live or work in the Village or the school district for a certain amount of time. So it's going to go to someone here, which is great, I'm all for that, but that person can in turn sell it and it loses the affordability aspect.

So working with the Planning Board or the Housing Committee, I'm game for making them in perpetuity however we need to, because it is very important.

MEMBER HAMMES: So the other related question was, it wasn't also clear me based on various newspapers I've seen, is I think that they're -- under the settlement agreement, they're -- they have to be between 600 and 650 square feet; is that correct?

MR. PAWLOWSKI: Correct.

MEMBER HAMMES: You're not proposing to
reduce that?

MR. PAWLOWSKI: No.

MEMBER HAMMES: Okay.

MR. PAWLOWSKI: Say one bedroom, you know, whether they're 600, 800, we'll figure that out, but we're not looking to reduce that.

MEMBER HAMMES: Those were really my questions for you. I mean, I guess my -- I just a couple of general thoughts. There, obviously, was a lot said tonight, there's been a lot said at prior meetings. I think, for -- you know, from my perspective as a Planning Board member, I hear a lot of concern about even the so-called modified plans that are already approved. I'm not really -- I don't really think that's within our bailiwick at this point. And what's before us and what I think I need to give some thought to, and perhaps I'll have more questions as I think through it, is really kind of your proposal of the switch from the commercial to a higher residential, and also the increase in the size of the second building. And I guess related to that, it would be helpful at some point to get input from the Village as to what variances they think, if any, would be required, as well as the
Planning Board people, just to understand kind of where we are on that.

I mean, I know that you've already been working on the first building. Presumably, the second building you won't really start on until this gets resolved.

MR. PAWLOWSKI: Correct.

MEMBER HAMMES: And that will also limit, then, presumably what you can do, even within the confines of the first building in terms of finding out whether you can move the --

MR. PAWLOWSKI: No work will be started that's not permitted anywhere on the property.

MEMBER HAMMES: You know, there's a lot here. Obviously, people have a lot of emotions about this. I think, you know, it's going to be worthwhile to maybe also get some input from the Historic District Preservation Committee. They've been doing a lot of work, thinking about our Village historic preservation, you know, scheme of the whole Village, and get some input from them.

I think one of my thoughts, in terms of just the appearance, assuming we go along with all of this and discuss it further, is,
obviously, it's a box any way you look at it. And I hear people liking the idea of shingles and things like that, but I'm not sure how shingles would look on a box, and it doesn't seem to me that you are asking to change the box. So that's something I'd be interested in hearing people that probably have -- you know, from an architect and/or the HPC that have anymore thoughts in terms of the historic nature, because, obviously, that is a key concern from that perspective, as well as, obviously, the loss of and the precedent-setting of losing more commercial waterfront space, which is just -- again, those are kind of my preliminary thoughts.

CHAIRMAN FOOTE: Okay. Thank you. John?
MEMBER COTUGNO: So how long do you want to stay here tonight?

(Laughter)
MR. PAWLOWSKI: The goal tonight is just to answer a lot of questions and start a process.
MEMBER COTUGNO: I think there's a lot of questions to be answered, a lot of questions. I'll start with the accessory building. I think you made a mistake when you said it only increased by 10 feet, because on your approved
plan, it was 40 feet, now at 55 feet. That's
minor, just five feet, but you said it like three
times.

MR. PAWLOWSKI: The square footage is the
same. Sorry.

MEMBER COTUGNO: There's no -- there's no
setbacks on the site plan, so how far is the
accessory building from the property line? And I
asked the Village, it must make a different that
it changed from your approval of a one-story
building to a three-story building. So that --

MR. PAWLOWSKI: The setback from the
property lines did not change.

MEMBER COTUGNO: But what are they?
They're not on here. There's a few front yard
setbacks, but on this site plan there's no
setbacks, and I --

MR. PAWLOWSKI: This -- they'll -- we'll
put all the details the Planning Board is going
to require on --

MEMBER COTUGNO: Is there a difference in
setback for a one-story accessory building than a
three-story accessory building, plus a roof?

ADMINISTRATOR PALLAS: No, no difference.

MEMBER COTUGNO: There's no difference?
ADMINISTRATOR PALLAS: It's a --

MEMBER COTUGNO: Well, that makes a big impact difference on the neighbors.

MR. SPIRIDAKIS: It's no longer an accessory building, I would think.

MR. SALADINO: It's not an accessory building.

MEMBER COTUGNO: A one-story building versus -- it's a three-story building, plus there -- plus the pool, right? So that's really a four-story building. And that building is not depicted anywhere, other than the site plan, right?

MR. PAWLOWSKI: It's merely a proposal at this point.

MEMBER COTUGNO: But we have to see what it looks like if you want us to entertain it.

MR. PAWLOWSKI: That's --

MEMBER COTUGNO: I don't -- I have no idea what this building looks like.

MEMBER DOUGHERTY-JOHNSON: Well, is it that?

MEMBER COTUGNO: I assume it's just as good looking as the main building.

MR. PAWLOWSKI: No, it's not on there, no.
AUDIENCE MEMBER: It's by the tennis courts.

MR. PAWLOWSKI: It's by the tennis courts. I will -- I will give that to you. This is a pre-submission meeting to get to the next step. This is based on use and the site plan modification. Whatever you need, I will get you, but I did not think that was needed today for this meeting.

MEMBER COTUGNO: On your floor plan you do show a garage entrance on the west side of the building, but on the site plan you're showing parking spaces there.

MR. PAWLOWSKI: There will be a curb cut into that garage.

MEMBER COTUGNO: But then you can't have the parking spaces and the shrubs that you show.

MR. PAWLOWSKI: Yeah. We still are more than adequate. We provide more parking --

MEMBER COTUGNO: Yeah. I'm just saying, but one, there's a conflict, in other words. The two can't exist. You can't have an entrance of the garage and you can't have parking and shrubs in the same place.

MR. PAWLOWSKI: Fair point, but any
details -- the point of starting this process is
to add to the details the Planning Board wants. 
But when it comes to parking, what we're
proposing needs 49 and we're providing 77.
What's approved is 83 and providing 83, with that
garage as well.

CHAIRMAN FOOTE: Anything else?
MEMBER COTUGNO: I'd rather not talk all

night.

CHAIRMAN FOOTE: Okay. Thank you. Lily?
MEMBER DOUGHERTY-JOHNSON: I just had a
question. You said that one of the entrances was
mainly going to be for deliveries, but I couldn't
see what you were pointing to.
MR. PAWLOWSKI: Oh, I'm sorry.
MEMBER DOUGHERTY-JOHNSON: So I was just
confused about which one it might be.
MR. PAWLOWSKI: So --
MEMBER HAMMES: Lily, I'm sorry, I didn't
hear what you said.
MEMBER DOUGHERTY-JOHNSON: I -- he said
that one of the entrances for driving in would be
mostly for deliveries.
MR. PAWLOWSKI: So, with the proposed --
currently, they're approved to have parking spots
all along Sterling. The proposed would get rid of the individual parking spots and just have a one-way delivery now.

MEMBER DOUGHERTY-JOHNSON: Oh.

MR. PAWLOWSKI: These curb cuts are already there.

MEMBER DOUGHERTY-JOHNSON: And I guess my other question was the waterfront access that you said to Ellen that, yes, you could have, but is it just this --

MR. PAWLOWSKI: Yes.

MEMBER DOUGHERTY-JOHNSON: -- little parcel? It's not a whole walkway around?

MR. PAWLOWSKI: No, no.

CHAIRMAN FOOTE: Anything else? That's it?

MEMBER DOUGHERTY-JOHNSON: Those were my only questions at the moment, yeah.

CHAIRMAN FOOTE: Thank you. Reed?

MEMBER KYRK: Just to clarify on the --

CHAIRMAN FOOTE: Reed, would you speak on the mic, please?

MEMBER KYRK: Yes. Just to clarify on the proportion of affordable housing, I know we talked about the number of units, but what does that represent from the -- what is to me the
original proposal, what was -- you know, existed
with the stipulation, and now in terms of square
feet? My question, I know we're finding it's for
five units, but how much square feet of --
percentage of square feet of the housing was
affordable originally, versus percentage of
square feet that's --

MR. PAWLOWSKI: Proposed.
MEMBER KYRK: Yeah.

MR. PAWLOWSKI: Equal, it will be equal
from what's original to proposed in square
footage and in quantity.

MEMBER KYRK: Yeah. The question was, was
a percentage of square feet compared to the --

MR. PAWLOWSKI: Actually --

MEMBER KYRK: I'm actually just trying to
get a feel for whether it went up or down, or did
it change.

MR. PAWLOWSKI: So the actual units
themselves, the square footage is the same.
Compared from 12 units to 20, it's probably --
it's not exact, but, roughly, it's 18 to 20%
decrease.

MEMBER KYRK: Okay. Thanks.

CHAIRMAN FOOTE: Okay. So these are my
preliminary thoughts. And thank you. You know, you guys were thanking us. We thank you for weighing in and giving us your thoughts. You guys have put a lot of thought into it. This has been with the community for a long time, you know, for a long time. And in some ways we're kind of catching up, so be patient with us and we'll do our best to, you know, do our jobs properly.

Just what -- okay. This is what I see happening. So we have this, as somebody pointed out, a contentious development, you know, a long time ago. Probably, I think it started in 2003, actually, not 2007, and it was settled after much years of litigation, so -- and the settlement seemed to be -- leave everybody with a bad taste in their mouth, even back then.

And then the applicant comes in, he sees -- you know, he's an experienced developer and he sees a good opportunity for a site that's been standing -- sitting there. And subject to the stipulation, and the stipulation calls for a certain kind of structure that nobody, or very few, in the existing community wants.

And, you know, contrary to what you said,
Paul, I do feel like, you know, it was a little
disingenuous of you to show the before picture
with all the -- not only making it very
unattractive, that building, but, also, you
sticking the delivery trucks and the Mack
truck --

MR. PAWLOWSKI: I didn't do any of that.
CHAIRMAN FOOTE: Well, but that's what
you're showing.

MR. PAWLOWSKI: That's what the sellers
had, that's not our plans.
CHAIRMAN FOOTE: Well, but that's what
you're showing.

MR. PAWLOWSKI: That's the permit. So, no,
I did not put that -- I have to show --
CHAIRMAN FOOTE: Well, regardless,
regardless --

MR. PAWLOWSKI: I have to show what's
actually --
CHAIRMAN FOOTE: Okay. Regardless of
whether you're responsible for it, it looks --

MR. PAWLOWSKI: No, I'm not disingenuous.
CHAIRMAN FOOTE: It's -- to me, it seems
disingenuous to do that, and it's -- and it's --
I can understand that it adds to the frustration
and, frankly, anger that the community is feeling at this time.

MR. PAWLOWSKI: To show what's approved is disingenuous? I don't know how else to do it.

CHAIRMAN FOOTE: All right.

MR. PAWLOWSKI: I really -- I will argue that point, there's no way.

CHAIRMAN FOOTE: Okay. I'll tell you what, you can -- fine, you can argue, but let me finish, because I'm not done. Okay.

Now, the other thing -- okay. And then Ellen mentioned that back in May there was a reaching out from you to the -- to the Neighborhood Association, and you were presenting different options. And from the sounds of it, it sounded like they were very -- you know, if you were tonight proposing the cluster development, where -- with the campus style, there was a very positive reaction, and we probably would be very close to, you know, moving on to a public hearing, if that's where we were. Now, and I understand that you've made a business decision that that didn't work. And I think one of the things you said was, well, you didn't have sufficient parking in that kind of design. Okay.
My guess is that the Board could have figured that one out pretty easily, frankly.

And then, you know, it's just -- I don't know. It's just I feel like there's a sense of you're -- okay. This is what I wanted to add. Your -- you went, and later, when you did the plan that you wanted, presumably because it's more profitable, and I get that, too, this is your business, you go to the community -- actually, you -- I don't know quite the timing of it, but you get your building permit. You poured the foundation, and to me -- of the structure that you're insisting on. And that's like a way of saying you're not going to negotiate that anymore, and you're going to say, "I've got the foundation. I've thrown a lot of money, that's off the table." And I think that was really -- I thought that was bad form, frankly, for you to do that. I don't understand why --

(Applause)

CHAIRMAN FOOTE: I'm not looking for applause, but I don't -- please don't. But I don't understand why you didn't first, you know, go to the Board to approach us for a modification before you went to that level. Was there a
business reason you did that?

MR. PAWLOWSKI: Definitely. Part of the rationale was to move forward with the permitted plans and to improve with the modifications.

I stated why we -- in that May meeting, I didn't just show clustered housing. I showed the approved townhouse concept and the clustered. And then when I immediately realized on an engineering basis the clustered would yield 25 parking spots, it would be we would need 100% ask from the Planning Board. We would then need Sterling Avenue for parking. So the second that -- the first meeting was to get an understanding. The second I realized that that wouldn't work, I asked for a meeting with the Steering Committee.

As far as why the foundation is in, we are moving forward with the approved permitted plans and trying to make the modifications. If we can't get that, we're still moving forward.

CHAIRMAN FOOTE: Okay.

MR. PAWLOWSKI: But it is a business decision there, too. We wanted to beat the winter. You know, there's a lot of -- a lot goes into this. You know, it's a big investment.
for us.

   CHAIRMAN FOOTE: Right.

   MR. PAWLOWSKI: And we have that right to do it, we have a building permit.

   CHAIRMAN FOOTE: But you could have -- you could have -- I mean, you've had plans floating around since at least May. Why couldn't you have just approached and set up a meeting with, you know, an official meeting with the Board to discuss it at that time?

   MR. PAWLOWSKI: So, in May I started the process of understanding what we were going to do. In mid June, we realized -- you know, late -- early June, we realized that we needed to stick with this current footprint. And I would say I wanted to start the process as soon as possible.

   CHAIRMAN FOOTE: So, if --

   MR. PAWLOWSKI: You know, the building permit was issued before I bought the property.

   CHAIRMAN FOOTE: So, if it was just the parking that was the problem and that was solved, would you -- would you have considered going forward?

   MR. PAWLOWSKI: No, it wasn't just the
parking.

CHAIRMAN FOOTE: So, then what else was it?

MR. PAWLOWSKI: As I stated earlier, it's -- the current footprint is in the optimal position and location on the property for a waterfront property. We would much rather have full-floor living than walkup. This building allows for a parking garage, the other ones would not. Even if you clustered and had five other garages, you cannot do it with the turning lanes. The other ones take up a much larger footprint on the property. The other model is not affordable. You would need five elevators, versus one. So there was a dozen factors why we stayed with this current building as proposed.

CHAIRMAN FOOTE: Okay. So now we're dealing with this existing structure, and you're basically -- the way I read it, and I think the way all of us, I think, are concluding, is you're saying either you -- if you don't -- you know, "I want these changes." Okay, fine, then that's great, you're approaching us for these proposed modifications. "And if you don't, this is what I'm going to build." And this is it, and, "Oh, by the way, look at these parking slots all on
AUDIENCE MEMBER: Avenue.

CHAIRMAN FOOTE: Avenue, I guess. "Look at this." Well, why couldn't you just propose moving those -- your modification, just to move those parking spaces onsite, ask us for some kind of an allowance to do that? We'd figure out something, so you don't have to have these unattractive parking along the street, without, you know, asking us to, you know, expand the number of residential units? What's the rationale for that?

MR. PAWLOWSKI: So, at the same time, as far as the theory of take it or leave it, I'm here today to try and improve it, it's not take it or leave it. If, if the Planning Board and the ZBA and the Neighborhood Association do not want this modification, what do I do?

CHAIRMAN FOOTE: That's for you to answer, what do you do?

MR. PAWLOWSKI: Exactly. That's not a take-it-or-leave-it situation. I'm here to improve. Please don't say this is a take-it-or-leave-it situation, that's not the goal. If it comes to that point, I would move
forward with what's permitted, because it's permitted and that's what we bought the property with. Do I want to do that? Absolutely not. I've invested a lot of money and time.

You know, we bought the property April or -- yeah, and we've done nothing until recently. The only reason we put the foundation in is because the winter's coming, but this is not take it or leave it.

To answer your questions on the parking, you can't simply remove 21 spots and just say, "You know what, we'll give you a" -- we actually -- we need those spots based on the approval. So unless I get the modifications, my parking calculation is 83 required. If you take them away, I would have 61. So then I would need a variance for less parking. What we're proposing, I don't need those parking spots. So, you know, I think -- I hope that answers your question on a parking basis. We want them off Sterling.

CHAIRMAN FOOTE: But why couldn't you just -- okay. You create the first floor garage for the parking, which gets rid of the street parking, right?
MR. PAWLOWSKI: Yep.

CHAIRMAN FOOTE: Why don't you just do that without creating additional residential units? What's the -- what's the rationale for that?

MR. PAWLOWSKI: I -- so the rationale, and I think that is why create more units, why create more density? Is that where you're going with that?

CHAIRMAN FOOTE: No. That's a -- just answer that question. I'm not going anywhere.

MR. PAWLOWSKI: So they kind of go hand in hand. Like, so right now, the whole first floor is 15,000 square foot of commercial. I can't just get rid of that without your approval. If you say I can get rid of that and reduce the residential, that's why we're here today, I'm all ears. But there's a permit for that whole first floor to be all commercial. The only way that becomes parking is if we reduce the commercial, the only way, and that's why I'm here.

CHAIRMAN FOOTE: Also, on the -- thank you. So on the unit size for the affordable housing, you know, since we're here to discuss modifications, would you be open to -- I'm just concerned, like -- what was the square footage of
the --

MEMBER COTUGNO: Six-fifty.

MEMBER HAMMES: Six hundred -- 650 is what was approved.

CHAIRMAN FOOTE: Yeah. I'm thinking, you know, affordable housing for a family that's squeezing in a 650 square feet, shouldn't that -- shouldn't we talk about bigger unit apartment sizes for these?

MR. PAWLOWSKI: Yeah, I'm all --

CHAIRMAN FOOTE: I mean, I think that's really --

MR. PAWLOWSKI: That's fair, that absolutely is.

CHAIRMAN FOOTE: That's really not realistic if it's a family of four or five, you know, to squeeze in. That just seems like out of line to me.

MR. PAWLOWSKI: No, I agree, that it's families that need affordable housing, and I'm all for that discussion, whether there's a larger percentage, you know, half of them are larger, smaller, you know. In my experience of affordable housing, I've been a partner of one that's roughly 2300 throughout Long Island. Most
of the people that are in need, immediate need of
affordable housing are either single or a couple,
and that's their, lack of a better word, starter
home. But I'm all for if we need to make a few
two bedrooms, that is no -- that's fine, that's
great.

CHAIRMAN FOOTE: Okay.

MR. PAWLOWSKI: It just would add to the
density on Sterling Avenue. That's -- there's a
double edge to this.

CHAIRMAN FOOTE: So, also, there was a
back-and-forth, I think, in terms of whether the
affordable units are -- under the stipulation,
they would be owned, as opposed to having them as
rental units. Is that -- is that something that
you were proposing in the modified plan?

MR. PAWLOWSKI: I'm not proposing it yet,
but as I've stated, I would definitely -- that
conversation can be had --

CHAIRMAN FOOTE: Yeah.

MR. PAWLOWSKI: -- because that's -- that
doesn't change the quantity or the potential
square footage. If the Village and the
neighborhood all think it's better that there are
rentals in perpetuity, and affordable in
perpetuity, we are -- we will support that.

CHAIRMAN FOOTE: And where -- I didn't see anywhere in the stipulation that said that the units, once they are purchased, could be flipped.

MEMBER HAMMES: It's in the Attachment A, which is the summary of the terms.

CHAIRMAN FOOTE: Oh, is it? Okay.

MEMBER HAMMES: Yeah.

CHAIRMAN FOOTE: Okay. Okay. Those are my preliminary thoughts. Thank you very much.

MR. PAWLOWSKI: Thank you.

CHAIRMAN FOOTE: Yeah. Does anybody else have anything else?

(No Response)

CHAIRMAN FOOTE: Does anybody else from the public want to speak one more time?

(No Response)

CHAIRMAN FOOTE: We're ready. We've been here a little over two hours, so maybe it's time that we adjourn this meeting.

MEMBER COTUGNO: Yes.

CHAIRMAN FOOTE: Okay?

MR. PAWLOWSKI: Thank you

CHAIRMAN FOOTE: To be continued. Thank you.

(Time Noted: 6:03 p.m.)
CERTIFICATION

STATE OF NEW YORK )
) SS:
COUNTY OF SUFFOLK )

I, LUCIA BRAATEN, a Court Reporter and Notary Public for and within the State of New York, do hereby certify:

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on November 14, 2019.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of November, 2019.

Lucia Braaten

Lucia Braaten
$175,000 [1] - 77:23

1

1/2 [1] - 52:8
100 [1] - 35:20
100% [1] - 92:10
100,000 [1] - 35:20
1001-4-8-29 [1] - 2:12
103 [1] - 70:9
12-foot [1] - 44:5
12th [1] - 11:3
14 [2] - 1:10, 101:12
14th [1] - 11:1
1650 [9] - 14:9, 14:10, 69:23
1731 [1] - 74:19
18 [1] - 87:22
18-wheel [1] - 72:1
18-wheeler [1] - 72:1
182 [1] - 49:1
1850 [1] - 51:8
1980s [1] - 52

2

2 [1] - 52:8

Planning Board 11/14/19

102

Flynn Stenography & Transcription Service
(631) 727-1107
consideration | 46:24, 57:23, 78:3, 78:4
concluding [1] - 94:19
condo [p] - 39:12, 39:21
confines [1] - 80:10
conflict [1] - 84:21
conflicting [1] - 58:16
confused [1] - 85:17
confusion [1] - 9:17
conservatively [1] - 9:19
consider [1] - 30:6
considering [1] - 37:19
consistency [1] - 30:25
constructive [1] - 60:19
contains [1] - 101:10
contentious [1] - 88:12
continue [1] - 77:1
continued [1] - 100:24
contractors [1] - 72:8
conversation [1] - 99:19
convert [1] - 77:16
copies [1] - 12:12
corner [2] - 14:24, 24:2
Corp [1] - 11:1
Counsel [1] - 29:24
Counsel's [1] - 27:20
count [1] - 38:2
County [1] - 2:12
Court [1] - 101:7
courts [3] - 26:8, 84:2, 84:3
cover [1] - 75:13
covered [1] - 38:24
credible [1] - 42:10
critical [1] - 63:24
criticism [1] - 60:19
crown [1] - 44:17
crystal [1] - 17:18
cubic [1] - 35:20
curbing [1] - 15:19
current [9] - 17:2, 31:19, 93:15, 94:4, 94:15
cut [1] - 84:14
cuts [1] - 86:5
dangerous [1] - 40:12
dated [1] - 11:3
days [3] - 34:17, 38:9, 55:8
de [1] - 61:22
dead [1] - 33:10
dead-end [1] - 33:10
deal [1] - 53:9
decide [1] - 41:15
decrease [1] - 87:23
definition [1] - 66:1
demolished [1] - 17:15
denying [1] - 21:3
depicted [1] - 83:12
district [1] - 78:11
dollar [1] - 41:8
donate [1] - 14:23
donating [1] - 68:25
door [1] - 2:25
doubt [3] - 40:9, 43:2, 43:3
doug [1] - 48:18
D

Flynn Stenography & Transcription Service
(631) 727-1107
| PALLAS[7] | - 1.22, 62.5, 62.9, 64.23, 64.25, 82.24, 83.1 |
| PAUL[9] | - 1.22 |
| paved[2] | - 72.22 |
| PAWLOWSKI[1] | - 56:24 |
| PAWLOWSKI[99] | - 11:15, 12:11, 16:23, 23:9, 23:23, 24:8, |
| periods[1] | - 7:10 |
| permissible[1] | - 69:8 |
| personal[1] | - 12:3 |
| personally[1] | - 34:13 |
| perspective[2] | - 79:12, 81:10 |
| pickup[1] | - 38:10 |
| Pipes[1] | - 20:15 |
| Place[1] | - 38:15 |
| plain[1] | - 51:16 |
| Point[1] | - 20:14 |

<table>
<thead>
<tr>
<th>Planning Board 11/14/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>111</td>
</tr>
</tbody>
</table>

---

Flynn Stenography & Transcription Service
(631) 727-1107
Planning Board 11/14/19

114

survived [1] - 74:20
switch [1] - 79:20

T

table [1] - 91:17
tacit [1] - 65:20
taste [1] - 88:16
Tax [1] - 2:12

taxpayers [1] - 72:25

technicalities [1] - 25:22

tennis [2] - 84:1, 84:3
tentative [1] - 41:19
testing [1] - 50:6
thanking [1] - 88:2
THAT [1] - 101:10
theory [1] - 95:14
there'd [1] - 63:9
thereafter [1] - 61:20
Third [1] - 1:7
thoroughfare [2] - 33:8, 71:10
thoughts [14] - 2:15,

Flynn Stenography & Transcription Service
(631) 727-1107
three-bedroom [n] - 18:10
throughout [prep] - 98:25
throw [v] - 8:16
thrown [v] - 91:16
Thursday [n] - 11:1
timing [n] - 91:10
TO [prep] - 1:23, 1:24
tolerate [v] - 47:1
tomorrow [n] - 6:10
tone [n] - 74:9, 76:11
tony [n] - 31:6, 76:10
total [adj] - 13:17, 47:13, 48:5, 57:8
totally [adv] - 40:2, 47:14, 64:25
touched [v] - 53:22
tough [adj] - 34:12
towards [prep] - 9:24, 9:25, 15:15
tower [n] - 73:8
town [n] - 4:7, 4:15, 30:8
Town [n] - 26:6, 51:24
townhouses [n] - 68:3
transcription [n] - 101:11
trees [n] - 4:12, 75:9, 75:13
tried [v] - 6:4
Trinity [n] - 52:4
Trish [n] - 5:24, 7:5, 77:8
truck [n] - 38:8, 74:15, 74:16, 89:6
tru [adj] - 45:9, 76:10, 101:11
TRUSTEE [n] - 7:21
Trustees [n] - 51:23, 76:4
tune [n] - 69:20
turned [v] - 8:14
turning [v] - 33:16, 94:10
twelve [num] - 57:2, 57:6, 57:7
twenty-by-fourty [n] - 24:17
two-foot [n] - 37:9
ugly [adj] - 62:18, 76:17
unattractive [adj] - 9:8, 89:4, 95:9
underground [n] - 31:11
underneath [n] - 35:17, 35:18, 41:10
underwater [n] - 36:1
unfamiliar [adj] - 34:11
unfolding [n] - 51:22
unfortunately [adv] - 47:2
unit [n] - 43:12, 43:16, 43:20, 97:22, 98:8
unless [prep] - 10:11, 61:10, 96:14
unlike [prep] - 36:7, 36:8
up [prep] - 5:22, 11:20, 12:9, 17:24, 20:5,
<table>
<thead>
<tr>
<th>Term</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>wetlands</td>
<td>15:1</td>
</tr>
<tr>
<td>whatsoever</td>
<td>26:10</td>
</tr>
<tr>
<td>wheel</td>
<td>70:7</td>
</tr>
<tr>
<td>whereas</td>
<td>35:15</td>
</tr>
<tr>
<td>WHEREOF</td>
<td>101:17</td>
</tr>
<tr>
<td>wide</td>
<td>38:17, 38:20, 53:24</td>
</tr>
<tr>
<td>willing</td>
<td>59:6</td>
</tr>
<tr>
<td>windows</td>
<td>16:10, 75:2</td>
</tr>
<tr>
<td>winter</td>
<td>92:24</td>
</tr>
<tr>
<td>winter's</td>
<td>96:8</td>
</tr>
<tr>
<td>wire</td>
<td>49:18</td>
</tr>
<tr>
<td>WITNESS</td>
<td>101:17</td>
</tr>
<tr>
<td>wonder</td>
<td>2:25</td>
</tr>
<tr>
<td>wondered</td>
<td>47:6</td>
</tr>
<tr>
<td>wonderful</td>
<td>33:13</td>
</tr>
<tr>
<td>wondering</td>
<td>33:9, 37:21</td>
</tr>
<tr>
<td>word</td>
<td>8:19, 9:9, 45:7, 53:2, 99:3</td>
</tr>
<tr>
<td>words</td>
<td>84:21</td>
</tr>
<tr>
<td>WORK</td>
<td>75:23</td>
</tr>
<tr>
<td>workaholic</td>
<td>75:21</td>
</tr>
<tr>
<td>works</td>
<td>18:13, 58:5</td>
</tr>
<tr>
<td>worry</td>
<td>32:24</td>
</tr>
<tr>
<td>worse</td>
<td>59:5, 74:9</td>
</tr>
<tr>
<td>worthwhile</td>
<td>80:17</td>
</tr>
<tr>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>yard</td>
<td>82:15</td>
</tr>
<tr>
<td>year</td>
<td>12:17, 64:17</td>
</tr>
<tr>
<td>yes</td>
<td>32:22</td>
</tr>
<tr>
<td>yield</td>
<td>92:9</td>
</tr>
<tr>
<td>YORK</td>
<td>1:2, 101:3</td>
</tr>
<tr>
<td>York</td>
<td>1:8, 41:2, 101:9</td>
</tr>
<tr>
<td>yourself</td>
<td>12:9</td>
</tr>
</tbody>
</table>

**Z**

<table>
<thead>
<tr>
<th>Term</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZBA</td>
<td>58:19, 59:17, 95:17</td>
</tr>
<tr>
<td>zoned</td>
<td>70:18, 70:23</td>
</tr>
<tr>
<td>zoning</td>
<td>28:24, 29:8, 29:15, 29:16, 29:24</td>
</tr>
</tbody>
</table>

**Y**

<table>
<thead>
<tr>
<th>Term</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>yard</td>
<td>82:15</td>
</tr>
<tr>
<td>year</td>
<td>12:17, 64:17</td>
</tr>
<tr>
<td>yes</td>
<td>32:22</td>
</tr>
<tr>
<td>yield</td>
<td>92:9</td>
</tr>
<tr>
<td>YORK</td>
<td>1:2, 101:3</td>
</tr>
<tr>
<td>York</td>
<td>1:8, 41:2, 101:9</td>
</tr>
<tr>
<td>yourself</td>
<td>12:9</td>
</tr>
</tbody>
</table>