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VILLAGE OF GREENPORT
ZONING BOARD OF APPEALS

REGULAR MEETING
April 16, 2014
5:00 p.m.

Meeting held at the Greenport Firehouse
236 Third Street, Greenport, New York 11944

APPEARANCES:

- Douglas Moore – Chairman
- David Corwin
- Charles Benjamin
- Ellen Neff

David Abatelli – Village Administrator

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1 (Whereupon, the meeting was called to order
2 at 5:05 p.m.)

3 CHAIRMAN MOORE: I think we can begin.
4 This will be the regular meeting of the Greenport
5 Zoning Board of Appeals, and it's about
6 five-after-five.

7 Just to let folks know, if you're not
8 familiar with tonight's agenda, if anyone came
9 for information, continuing discussions about the
10 Sommer application, which I think is North
11 Street, or Costello on Main and Broadway, those
12 both have been withdrawn, so they won't be
13 discussed. I don't know if anyone was here for
14 those issues or not, in case you were.

15 Just as a little bit of housekeeping to
16 start, I wanted to remind the Board Members that
17 there is a training event May 14th, and I've been

18 trying to find out if we need to tell them in
19 advance who might be coming. But if you could
20 let me know in the next week or so if you would
21 want to come, it's May 14th in Riverhead at 5:30
22 until 9:30.

23 MR. BENJAMIN: Yeah. I won't be here.

24 CHAIRMAN MOORE: Yeah. So if you could
25 just catch up to me and let me know.

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1 MS. NEFF: I could come the 14th.

2 CHAIRMAN MOORE: Okay. And that will
3 satisfy the training requirements for this
4 calendar year, I believe. I don't know if you're
5 caught up by doing any online, or you'd like to
6 attend the meeting.

7 MR. CORWIN: Well, my question is what's
8 going to be the agenda?

9 CHAIRMAN MOORE: I haven't seen it.

10 MR. CORWIN: Because the last couple of
11 years, they've been -- I certainly haven't
12 learned anything in the last couple of years I've
13 gone.

14 CHAIRMAN MOORE: Okay. Well, I'll try and
15 find out the agenda, then. I had looked at
16 the -- I didn't look at the website, but I looked
17 at the bulletin that was sent and it didn't
18 indicate the agenda.

19 MS. NEFF: Do you know what time it is,
20 like six?

21 CHAIRMAN MOORE: 5:30 to 9:30 on that.

22 MS. NEFF: 5:30, okay. Thank you.

23 CHAIRMAN MOORE: It's a Wednesday, I
24 believe, and it doesn't conflict with our
25 meeting, which would be the following week in May.

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1 So the first item on the agenda is a public
2 hearing, and this is for a request from the
3 Planning Board for an interpretation of Section
4 159-9 A & B, Permitted and Conditional Uses in
5 the Retail Commercial District. The Planning
6 Board is considering an application for
7 establishment of a car service, taxi service,
8 proposed to be located on a parcel designated as
9 Retail Commercial.

10 And this is the property of the store,
11 which is named -- the name is pronounced Layyah,
12 I believe, and it was noticed in the Suffolk
13 Times. Also, the adjoining properties were
14 noticed, and I believe I have them here. It is
15 the Congregation Israel on 519 Fourth Street;
16 John Williams, 403 Front Street; West Dublin
17 Reality, 400 Fourth Street; Greenporter Land,
18 LLC, 202 Front Street; Simpson Management Trust,
19 329 Front Street, and Cadden, 520 Fourth Street.
20 So those were the properties that were notified,
21 and we do have the mail receipts here. It was
22 also placarded, I believe. There was a sign on
23 the property concerning the public hearing.

24 And I'd like to point out that this public
25 hearing is a technical question concerning

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1 whether the activity that's proposed to the
2 Planning Board is permitted by that section of
3 the code applying to Commercial Retail, it's not
4 about the merits of this particular application
5 before the Planning Board. With that in mind, if

6 anyone from the public would like to speak, we
7 could take comment.

8 MS. GREENBERG: Hello. My name is Adrienne
9 Greenberg. I'm the President of Congregation
10 Tifereth Israel right opposite Layyah.

11 Our synagogue is -- I have a letter in
12 which I will give the Board. "Our synagogue is
13 located at 519 Fourth Street and we are a close
14 neighbor to Layyah. Since its opening, we have
15 noted the following negative items:

16 Marked increase in rubbish in the
17 neighbor's property located to the south of
18 Layyah and in our park, which is across Fourth
19 Street from the business. This includes garbage,
20 wrappings, multiple cans, alcoholic and
21 nonalcoholic.

22 Preponderance of people hanging out at
23 night. It's been observed and reported that
24 illicit drugs have been sold, transferred. One
25 death has been reported on the property.

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1 It has been witnessed that at least one

2 person has been urinating in the property during
3 the daylight hours, suggesting that the clientele
4 just don't feel that they're being monitored.

5 Employees have not been helpful when
6 complaints have been made.

7 The resale value of the property to the
8 south has significantly declined.

9 The dumpster located to the south is often
10 not closed and garbage is seen outside of it."

11 In this letter, we said no garbage
12 receptacle is placed. I notice that there is a
13 garbage receptacle placed now in front of the
14 business, but we still have wrappers and tossed
15 debris throughout the whole parking lot. There's
16 one garbage disposal, and people tend go to their
17 cars, unwrap and just toss.

18 "If the car service vehicles are to be
19 parked to the south of the building, which I
20 understand from Eileen Wingate this is what is
21 supposed to be happening, where does the dumpster
22 for garbage get placed? A worsening unhealthy
23 scenario will unfold with increased vermin.

24 If the car service is to be parked to the
25 south of the building, doesn't that extend the

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1 business line and place it too close to the
2 neighbor's line? Ten feet? I don't even think
3 that's 10 feet.

4 Parked cars only lead to damage from
5 vandals. Given the amount of gasoline and
6 possibility of leaking oil and petroleum products
7 from such vehicles, one might anticipate a
8 possible fire hazard. And, certainly, the
9 Greenport Fire Department should weigh in on this
10 issue, particularly since they are the ones
11 who'll be called such -- in such a disaster.

12 Are there New York State ordinances with
13 reference to such car depots that need to be
14 investigated? Are there Southold ordinances?

15 If there is any approval of -- if there is
16 an approval of this request, I think it should be
17 time-limited, and I think there should be a
18 possibility that it be monitored to note the
19 physical condition surrounding the property.

20 Layyah was accepted, it was pushed through
21 somehow, but the place is uncared for and it's
22 very obvious. You just drive up and you see the

23 place is dirty and it's embarrassing, and it's
24 not a good reflection to the Village that we
25 really love.

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1 Since this opening, we have not noticed any
2 positive improvements to the area and to our
3 neighborhood.

4 Respectfully submitted, Adrienne Greenberg,
5 President of Congregation Tifereth Israel."
6 Thank you.

7 CHAIRMAN MOORE: Thank you. Would any
8 other members of the public like to speak?

9 MR. WILLIAMS: Yup. My name is John B.
10 Williams, Jr. I've got a procedural question.

11 MR. CORWIN: Could you say that slower?

12 MR. WILLIAMS: John B. Williams, Jr.

13 MR. CORWIN: Thank you.

14 MR. WILLIAMS: Okay. Sorry. I have kind
15 of a procedural question to ask. I'm kind of
16 unfamiliar with this process. Does Layyah
17 currently have a provisional or conditional
18 permission to operate a car service at this time?

19 CHAIRMAN MOORE: It's my understanding that
20 they have a proposal before the Planning Board.

21 MR. WILLIAMS: Okay.

22 CHAIRMAN MOORE: And the reason for the
23 meeting tonight is for us to provide input to the
24 Planning Board as to whether the code will
25 support this type of activity.

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1 MR. WILLIAMS: Okay.

2 CHAIRMAN MOORE: So they have, I think,
3 abstained from going forward at this point
4 without an interpretation of the code from us.

5 MR. WILLIAMS: Okay.

6 CHAIRMAN MOORE: So, again, as I would like
7 to mention, we're not judging the merits of the
8 service, simply whether it -- whether it could be
9 allowed or not.

10 MR. WILLIAMS: I understand, it's not about
11 the merits, it's about procedure and legality --

12 CHAIRMAN MOORE: Yes.

13 MR. WILLIAMS: -- as I see it. And maybe
14 you can give me an explanation. Maybe the

15 proprietor can give me an explanation.

16 For at least a month there has been a
17 taxicab parked there with a taxi sign on it and a
18 Layyah Taxi Service sign on both sides. I've
19 observed it many, many times. I've seen the same
20 taxi dropping off passengers at the Shelter
21 Island Ferry. And it's my understanding there's
22 a flier for the taxi service or the car service
23 out at the ferry in Orient Point.

24 And I guess what I'm wondering is if Layyah
25 does not, in fact, have any legal permission to

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1 do this, or any provisional permission to do
2 this, how does this come to happen, and why? Is
3 he -- in other words, one could conclude that
4 somebody can just come in, open a business, and
5 essentially laugh at our rules, and our
6 ordinances, and our ways of doing things, while
7 those of us who play by the rules sit by
8 disappointed at best.

9 So I have nothing against a car service in
10 Greenport. I know the proprietor here is a nice

0,

11 guy, but, you know, I have yet to -- how did this
12 happen? It's my understanding that when they
13 opened up the first time, they did without a C of
14 and don't even know if they have one now. Does
15 the Zoning Board know if Layyah does, in fact,
16 have a C of 0?

17 CHAIRMAN MOORE: I wouldn't know.

18 MR. WILLIAMS: Okay. Anyway, it's a
19 travesty if, you know, somebody could just come
20 in and do this. And, you know, how does that
21 attitude then translate into how one runs a
22 business, respects authority, that kind of thing?

23 So I would like very much to know what the
24 legal situation is here. Do they have permission
25 to run -- already a run a business that they're

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1 theoretically asking permission to run? And if
2 someone can give me an answer at some point, I'd
3 love to know. Thank you very much.

4 CHAIRMAN MOORE: Thank you. Any other
5 members of the public who would like to speak?
6 Yes.

7 MS. CADDEN: Hi. My name this is Jeanne
8 Cadden. I am the neighbor just to the south of
9 Layyah. I don't live on the property. We bought
10 it as an investment, and we built the house just
11 south of that house. Everything that we've done
12 there we tried to do in keeping with the Village
13 and with respect for the property. In the last
14 eight months, we've renovated the house and we've
15 done extensive work inside and outside. And
16 every real estate person I've spoke to has said,
17 "You're going to have a very tough sell there,"
18 because of the convenience store, and
19 particularly because of the way that it's kept.
20 So it's frustrating, because it really is a big
21 investment for us, and we don't know what to do
22 about it.

23 I have tried to go over to the store a
24 couple of times, but I haven't seen the owner
25 there or the tenant there. And I would like to

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1 have an opportunity to talk to him, because I
2 know I did talk to him. Was it you? Yeah.

3 So -- and he was always accommodating, but I
4 don't know why he doesn't take care of his
5 property.

6 So for the last, like I said, eight months,
7 we've been working on the house, and I come out a
8 couple of times a week, and the first thing I do
9 is get out of my truck and walk along my property
10 and pick up all the garbage, and then I walk
11 around to his property and pick up all the
12 garbage on that property. And, you know, I have
13 a picture right here just from two days ago, and
14 I had picked up the garbage four days ago, and
15 then two days ago I went and I picked it up
16 again, had a piece of cardboard that had flown
17 over, put all the garbage on top of that.

18 So that and many -- you know, many other
19 things, the care of the plants, the planters.
20 There's no curbing there. I don't know why there
21 was ever -- no required curbing there. There is
22 in any other -- every other municipality on
23 commercial property like that, but there's no
24 curbing anywhere, so there's no protection for us
25 in terms of runoff, snow pileup. You know, the

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1 plants that are put in are completely run over.

2 And it amazes me.

3 This -- I don't live here. This is your
4 Village. You know, this is the gateway to your
5 Village, and as you drive in, this is what you
6 see, seven or eight holly plants that are
7 completely run over, the black plastic pulled up
8 from the garden all flying in the wind, the
9 puddles from the divots in the macadam and the
10 soil where there's garbage floating in it, and
11 every day I go there and I pick it up. So I just
12 don't understand why that's allowed to happen.

13 I hope that you will consider at least
14 inspecting the property periodically, and
15 inspecting the noise factor from the fans behind.
16 I don't know if they're appropriate or not. They
17 seem loud to me, but they may not be. I mean, I
18 did buy next to commercial property, but this is
19 a complete change of use of what was there. And
20 it's very frustrating, because there doesn't seem
21 to be any pride in the care of the property.

22 So, if you can't maintain what's there now,
23 why would anybody be entertaining putting an

24 additional -- an additional business there? And
25 I don't begrudge anyone for running a taxi or,

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1 you know, making a living, there's no problem
2 there, but just conform to what's supposed to be
3 there. Put your ingress and egress where you
4 have -- supposed to have an exit only. Make sure
5 people only use it as an exit, not an entrance
6 and exit, not flying in and out.

7 That driveway is right next door to my
8 driveway. There are children that are walking
9 past there all the time because there's no
10 sidewalk. It's dangerous. The bus comes around.
11 I have a picture of it from today; almost hit me
12 today coming around that curve.

13 So these things should be considered.
14 You're here to protect the residents, not just
15 one, you know, business, but all of the
16 residents, and every one of us. You know, the
17 Temple, John and Jane, you know, that affects us.
18 What you do on your property affects us
19 tremendously. So, if you're going to entertain

20 putting another business in there, please
21 consider what's happening now on the property.

22 And just as a side note, I'm a landscape
23 designer. I would be happy to propose anything
24 for you to make -- to beautify it, and I would do
25 it for free just to have it look attractive, so I

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1 can sell my home and, you know, give someone a
2 nice place to live.

3 So that's really all I have to say. If you
4 guys are interested in seeing any of these
5 pictures of the garbage that I've collected,
6 you're -- you know, it's all here. And I would
7 like to continue, if it's okay with the tenant,
8 the owner, or whoever, I'd like to continue to
9 pick up the garbage. The only problem is I'm not
10 going to be here that much longer, because I'm --
11 this is my busy season, so I won't be out here as
12 often. But I'd like to continue to pick up the
13 garbage and, you know, just have it as attractive
14 as possible. I'd also like to plant along the
15 fence, some small planting along the fence that's

16 on my border just to beautify it, but that's
17 another thing. It's a little hard when the snow
18 is piled all up against the fence and the
19 snowplow plows into the fence, so now every
20 single fence all the way down is busted. So, you
21 know, that's a little frustrating, too.

22 MS. GREENBERG: That's on the Layyah side
23 pushing into your property.

24 MS. CADDEN: Pushing into my property,
25 which, by the way, I have 65 evergreens planted

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1 there to mitigate all of the debris that used to
2 come under the fence. Now I raised the grade up
3 by 120 yards of soil, which is a lot of soil, and
4 planted 35 along that border just to keep the
5 garbage from coming in, because there was never
6 any curb put in to protect our property, so --
7 and I don't -- you know, I -- I'm not trying to
8 create more problems, I'm just trying to state
9 facts and the unfairness of what's going on.
10 Anyway, thank you.

11 CHAIRMAN MOORE: Any other members of the

12 public wish to speak?

13 MR. GOLDMAN: Yeah, I would like to say
14 something. My name is Philip Goldman, and I am a
15 member of Congregation Tifereth Israel. I
16 would just like to comment that the traffic
17 coming off that property, the traffic from the
18 synagogue and the Jittney bus coming down that
19 street, sometimes it gets a bit hairy. The
20 school children from Greenport School walk from
21 where they go to eat lunch right through the same
22 space. It gets dangerous sometimes.

23 CHAIRMAN MOORE: Thank you. Any other
24 members of the public wish to speak?

25 (No response.)

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1 CHAIRMAN MOORE: If not, would the Board
2 offer a motion?

3 MR. CORWIN: Just before we close, I just
4 want to make clear that all these comments are
5 germane to the question of locating a taxi
6 service there, but what we're here for tonight is
7 to interpret the code. So I'm not sure that what

8 we've heard necessarily applies; am I correct in
9 that, Mr. Chairman?

10 CHAIRMAN MOORE: That's correct. And I
11 would recommend that you retain your information,
12 and there will be a time before the Planning
13 Board, presumably, that this issue will come up,
14 and that's probably the more appropriate place to
15 make those comments, and that's regarding the
16 project itself.

17 I'm not sure in all cases the Planning
18 Board notices conforming uses, but perhaps a
19 request could be made that the notice is provided
20 to the community regarding the project.

21 MR. ABATELLI: I think you also could just,
22 or we could, you know, just have the Planning
23 Board look at these minutes.

24 CHAIRMAN MOORE: Sure.

25 MR. ABATELLI: I mean, aside from --

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1 CHAIRMAN MOORE: And they'll be available,
2 because -- and you can get them --

3 MR. ABATELLI: And then they could go to

4 the meeting, but the Planning Board meetings
5 aren't noticed, other than just that they're --
6 you don't get a notice to your house. They're
7 noticed in the paper and the usual places.

8 MS. GREENBERG: I don't understand. Are
9 you saying -- I need that to be repeated. I'm
10 sorry.

11 CHAIRMAN MOORE: Perhaps I could explain
12 the mechanics of what this is.

13 MS. GREENBERG: Yes.

14 CHAIRMAN MOORE: This would normally be an
15 issue directly before the Planning Board.

16 MS. GREENBERG: Okay.

17 CHAIRMAN MOORE: And I believe, if our
18 interpretation follows, you know, this is
19 presuming it is an activity that's part of the
20 allowances in the district that applies, which is
21 a Retail Commercial, the Planning Board would
22 deal with the matter and approve a site plan and
23 go through the process, or not approve a site
24 plan.

25 They have asked us for an interpretation,

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1 because Mr. Prokop, during their meeting
2 apparently advised them that this activity may
3 not be supported by the code for this district,
4 and so they've referred it to us.

5 MS. GREENBERG: I see.

6 CHAIRMAN MOORE: If we should decide that
7 this does not meet the code requirements, then a
8 use variance would have to be applied for, again,
9 back to the Zoning Board of appeals before the
10 Planning Board could move forward. If we
11 determine that this is permissible under the
12 code, it just is returned to the Planning Board
13 for their consideration and the process
14 continues.

15 So there will be, you know, ample
16 opportunities for the public to speak regarding
17 the actual merits of the application and issues
18 at the site that this activity could presumably
19 complicate it.

20 MS. GREENBERG: Would we -- how would we
21 know? Is there a way for us to know when such a
22 meeting would be for us to appear?

23 CHAIRMAN MOORE: The Planning Board's
24 agenda is usually published within a day or two

25 before the meeting and that's on the Greenport

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1 website, the Village website. So I would keep a
2 keen eye out. And then ask -- you know,
3 Greenport's a small town. Ask around when the
4 meeting is. And the Chair is Peter Jauquet.

5 MR. ABATELLI: Right. But the calendar is --

6 MS. NEFF: When are the regular scheduled
7 meetings?

8 MR. ABATELLI: The regular meetings are the
9 last Thursday and the first Thursday of the
10 month. But to note, the last Thursday of the
11 month and the first. They have a work session,
12 then a regular meeting. But if you want to know
13 for sure that this is on the agenda, you'd have
14 to either look at the website just before the
15 meeting, or you could just call or come to the
16 Village and ask somebody. It probably will be.

17 MS. NEFF: In our meetings, again, this
18 would only come to us. Depending on what happens
19 today, they would have to apply, the owner would
20 apply for a use variance; is that correct?

21 CHAIRMAN MOORE: (Nodded yes.)

22 MS. NEFF: That would come to us only at
23 our regular meeting, which is always the third
24 Wednesday. And it could be the very next one,
25 but it might not be. But there -- we only meet

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1 on the third Wednesday.

2 MS. GREENBERG: Okay.

3 CHAIRMAN MOORE: Not simple, but a regular
4 process that occurs.

5 MS. GREENBERG: But, in the meantime, we
6 should not be seeing any taxis picking up and
7 delivering people and/or parking in Layyah's?

8 CHAIRMAN MOORE: I'm not certain of the
9 details of what can and can't be done, but you
10 can certainly inquire with the Building
11 Department and Code Enforcement regarding that.
12 That would be the appropriate place to ask if you
13 think something inappropriate is going on.

14 MS. GREENBERG: Okay. Thank you.

15 CHAIRMAN MOORE: And any issues on a
16 property that has maintenance issues, you know,

17 that's the place to go to. That's certainly what
18 I would do if I had trouble with a neighbor.

19 MS. GREENBERG: And the Chair of that?

20 CHAIRMAN MOORE: That person is Eileen
21 Wingate in the Village office.

22 MS. GREENBERG: Okay. I believe that -- I
23 believe Eileen Wingate has been spoken to
24 already, apprised of the condition, no?

25 CHAIRMAN MOORE: Okay. I think we'll have

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1 to move forward now.

2 MS. CADDEN: I've talked to Eileen on
3 occasion about -- you know, just about being a
4 neighbor to the property. But may I ask a
5 question? May I?

6 CHAIRMAN MOORE: Yeah, and if you can come
7 up. I assume it's procedural, something about
8 what has happened.

9 MS. CADDEN: Yeah. Well, that's what I'm
10 not sure of. I don't know if this is considered
11 procedural.

12 The car itself, the taxi, I don't know if

13 there's one of them, or if there's a fleet, or
14 what. I've seen, you know, a taxi in there often
15 lately. Where does it -- is it procedure? Where
16 does -- where is it parked? Where is it supposed
17 to park? I mean, is it supposed to have its own
18 -- because there's only five parking spots there,
19 I believe, and then there is one handicapped
20 spot.

21 You know, there's a code for the size of
22 the building and how many parking spots are
23 supposed to be there. They're under the amount
24 of parking spots as it is. So the next thing is,
25 and my question is, where are they going to park?

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1 I don't know if you addressed this, Adrienne,
2 because I came late, but --

3 CHAIRMAN MOORE: Well, you know, this is
4 getting off topic, because --

5 MS. CADDEN: Is it? Okay. I didn't know.

6 CHAIRMAN MOORE: I would just say that is
7 something that would come up with the Planning
8 Board.

9 MS. CADDEN: Planning Board, okay. Sorry.

10 CHAIRMAN MOORE: Very much so.

11 MS. GREENBERG: We'll discuss it.

12 MS. CADDEN: Okay.

13 CHAIRMAN MOORE: And I'm sorry. I'm not
14 trying to put you off, but it's just not part of
15 our job to do that.

16 I think we've had the full public input,
17 those who wish to speak. At this point, then,
18 I'd entertain a motion to close the public
19 hearing.

20 MR. CORWIN: So moved.

21 MR. BENJAMIN: The owner doesn't want to
22 speak?

23 CHAIRMAN MOORE: I'm not sure. Did to want
24 say something --

25 MR. KHAN: Yes.

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1 CHAIRMAN MOORE: -- regarding our technical
2 interpretation?

3 MR. KHAN: Yes.

4 CHAIRMAN MOORE: I hope you can -- I know

5 people were speaking issues besides the code.

6 MR. KHAN: No, I'm not going to go out of
7 the code.

8 CHAIRMAN MOORE: If you can keep it brief.

9 MR. KHAN: My name is Imran Qasim Khan.
10 And before I started that taxi business, my taxi
11 business is still running. I'm taking the
12 customers and on and off we're dropping, taking
13 customers.

14 Before I started, I went to the Village
15 Office, I talked to Mr. Dave and Miss Eileen. I
16 told them I'm opening up a taxi business, is
17 there any law about the taxi business, opening a
18 taxi business? There is no -- they don't have
19 anything in the Village. They don't have
20 anything in the Village.

21 I went to the Town of Southold, they gave
22 me the same answer, they don't have any, because
23 there's too many taxis working here. One of the
24 taxis, they have the office in Southampton and
25 they are taking care of the customers in the

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1 North Fork.

2 And when I started and I talked to Eileen,
3 she said there is no code, you don't need
4 anything. And I told her, in my office, I'm
5 going to make office. Basically everything is
6 going to be on the phone, which I am using right
7 now, everything on the phone. We don't need any
8 office for the taxi, basically. And that's why I
9 questioned. I asked her if I can put a small
10 sign board on the building. That's why I gave
11 the application to the Village, and I want to
12 just make my office as a taxi office, in case if
13 somebody need a taxi, they can come into the
14 store. Otherwise, I don't need an office. And
15 there's too many taxi services, they don't have
16 office at all, they are doing it on the phone.

17 And there's too many other questions, but
18 they were -- my only answer for it, how are we
19 going to take teach the customer they don't have
20 to throw anything in the parking lot? I have the
21 dumpster there. We clean the garbage every day.
22 If somebody is just eating something and they
23 throw the wrapper outside, we have to teach them?

24 CHAIRMAN MOORE: Okay. Well, thank you. I
25 believe you do have an application for a site

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1 plan review with the Planning Board; is that
2 correct? They wouldn't be hearing --

3 MR. KAHN: No, there was nothing, only
4 about I was asking them to put the sign board
5 only. I came only for the sign board, not for
6 the taxi business.

7 CHAIRMAN MOORE: Okay. Well, I'm not
8 familiar with exactly the details between the
9 Building Department and the Planning Board.

10 MR. KAHN: I talked to Mr. Dave and I
11 talked to Ms. Eileen, and she said they're not
12 supposed to put you into the Zoning Board
13 meeting, it's supposed to be -- everything's
14 supposed to be done in one meeting, which was the
15 first meeting. And she said, "I don't know if
16 they are not educated enough, the Planning Board,
17 why they put you over into the second session."
18 She said, "I was not there that time, I don't
19 know."

20 CHAIRMAN MOORE: Well, it's part of their
21 right to seek an opinion of the code if they wish

22 to ask, and that's what they did. So we're
23 responding to the Planning Board regarding that.
24 Okay?

25 MR. KAHN: Thank you.

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1 CHAIRMAN MOORE: Yes. So, with that in
2 mind, I believe Mr. Corwin has made a motion to
3 close the public hearing. May I have a second,
4 please?

5 MS. NEFF: Second.

6 CHAIRMAN MOORE: And all in favor?

7 MR. CORWIN: Aye.

8 MS. NEFF: Aye.

9 CHAIRMAN MOORE: Aye.

10 MR. BENJAMIN: Aye.

11 CHAIRMAN MOORE: Any opposed?

12 (No response.)

13 CHAIRMAN MOORE: None. So it carries. And
14 so the public hearing is closed on that matter.

15 We're going to move into our regular
16 agenda.

17 MS. GREENBERG: Thank you.

18 CHAIRMAN MOORE: Sure, thanks.

19 MR. WILLIAMS: Thank you.

20 CHAIRMAN MOORE: I think we can keep the
21 regular order. In deference to Mr. LaMaina from
22 Lucharitos, we were taking this item first on the
23 agenda and then would deal with the
24 interpretation.

25 Mr. LaMaina is not going to be present

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1 tonight, but it doesn't prevent us from
2 proceeding with our discussions regarding the
3 request he has for a sign variance.

4 Just to recap, we did ask for some input
5 from the Historic Preservation Commission, and
6 Mr. Uellendahl has responded by email, which we
7 received the 8th of April. And I'll just read
8 it, it's not too long.

9 "In response to your request to offer HPC
10 assistance regarding the sign application for the
11 Lucharitos Restaurant, located at 119 Main
12 Street, I called a special meeting on March 10,
13 2014. All HPC members were in attendance.

14 The agenda stated that the sign that was to
15 be approved had already been installed above the
16 entry door of the restaurant without having
17 applied for a permit. The applicant,
18 Mr. LaMaina, was present. He explained to us the
19 details of the sign, the design regarding its
20 illumination with additional flashing light
21 bulbs. We had a lively discussion about the
22 actual design, size and colors, and the affect
23 the sign would have on the community by having it
24 lit up according to the applicant's specifications.
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1 The design of the sign seemed to be well
2 liked in its appearance while unlit. The
3 flashing part of the design was rejected
4 unanimously. However, a discussion ensued
5 whether we could permit to have the individual
6 light bulbs lit, not flashing, creating a dim
7 glowing effect.

8 I decided to offer two motions. Motion #1,
9 to approve the sign as fabricated installed, but

10 under the condition that the sign would remain
11 dark. If desired, the sign could only be lit
12 from the outside by way of a sconce or similar
13 light source. If approved, the applicant would
14 not have to remove the sign. The motion carried
15 unanimously 5-0-0.

16 Motion #2, to approve the sign with very
17 limited lighting, meaning that the individual
18 light bulbs, as part of the sign, could only be
19 turned on when drastically dimmed, and under no
20 circumstances would be flashing. The degree of
21 the dimmed lighting appearance would be
22 determined during the site visit after dark. The
23 motion carried 4-0-1, that's with one no vote,
24 because the light is recessed within the doorway
25 and not visible when approaching the restaurant

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1 via sidewalk.

2 Chairman Frank Uellendahl opposed the
3 motion based on the Village Code Section
4 150-15G(2), which prohibits illuminated and
5 flashing signs. He did not want to set another

6 precedent for more lit signs in the Historic
7 District.

8 The applicant announced that he might
9 remove the sign from the outside and install it
10 inside the restaurant.

11 I hope this helps you in your
12 decision-making process. Best regards, Frank
13 Uellendahl."

14 So thank you, Frank, for writing that.

15 MR. UELLEDAHL: You're welcome.

16 CHAIRMAN MOORE: Perhaps I could ask you,
17 since you're available, the discussion about
18 removing the sign from the outside to the inside,
19 was any location mentioned within the restaurant?

20 MR. UELLEDAHL: Frank Uellendahl, 123
21 Central Avenue, and also Chair of the Historic
22 Preservation Commission.

23 Well, this is something that going forward
24 we have to discuss amongst ourselves, because I
25 would hate to see that exact sign be put right in

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1 the storefront behind the glass. And we have

2 other examples on Front Street across the street
3 from the post office, next to Noah's, where we
4 have those signs right behind the glass, and I
5 would not like to see that in the Historic
6 District. But then again, a lot of people don't
7 know where the Historic District starts and where
8 it ends. Unfortunately, it's only a part of Main
9 Street, that portion of Main Street that belongs
10 to the Historic District.

11 We did not discuss the exact location of
12 the sign. I would prefer to, and this was sort
13 of my understanding talking to Mr. LaMaina, that
14 he would put the sign within the bar area on the
15 inside and not right behind the storefront glass.

16 CHAIRMAN MOORE: Okay. Thank you. So, to
17 just continue that discussion, I had in mind to
18 ask Mr. LaMaina that same basic question. And in
19 the Village Code, under 150-15(B), which is
20 actually the definition of the sign in the Sign
21 Regulation Section, it refers to public display
22 -- publicly displayed out of doors or located
23 indoors, but directly -- directed out of doors,
24 and particularly illuminated, which means a sign
25 is still a sign if it's in the window, and that

applies.

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1 So that if we were inclined not to approve
2 the sign and Mr. LaMaina wanted to put it inside,
3 the window location is not permissible by code,
4 so that would be restricted.

5 And since he's not here to offer what he
6 really intends to do with the sign, we have to
7 assume he still wishes it to be outside, and our
8 discussion should follow along those lines. So I
9 would like to hear from the Board.

10 We did have public testimony. Mr. Claudio
11 last -- two months ago indicated that he
12 supported the sign as lit, because it was not
13 terribly obtrusive, but he did not support the
14 flashing effect, and I think some of the Board
15 Members made comments in a similar fashion.

16 And the reference was made to the Las Vegas
17 effect, which I think everybody then gets an
18 image of what we're trying to avoid in the
19 Village, and the code does not support flashing
20 signs. So, in this case, we would be making an
21 exception, providing that the conditions of the

22 sign were agreeable to the Zoning Board.

23 MR. BENJAMIN: Historic Board.

24 CHAIRMAN MOORE: And to the Historic Board
25 as well. It was still come, I believe, before

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1 the Historic Board for your official review.

2 MR. UELLEND AHL: Yes, we were going to -- I
3 mean, we did approve the sign lit in my second --
4 in our second motion, but at a very dimmed sort
5 of, you know, illumination, and constant light,
6 not flashing, so -- because the lights are there,
7 and we like the sign, we like the colors, we like
8 the design, we approved that in our first motion.
9 But in the second motion, we wanted to make sure
10 that the lights would not be bright. And we were
11 going to look at this, if he decides to go ahead
12 with this.

13 CHAIRMAN MOORE: You would have to check to
14 see if your response to the ZBA also can register
15 as your actual review by the Historic
16 Preservation Commission.

17 MR. UELLEND AHL: Yes, okay.

18 CHAIRMAN MOORE: So that you may have to
19 check with Mr. Prokop about whether that
20 constituted an official --

21 MR. UELLEND AHL: We will do that.

22 CHAIRMAN MOORE: -- approval of that.

23 MR. UELLANDAHL: Okay. Thank you.

24 CHAIRMAN MOORE: My feeling is that I've
25 seen the sign. Mr. LaMaina has -- since last

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1 month's meeting was cancelled, has reilluminated
2 the sign. We had asked him to not light the sign
3 until a decision was made. And I was able to see
4 this time that the sign actually is internally
5 illuminated, and fairly softly, but it is lit on
6 its own regard from within, plus the light bulbs
7 as decorations.

8 And I talked to him, I reminded him by
9 phone call the night that we were having the
10 meeting and he indicated he'd be unable to come.
11 He actually indicated he did not know that at our
12 previously meeting, that he only knew about the
13 outside light bulbs. But my impression of the

14 sign is in the absence of the flashing lights,
15 and especially if the individual bulbs can be
16 toned down to be just low level illumination,
17 that it was really quite comfortable to me as far
18 as its visibility and --

19 MR. UELLEND AHL: I would like to see that,
20 and I agree with that, yes.

21 CHAIRMAN MOORE: And not more illuminated
22 than could be accomplished from external
23 lighting. So to me it seemed like a decent
24 compromise if we could work out that kind of a
25 detail

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1 MR. UELLEND AHL: Right. And we decided,
2 and, I mean, I refrained from voting on this
3 vote, or I was against it because of the code,
4 but I -- we looked at the situation. The sign is
5 really not visible as you walk down the sidewalk,
6 because it's recessed within the doorway. And
7 that's why we said there is no harm in having it
8 dimly lit.

9 CHAIRMAN MOORE: And Mr. LaMaina could,

10 with appropriate applications, hang a bracket, an
11 overhead sign --

12 MR. UELLEND AHL: Right

13 CHAIRMAN MOORE: -- which could be
14 externally illuminated and actually be quite
15 bright.

16 MR. UELLEND AHL: Right, absolutely.

17 CHAIRMAN MOORE: So that I thought, again,
18 the position of the sign was not terribly
19 obtrusive.

20 MR. UELLEND AHL: Right.

21 CHAIRMAN MOORE: Any other comments from
22 the Board Members on the sign?

23 MR. CORWIN: I'll make two comments. One
24 is that if you look in the Coronet Restaurant,
25 they have what Frank was just talking about, they

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1 have a sign in the window that says "open" and
2 that flashes, and it's a very modest one. And
3 during the week, there's not a lot of people in
4 the Coronet Restaurant. It's really for the
5 vacationers, and the second homeowners patronize

6 it. But I don't know where the Coronet's little
7 sign begins, and if Mr. LaMaina was to put his
8 sign in the window, where it ends. But that's
9 always a problem. Let's not wrestle with that now.

10 As far as Mr. LaMaina's sign, when I looked
11 at it yesterday, I didn't even notice that it was
12 illuminated itself, but I did notice that it had
13 -- the lights were shifted from the way he
14 originally had it, where they just ran around in
15 a circle, and they're shifted now to light the
16 top lights, then the bottom lights, then the top
17 lights. And there's 40 light bulbs in that sign.

18 MS. NEFF: Wow.

19 MR. CORWIN: And I don't know what wattage
20 they are, but my thinking is I have no objection
21 to the sign, and I have no objection to him
22 lighting the sign, the light bulbs in the sign.
23 But I do have an objection to the flashing of the
24 sign, which I think everybody's kind of coming to
25 that conclusion. So that would probably be the

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1 way I would want to go, that, provisionally, he

2 can turn on all the lights at once, but he can't
3 have a flashing sign.

4 CHAIRMAN MOORE: And I think another
5 comment that you brought up about the signs in
6 the windows is that the various signs indicating
7 that the business is open, or Budweiser, or some
8 other product being advertised is kind of
9 uncharted territory as far as signs. I think the
10 main focus has been on the store sign itself, the
11 sign identifying the business.

12 It would probably be quite a dark village
13 if none of these signs were illuminated. And, of
14 course, as Mr. Corwin mentions, it would be hard
15 to tell if the store might be open or not.

16 But, anyway, we're focusing on this
17 particular sign variance request. And the rest
18 of the Board Members, any additional comments,
19 contradictions, feelings?

20 MR. BENJAMIN: Yeah. We, you know, had
21 several signs come up before us, and for
22 different reasons we chose to go different ways.
23 The one for the movie theater, it was like an
24 iconic sign, something of the past. It was like
25 more like art work or something. And we also

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1 rejected requests because somebody wanted to put
2 a sign, a lighted sign in Trader Bill's, and that
3 was for a different reason, and each one is a
4 case-by-case. And when a person comes up and
5 asks for a sign, especially after the fact, for
6 the reason of attracting customers, well, I
7 pretty much know the area and the people that go
8 to the restaurants don't go because of the sign,
9 they usually go because somebody told them, or
10 this is the latest spot to hang out.

11 So the reasons that are there for having
12 the sign, you know, to me, I don't know if they
13 make a lot of sense. But to give somebody
14 permission to, you know, do something against the
15 code, I would like to have a good reason for
16 that, you know. And so I see most of you are
17 accepting that reason. I'm not so sure about it.
18 But, definitely, when you have a sign like that,
19 it seems like that sign can be controlled, and it
20 can be flashing, or, you know, have all different
21 kinds of variations on the lights and not plain.
22 So I just think that if we're going to do it, it

23 has to be the least.

24 Oh, yes. And the last thing is that the
25 lady on the corner that was around the bend, and

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1 nobody could see her, even, you know -- now that
2 was a good reason to have a sign.

3 CHAIRMAN MOORE: You're referring to
4 Scrimshaw.

5 MR. UELLEND AHL: Scrimshaw.

6 MR. BENJAMIN: Scrimshaw, yeah.

7 CHAIRMAN MOORE: Yes.

8 MR. BENJAMIN: So she -- you know, she was
9 working hard to make a living and, you know, she
10 had to get noticed, and that seems a little more
11 reasonable.

12 I don't know if that sign is going to bring
13 anymore business or not there. You know, I think
14 good food and good service and stuff will bring
15 more people than a sign. So that's the
16 old-fashioned way.

17 MR. CORWIN: I would make a comment.

18 MR. BENJAMIN: Yes.

19 MR. CORWIN: When you drive by or even walk
20 by, but more drive by a place like LaMaina's,
21 it's kind of dark inside. I guess he wants it
22 that way. You can't tell that store is open
23 unless he's got that sign lit. That would be my
24 observation. And the same thing with the
25 Coronet, because there's no people in the

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1 Coronet. You wonder, is that even open?

2 MR. BENJAMIN: Right.

3 MR. CORWIN: But when he's got that sign in
4 the window that says "open," well, then you can
5 make the determination, yeah, he's open. So I
6 think that's a legitimate reason to have a sign
7 that is lighted, because then somebody going by
8 can say it's open.

9 And I think, when that original code was
10 written, no self-illuminated signs --

11 MR. BENJAMIN: Right.

12 MR. CORWIN: -- it was aimed at neon signs.

13 MR. BENJAMIN: Neon.

14 MR. CORWIN: Because they were very big and

15 they were kind of a new thing then.

16 MR. BENJAMIN: Right.

17 MR. CORWIN: And I think that was written
18 to get a handle on them. And, personally, I have
19 no objection to neon signs that are done
20 tastefully like Scrimshaw's was. And then I
21 would have to extrapolate a little and say I
22 don't have an objection to LaMaina's sign if it's
23 tasteful. It's not tasteful when it's flashing.

24 CHAIRMAN MOORE: I think one of the things
25 -- yes, go ahead, please.

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1 MS. NEFF: I think the thing that -- the
2 general agreement is, is not flashing is kind of
3 easier to go with than any other set of words or
4 paragraphs and that there's agreement about that.
5 I also think the code, as it exists and it's
6 implemented for the most part, that small is our
7 friend. And that's incredibly important, that
8 they're not huge signs. And we -- that's in
9 there, thank God. I think that with that, you
10 know, that we can move on with this one, and

11 that I feel kind of that it hangs together, the
12 interpretation of a sign that works.

13 And I think there are many times when
14 people are walking around this Village, this is
15 not one of them, this particular kind of day in
16 April, when a lot of people have not been here 15
17 other times, or live here. And that for that
18 purpose, signs are important, especially summer
19 evenings. People walk all over, they see things
20 they have a never seen before, and the lit sign
21 is very helpful. So we want to help the business
22 owners and I think this is a good compromise.

23 CHAIRMAN MOORE: I think another point to
24 be made is that technology is changing. At our
25 last meeting, a point was made, I believe, about

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1 Crabby Jerry's having either an LED or some kind
2 of a light rope that decorates the sign. And
3 while it's not a lighted sign, it is additional
4 illumination around the border of the sign.

5 We recently approved the hospital's
6 replacement signs, which is a totally different

7 type of sign, an internally lighted, but very
8 muted. That actually was my opinion, a big
9 improvement over the box signs that are being
10 removed.

11 So I think we have to recognize that there
12 are some changes in the way business lighting is
13 being done, and perhaps it would be a good
14 recommendation in our process to suggest that the
15 Village Board and the BID have some conversations
16 about self-regulation and limits to what should
17 be done as far as lighting. I mean, everybody
18 wants to do their own thing, but there has to be
19 some unity. Or if everybody comes forward with
20 the latest lighted sign request, sooner or later,
21 you know, the patience for variances will run out
22 and then it will be back to the code as
23 specified.

24 So I think we're moving in the right
25 direction, but we'll have to do our test and see

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1 how this particular application comes out.

2 Would the Board support moving ahead with

3 the questions and the process and making a
4 decision?

5 MS. NEFF: Yes.

6 CHAIRMAN MOORE: Yes? Okay. Very good.

7 So the first activity is to make a motion,
8 which I'll do, to declare the Zoning Board of
9 Appeals Lead Agency, and by SEQRA regard this as
10 a Type II Action. So moved. May I have a
11 second, please?

12 MR. BENJAMIN: Second.

13 CHAIRMAN MOORE: And all in favor?

14 MR. CORWIN: Aye.

15 MS. NEFF: Aye.

16 MR. BENJAMIN: Aye.

17 CHAIRMAN MOORE: And aye.

18 So unanimous, so that carries.

19 And then we have the questions. The first --
yes?

20 MR. CORWIN: Now I'm not sure. Do we need
21 to know what the gist of the motion is going to
22 be before we answer the questions?

23 CHAIRMAN MOORE: Okay. I think that would
24 be the thing. We could do a similar process that
25 the Historic Board did, which we could float a

1 motion to approve the sign as currently lit. But
2 I think we've moved beyond that point, and that
3 we would specify that the sign could be
4 illuminated according to its design internally
5 and be decorated by the border lights. But their
6 brightness would have to be determined at some
7 point down the road, and that under no
8 circumstances could any flashing lights or
9 animated lights be part of the sign illumination.
10 That would be the basic motion, I think, that we
11 would make.

12 MR. CORWIN: So maybe I could sum it up --

13 CHAIRMAN MOORE: Sure.

14 MR. CORWIN: -- as a form -- in the form of
15 a motion --

16 CHAIRMAN MOORE: Okay.

17 MR. CORWIN: -- and say:

18 Whereas, Mark LaMaina made an application
19 for a self-illuminated sign.

20 And whereas, the Historic Preservation
21 Board has made a recommendation that no flashing
22 sign should be allowed.

23 And whereas, the Zoning Board of Appeals

24 has considered the sign and come to the
25 conclusion that the self-illuminated sign may be

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1 kept in place, but no flashing lights are
2 allowed. The border lights may be used
3 provisionally, subject to the Zoning Board of
4 Appeals and the Historic Preservation Commission
5 review of the illumination level once the sign is
6 set up to have steady lights around the border
7 and the sign itself illuminated.

8 Does that cover it?

9 CHAIRMAN MOORE: I think that's good. And
10 we'll have to hold that thought, and you'll just
11 make reference to that motion when we get there,
12 because we first have to go through the test
13 questions.

14 Whether an undesirable change will be
15 produced in the character of the neighborhood or
16 a detriment to nearby properties will be created
17 by granting the area variance? And responses?

18 MR. CORWIN: No.

19 MS. NEFF: No.

20 MR. BENJAMIN: No.

21 CHAIRMAN MOORE: And no. So that is good.

22 Whether the benefit sought by the applicant

23 can be achieved by some method feasible for the

24 applicant to pursue other than the area variance?

25 And I'll just ask down the line. Mr.
Benjamin?

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1 MR. BENJAMIN: Yes.

2 CHAIRMAN MOORE: Mr. Corwin?

3 MR. CORWIN: No.

4 CHAIRMAN MOORE: Ms. Neff?

5 MS. NEFF: No.

6 CHAIRMAN MOORE: And I would say yes.

7 Whether the requested area variance is

8 substantial?

9 Mr. Benjamin?

10 MR. BENJAMIN: No.

11 CHAIRMAN MOORE: Mr. Corwin?

12 MR. CORWIN: Yes.

13 CHAIRMAN MOORE: Ms. Neff?

14 MS. NEFF: No.

15 CHAIRMAN MOORE: And I would say no.
16 Whether the proposed variance will have an
17 adverse effect or impact on the physical
18 environmental conditions in the neighborhood or
19 district?
20 Mr. Benjamin?
21 MR. BENJAMIN: No.
22 CHAIRMAN MOORE: Mr. Corwin?
23 MR. CORWIN: No.
24 CHAIRMAN MOORE: Ms. Neff?
25 MS. NEFF: No.

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1 CHAIRMAN MOORE: And I would say no.
2 Whether the alleged difficulty was
3 self-created, which consideration shall be
4 relevant to the decision of the Board of Appeals,
5 but shall not necessarily preclude the granting
6 of the area variance?
7 Mr. Benjamin?
8 MR. BENJAMIN: Yes.
9 CHAIRMAN MOORE: Mr. Corwin?
10 MR. CORWIN: Yes.

11 CHAIRMAN MOORE: Ms. Neff?

12 MS. NEFF: Yes.

13 CHAIRMAN MOORE: And I'll also answer yes.

14 And then overall, considering all of the
15 questions, and taking into account the motion
16 that Mr. Corwin spelled out, that we would make a
17 motion to approve the requested variance based on
18 those stated conditions and --

19 MR. BENJAMIN: What about the condition of
20 -- does it go off when he closes down for the
21 night? It doesn't stay on all night, right?

22 CHAIRMAN MOORE: We didn't talk about hours
23 of operation. Is that an issue for the Board to
24 consider?

25 MR. CORWIN: No, not to me.

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1 MR. BENJAMIN: And the other thing is that
2 if he sells the business, then somebody else has
3 to start all over again.

4 CHAIRMAN MOORE: Yes. I think we would add
5 that this would apply only to the current sign --

6 MS. NEFF: The owner --

7 CHAIRMAN MOORE: -- identifying that
8 business, because, clearly, if a new sign were
9 installed, it would have to have an additional
10 variance if it were also out of code.

11 So, with that motion having been made, I
12 would then ask for the votes on whether we shall
13 approve the requested variance. Mr. Benjamin?

14 MR. CORWIN: A second.

15 CHAIRMAN MOORE: Oh, sorry. One other
16 thought?

17 MR. CORWIN: No. We need a second on the
18 motion.

19 CHAIRMAN MOORE: Oh, a second on the
20 motion. Okay.

21 MS. NEFF: Second.

22 CHAIRMAN MOORE: A second from Ms. Neff.
23 And then all in favor? Mr. Benjamin?

24 MR. BENJAMIN: Aye.

25 MS. NEFF: "All in favor" is aye, all of

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1 us, isn't it?

2 CHAIRMAN MOORE: Well, I'm going to go with

3 a roll call on this, just so we have the votes
4 down.

5 MS. NEFF: All right. Okay.

6 CHAIRMAN MOORE: Mr. Corwin?

7 MR. CORWIN: Yes.

8 CHAIRMAN MOORE: And Ms. Neff?

9 MS. NEFF: Yes.

10 CHAIRMAN MOORE: And I'll also vote yes.

11 So that motion carries and the variance is
12 approved according to the stipulations that were
13 outlined by Mr. Corwin.

14 So we can move now to the next item, and
15 this is discussion about the interpretation of
16 the code. And the issue that comes up is that
17 the Planning Board, through apparently Mr.
18 Prokop's advice, were not convinced that this
19 activity would be permitted in this district,
20 which is a Retail Commercial. And one of the
21 complications is -- and if you look at the zoning
22 map with the districts, there is a General
23 Commercial District, which basically follows the
24 railroad tracks down to the waterfront, and it
25 includes the railroad depot, the staging area for

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1 the ferry, a number of business properties, Mr.
2 Costello's marine business, and also Village
3 property I believe may border that zone, the
4 parking lot.

5 MS. NEFF: You're talking about --

6 CHAIRMAN MOORE: Yeah, and the parking lot
7 for the bus depot are all labeled this General
8 Commercial. And within that district there are a
9 series of permitted uses. And for one thing, the
10 Commercial General District is any use in the
11 Retail Commercial, plus service establishments
12 furnishing services other than personal nature,
13 self-service gasoline stations, light
14 manufacturing, wholesaling, research and design.
15 And then there's an issue, utility and public
16 transportation facilities, and also then motor
17 vehiclesales.

18 The reason for this Number 7, which is
19 utility and public transportation facilities, may
20 be that when the code was written, these
21 activities were already present in that area.
22 And to give a sanctification for that type of
23 activity, that may be the reason for this very

24 limited district.

25 Now, the Retail Commercial District is a

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1 much larger area. It covers most of the downtown
2 areas. And then there's this outpost area up
3 in -- I believe the Townsend Manor Inn might be
4 that property, that are Retail Commercial. And
5 you're welcome to -- can I take that?

6 MR. CORWIN: Yes.

7 MS. NEFF: I'll pass it back.

8 CHAIRMAN MOORE: And in this case, the
9 Commercial Retail permitted activities are retail
10 stores and banks, personal service stores, which
11 are referenced as barber shops, beauty parlors,
12 etcetera, eating and drinking places, business,
13 professional, government offices. And then
14 another item is service establishments furnishing
15 services other than of a personal nature;
16 theaters, hotels, motels, outlets and pickup
17 stations for laundries and cleaning
18 establishments, newspaper printing,
19 manufacturing, clubs, funeral parlors, marina

20 docking facilities, gasoline stations and
21 self-service gasoline station. So that the
22 confusing issue here -- and, of course, service
23 repair garages as well is listed in Retail
24 Commercial.

25 So the question that comes up is that

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1 public transportation services, I assume, are
2 those things such as regularly scheduled
3 transportation services, the train, the buses and
4 things like that; whether or not a taxi service
5 is considered a public transportation service or
6 more of a private service. But is it a
7 nonpersonal service that would cover for both
8 regions, or are we really talking about the fact
9 that the General Commercial section does have
10 reference to public transportation services?

11 So that's kind of the area of our
12 discussion as to whether services, other than
13 personal nature, would include a taxi service.
14 So I'd entertain discussion along those lines.

15 MR. CORWIN: I'm afraid I didn't do my

16 homework on this, so --

17 MS. NEFF: Could you read the part of the
18 code, the CG, that you said personal, that might
19 relate to that. I know it said laundry and
20 theaters and all this, but is there anything that
21 comes close to this?

22 MR. CORWIN: But, wait.

23 CHAIRMAN MOORE: Yes.

24 MR. CORWIN: Before you do that, the
25 designation of that parcel now is Commercial

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1 Retail?

2 CHAIRMAN MOORE: Retail Commercial, I
3 believe.

4 MR. CORWIN: And the one with the -- that
5 you referred to that says public transportation
6 services?

7 CHAIRMAN MOORE: Oh, General Commercial,
8 yes.

9 MR. CORWIN: Is General Commercial?

10 CHAIRMAN MOORE: And that is this district
11 that basically parallels the Long Island Railroad

12 line to the dock.

13 MR. CORWIN: Oh, I see. So they threw that
14 in for the Long Island Railroad and the ferry.

15 CHAIRMAN MOORE: I'm assuming that this
16 strip, which was not just transportation, there
17 are some other private businesses.

18 MR. CORWIN: So that's more or less a
19 special case.

20 CHAIRMAN MOORE: It seems like a special
21 case. And the question before us is whether
22 within the Retail Commercial District something
23 such as a taxi service could be defined. And I
24 would have to assume it would only be defined
25 under service establishments furnishing services

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1 other than a personal nature, whether that -- you
2 know, being personal service stores would be
3 things that are things like beauty parlors, and
4 barber shops, and tailors. And that's really the
5 crux of the matter, is whether the fact that
6 the -- General Commercial mentions public
7 transportation services, whether that limits

8 them, such as a taxi service, to that district,
9 which is very limited within the Village.
10 There's only, I think, one property there that
11 was used for storage of vehicles that had been a
12 car rental agency out on the main road.

13 MR. CORWIN: On the old Burt's Reliable
14 property.

15 CHAIRMAN MOORE: I believe, yeah. I'm not
16 sure that this --

17 MR. CORWIN: The Burt's property.

18 CHAIRMAN MOORE: That was the old Burt's
19 property, yeah.

20 MR. CORWIN: Let me ask Mr. Abatelli a
21 questions. There are some changes proposed for
22 the zoning code. Do they in any way affect this?

23 MR. ABATELLI: I don't think so, no. I
24 know taxis never came up, and none of -- it's
25 really all -- the only changes are mostly in the

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1 Waterfront Commercial Zone.

2 MR. CORWIN: And then, as I said, what is a
3 taxi service? I mean, it's basically saying

4 you're going to park the car there, I guess.

5 CHAIRMAN MOORE: And, you know, that -- I
6 think one of the things that was pointed out
7 today is that the public comments basically were
8 being directed to the nature of how the business
9 would operate, and any offenses that the
10 increased use of the facility might, you know,
11 cause negative effects on the community. And
12 that's all, in my understanding, a Planning Board
13 activity, that they deal with these issues, and
14 approve or disapprove an intensification of use
15 based on these factors.

16 I think the question comes up as to
17 whether, you know, a taxi service is a -- other
18 than a personal service that can operate from a
19 retail business. The code does not mention every
20 permitted activity, and I -- you know, if -- you
21 know, retail stores covers a pretty wide range of
22 things, but they also include gasoline stations,
23 self-service gasoline stations and repair
24 garages, which that property formerly was.

25 MR. ABATELLI: I --

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1 CHAIRMAN MOORE: And -- go ahead, yeah.

2 MR. ABATELLI: In trying to remember back
3 to the Planning Board process, they were -- I
4 mean, they had the exact problem you're talking
5 about, whether it was clearly permitted or not
6 permitted. They were acknowledging that there
7 are taxis even now, you know, that just are in
8 the Village. They park actually at the marina.
9 A lot of times during the summer there's just a
10 car parked in there and other places, they just
11 are there. They mostly were concerned about
12 where they would keep the cars, how many cars. I
13 mean, there was always talk just about two cars.
14 They didn't want to interfere with the existing
15 parking, which they knew was just barely
16 adequate, if adequate at all.

17 They did talk about the dumpster, but there
18 wasn't -- they just really weren't sure whether a
19 taxi service is permitted or not, per se. They
20 acknowledge that taxis exist, but it's the
21 operation, you know, that's -- they almost were
22 saying even two -- you know, one of the people
23 said, "Well, you could park the car in your
24 driveway and take phone calls over the" -- you

25 know, it was like, you know, they can be

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1 almost -- like a taxi could be, like you've had
2 in the past, like one guy with a car and he parks
3 it at his house, and he passes cards around and
4 stuff.

5 MR. BENJAMIN: A car service, yeah.

6 MR. CORWIN: Which is what everybody's
7 doing right now, because there's a lot of them
8 around, and it's parked in somebody's driveway.

9 MR. ABATELLI: So it was -- you know, they
10 weren't really sure how to deal with it and you
11 guys are stuck with it.

12 MS. NEFF: If I may, I think in the absence
13 of a drawing that shows what was approved at the
14 time this was approved, with the parking spaces
15 shown, the land, everything, the idea that it
16 could exist with no curb whatsoever to the
17 property to the south seems rather amazing.

18 And there is a lot of -- there are a lot of
19 people, particularly little people, you know,
20 children, that have to pass by in that area, so I

21 don't see how we could really talk about this
22 without that.

23 And, yes, a car service, I'm very familiar
24 with them in areas that I visit in the City, in
25 Brooklyn. It's a little place with a lot of cars

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1 coming and going and at least one sitting there.
2 Is this envisioned as a place where two cars, two
3 taxis might sit in the evening hours, or whenever
4 they're not busy?

5 MR. ABATELLI: I think, and again, I don't
6 want to completely answer, but --

7 MS. NEFF: Mind you, subcontracting them
8 from the other parking spaces.

9 MR. ABATELLI: But what the Planning Board
10 -- he was always talking about two cars. The
11 Planning Board did feel that whatever -- if they
12 were to approve something, they would have to
13 have a number of cars, because there's clearly --
14 I think it's almost like a restaurant, there's a
15 big difference between one and 20 cars. You
16 know, so it was clearly -- they would put a limit

17 on the number of cars and where they would park,
18 you know, and they would -- of course, the
19 applicant would say, which ideally would be true
20 in a perfect world, that cars would be out all
21 the time driving around, but a lot of times they
22 wouldn't be. But they could also park at the
23 train station, or at the marina, or anywhere, you
24 know, waiting for --

25 MR. BENJAMIN: But it seems like there's

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1 two questions. One is it permitted by the code?
2 But, then, if it was, could it be permitted in
3 this place? But if he already has designated
4 parking areas, and if areas are designated, then
5 they can't be used for something else.

6 CHAIRMAN MOORE: And that's sort of not the
7 question we're being asked, of course.

8 MR. BENJAMIN: Right.

9 CHAIRMAN MOORE: I think they're getting to
10 that.

11 MR. BENJAMIN: So -- but what comes up is a
12 lot more questions, you know, a lot more

13 questions. And it seems like it's just a
14 question that was never answered before, that's
15 all.

16 CHAIRMAN MOORE: Right. Under the -- oh,
17 go ahead, yes.

18 MR. CORWIN: Our question is can somebody
19 have a taxi service in Commercial Retail?

20 MS. NEFF: In a Commercial Retail.

21 MR. CORWIN: Our questions -- the Planning
22 Board's question is do they have enough parking
23 spaces, and are they taking care of their
24 property? That's not our question. So I don't
25 think we can conflate -- is that the right

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1 word -- the two things together. I think, can a
2 taxi service be allowed in Commercial Retail?
3 And that's really all we should address, and let
4 the Planning Board, and the Code Inspector, and
5 the Building Inspector address the question of do
6 they have adequate parking, and is it going to
7 make more of a mess, or be a hazard for
8 pedestrians.

9 CHAIRMAN MOORE: Yeah, and I think that's
10 the point here. And when you look through the
11 code for some specific applications that are
12 identified, a service station or repair garage
13 has about a dozen operational stipulations as far
14 as how it would operate. The same goes for
15 self-service gasoline stations. Most of these
16 are safety-related because of the fact that
17 customers are dispensing the gas. Many of the
18 other operations are just defined by name, and
19 the service establishments, furnishing services
20 other than a personal nature could be any number
21 of different services being provided, as well as
22 personal service stores, where, you know,
23 different kind of personal services are applied.

24 I don't think the code necessarily excludes
25 it. You know, there's a slightly broader section

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1 in the General Commercial that identifies, you
2 know, utility and public transportation
3 facilities, but that does not necessarily mean
4 that a private car service fits that definition.

5 You know, it could, but, you know, my inclination
6 is that the code isn't restrictive of that kind
7 of operation, and it is a service being provided
8 through a commercial entity. So that I think
9 most of the difficulties come to the operational
10 questions before the Planning Board. And I don't
11 have a lot of objection to that activity being a
12 part of a Commercial District

13 MR. BENJAMIN: Yeah, but it's not
14 associated with that business. If it was Layyah
15 that was having a delivery service or something,
16 or a laundry had a delivery service, or the pizza
17 had a delivery service, or the hotel had a pickup
18 service, you see, they would all be associated
19 with it, but this is not associated with this
20 particular business.

21 CHAIRMAN MOORE: Well, it is the owner's
22 particular business. It's another facet of his
23 commercial business. I mean, I believe the code,
24 especially in the sign regulations, talk about
25 businesses with more than one type of business

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1 activity in an individual building. I mean, he
2 could just as well operate a tax consulting
3 service out of the store at the same time, I
4 believe. But, again, it would come to the
5 Planning Board dealing with customer flow,
6 parking --

7 MR. BENJAMIN: Right.

8 CHAIRMAN MOORE: -- and things like that.
9 I think part of the difficulty is that the, you
10 know, stated operational difficulties that might
11 currently be happening casts a kind of negative
12 effect on the public regarding an intensification
13 of activity, and, again, that's a Planning Board
14 issue. They have to deal with whether a property
15 can carry a certain level of activity and deal
16 with that.

17 MR. BENJAMIN: Then the other thing is that
18 if it required a variance, an area -- a use
19 variance, well, we don't give use variances, do
20 we?

21 CHAIRMAN MOORE: Well, they can.

22 MS. NEFF: Yes.

23 CHAIRMAN MOORE: They're more difficult to
24 obtain.

25 MR. BENJAMIN: And that would require

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1 financial reports.

2 CHAIRMAN MOORE: You know, and, certainly,
3 if there are issues -- one of the thoughts I had,
4 which is again operational, not technical, is a
5 lot of private taxi services such as these have a
6 number of cars that are not currently operating
7 because they're mechanically broken. They have a
8 tendency to accumulate in the parking lot of the
9 taxi service. So, again, that's not a matter of
10 whether that's allowed or not as a taxi service.
11 It's an operational difficulty that is a fact of
12 life, and, again, a Planning Board issue.

13 So I don't know if you'd want -- we'd want
14 to just move through just an up or down vote as
15 to whether we support a taxi service under
16 Commercial Retail, under Item 5, which is a
17 service other than a personal nature, and let it
18 go at that; would that be the approach?

19 MR. CORWIN: I'm inclined to agree with
20 your interpretation, that it's basically an
21 allowed use, so, yeah.

22 CHAIRMAN MOORE: Would the rest of the
23 Board be inclined to offer their support or lack
24 of support for that direction?

25 MR. BENJAMIN: Service establishments

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1 furnishing services other than personal nature.
2 I don't --

3 MR. CORWIN: The thing that strikes me
4 about this is it's a needed service, because
5 you've got a lot of people in Greenport, they
6 come out from the big city, they need a taxi to
7 go from the railroad station to wherever.

8 MR. BENJAMIN: Yeah.

9 MR. CORWIN: And in this respect you're
10 having more control over it because you're
11 allowing it in a commercial use, rather than in
12 somebody's driveway.

13 MR. BENJAMIN: Right.

14 CHAIRMAN MOORE: And that same statement
15 about other than personal nature is also in the
16 General Commercial District. You know, that
17 could also operate. In fact, if the Planning

18 Board determined they couldn't carry that amount
19 of spaces, then the owner would have to find
20 other places to keep the cars. I mean, it's
21 really an operational question.

22 So, if the Board would want to go ahead
23 with an initial discussion --

24 MS. NEFF: I just want to say that it seems
25 to put more things happening in the site,

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1 that from the speakers who addressed us is a
2 problem and it has negative impact on the
3 neighboring properties. That's not our job to
4 address, but I think it has to be noted. And I
5 think that it could be a permitted use, but the
6 safety of people in the vicinity is not like a
7 small thing.

8 MR. CORWIN: I think the better term is the
9 quality of life.

10 MS. NEFF: Well, I think safety and quality
11 of life, but I don't see it as different.

12 MR. CORWIN: Because I don't accept the
13 argument that little kids are going to get run

14 over because of the taxi there. There's laws
15 against reckless driving. But you're correct in
16 that it's a quality of life issue, but I don't
17 think that's our purview to address it, it's the
18 Planning Board's.

19 MS. NEFF: Okay.

20 CHAIRMAN MOORE: You know, and not to be
21 facetious, but avoiding the taxi service under
22 Item Number 5, light manufacturing is permitted
23 up to 20% of square footage for those items being
24 offered for sale at the business. The owner
25 could apply also for a mortuary at the site. He

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1 could reintroduce a gasoline service station such
2 as it was before. Those are all permitted uses,
3 but I think if he proposed all of those together,
4 he's going to hit a brick wall, because it's just
5 not feasible on the property.

6 MS. NEFF: Right, right.

7 CHAIRMAN MOORE: It really comes down to
8 property capacity. And the question, we're not
9 being asked that question. We're just being

10 asked does the code under 150-9 through -- which
11 I can see as the only place that it's permissible
12 is Number 5, service establishments furnishing
13 services other than a personal nature. Does that
14 define a taxi operation? My opinion is it does.
15 It doesn't -- it doesn't exclude it.

16 MR. CORWIN: Well, let's have a vote and
17 see what happens.

18 CHAIRMAN MOORE: Yeah. Why not?

19 MS. NEFF: Let's vote.

20 CHAIRMAN MOORE: Okay. First item is we
21 again have to declare ourselves Lead Agency
22 according SEQRA; declare it also a Type II
23 Action. And I would make that motion and ask for
24 a second.

25 MS. NEFF: Second.

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1 CHAIRMAN MOORE: And all in favor?

2 MR. CORWIN: Aye.

3 MS. NEFF: Aye.

4 MR. BENJAMIN: Aye.

5 CHAIRMAN MOORE: Aye.

6 And then the motion, see if I can make it,
7 is that according to the request from the
8 Planning Board for interpretation of 150-9,
9 Commercial Retail District, that we would offer
10 our interpretation that under 150-9(A)(5),
11 service establishments furnishing services other
12 than a personal nature could include a taxi
13 service business. And with that, I make that
14 motion and ask for a second.

15 MR. CORWIN: Second.

16 CHAIRMAN MOORE: And all in favor?

17 MS. NEFF: Aye.

18 MR. CORWIN: Let's do a roll call.

19 CHAIRMAN MOORE: Let's do a roll call, very
20 well.

21 CHAIRMAN MOORE: Mr. Corwin?

22 MR. CORWIN: Yes.

23 CHAIRMAN MOORE: Ms. Neff?

24 MS. NEFF: Aye.

25 CHAIRMAN MOORE: Mr. Benjamin?

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1 MR. BENJAMIN: Yes.

2 CHAIRMAN MOORE: And I would also say yes.
3 So the motion carries.

4 And we will send a communication back to
5 the Planning Board that our interpretation is
6 that a taxi service would not be restricted in a
7 Commercial Retail District. Very good. Thank
8 you.

9 And we can now move on. Item #3 is a
10 motion to accept an appeal for an area variance,
11 schedule a site visit and schedule a public
12 hearing for Orin and Jamie Kimball, 818 Main
13 Street, Greenport, New York; Suffolk County Tax
14 Map 1001-2-2-24.1. The property is located in
15 the R-1 District and within the Historic
16 District.

17 The owners propose to build an addition to
18 an existing structure, and the building permit
19 was disapproved on the following grounds:

20 The proposed side yard setback for the new
21 construction is nine feet, requiring a three-foot
22 side yard area variance for the new foundation
23 walls.

24 The proposed addition has a basement access
25 door which will diminish the side yard by an

1 additional 3' 8", reducing the side yard to 5' 4",
2 increasing the required variance to 6' 8" on the
3 south property line.

4 Section 150-12A of the Village of Greenport
5 Code requires a 12-foot side yard setback in the
6 R-1 District.

7 Just to make a comment on this, there has
8 been discussion on these two items. One is that
9 the addition, if you've reviewed the property
10 plan, clearly enters in the restricted side yard
11 area. And there has been some discussion as well
12 as a stairwell, which is a substantial size piece
13 of foundation, extends even closer to the side
14 property line. So, at this point, we have
15 included that in the variance request.

16 There's another item that will follow,
17 which is a more general question as to whether in
18 all cases a Bilco door or a stairwell should be
19 included in or excluded from a need for a
20 variance if it does enter a side yard.

21 But the Item #3 is basically to accept this
22 application for consideration of an area

23 variance, and then schedule the necessary public
24 hearing and public notifications.

25 I have reviewed it. It looks like it's in

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1 order, and the proper information has been
2 provided. So, with that, I would make a motion
3 that we accept this application for
4 consideration.

5 MR. CORWIN: Questions on this application
6 prior to voting.

7 CHAIRMAN MOORE: Yes.

8 MR. CORWIN: I have to acknowledge first
9 that I haven't been doing my homework on these
10 things. What I used to do is go into the
11 Building Inspector's office and review something
12 like this prior to the meeting. But I really
13 can't deal with the Building Inspector anymore
14 because she has told me too many times that she
15 wants low-income housing for her children, and
16 she's pursued that agenda, so I have chosen to
17 avoid her as much as I can. And that's certainly
18 a shortcoming on my part. So be it.

19 Now, we've had in the last year two
20 applications that I assume the Building Inspector
21 reviewed. I assume Mr. Abatelli does not review
22 these things, and they were not properly
23 reviewed. And we ended up, when the tape was
24 off, I won't say hollering and screaming, but
25 raising our voices a little. The Attorney was

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1 upset.

2 And the last one was that house on North
3 Street where there were several other variances
4 that were needed and it came before us with just
5 one variance request.

6 So the point here is these things are not
7 reviewed properly. And until I have the
8 opportunity to review it myself, I can't vote yes
9 on it.

10 So then look at this application, look at
11 the second page, and down at the bottom it says,
12 "Signature of Applicant." There's no signature,
13 but it's notarized, and it's not notarized
14 properly. So I don't see how we can accept this

15 application.

16 CHAIRMAN MOORE: I'm just following here
17 that you're referring to this notary signature
18 here?

19 MR. CORWIN: Yes. It's not signed by the
20 applicant that I can see, but it's notarized, but
21 it's not notarized properly. You have to have
22 the county that the notary is registered in and
23 the notary's --

24 MS. NEFF: Stamp.

25 MR. BENJAMIN: Seal.

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1 CHAIRMAN MOORE: Or the imprint, right?

2 MR. CORWIN: Seal number. You don't have
3 to have the imprint, you have to have the county
4 and the seal number.

5 CHAIRMAN MOORE: Okay. So what's the
6 pleasure of the Board? Would we reject this
7 application and send it back for clarification?
8 Would that be appropriate?

9 MS. NEFF: Uh-huh.

10 CHAIRMAN MOORE: I'm looking to see if

11 there is any signature. Mr. Uellendahl?

12 MR. UELLEND AHL: Yes. I did submit the
13 application, and I was going to go to my bank and
14 have it notarized and there was no notary
15 present. I went to the Village, there was no
16 notary present. And I went to Eileen Wingate and
17 she said we don't need -- "You don't need a
18 signed notary." With that, I left it with her.
19 And that has happened before, that I did not have
20 to have a notary.

21 Now I'm dealing -- my applications are
22 dealing more with Southold Town, where I do have
23 to have the notarization. But in this case she
24 said, "I'll accept it as this."

25 CHAIRMAN MOORE: Okay. Well, I think --

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1 MR. UELLEND AHL: I could have done this any
2 time. This should not be a reason to not accept
3 at least the application. I can do it tomorrow
4 morning and have it submitted to the Building
5 Inspector.

6 CHAIRMAN MOORE: Would the Board accept a

7 provisional acceptance of the application pending
8 clarification of the proper signature, would that
9 be appropriate? Because then --

10 MR. CORWIN: Not for me, because --

11 CHAIRMAN MOORE: Okay.

12 MR. CORWIN: -- I'm trying to illustrate a
13 principle here, that the Building Inspector does
14 not do these things properly. The Building
15 Inspector can't take the form and decide how it
16 should be filled out. There's a line there to
17 notarize it. She said, "Forget about it." Come
18 on, what's going on here?

19 CHAIRMAN MOORE: Okay. Mr. Abatelli, is it
20 a requirement? I'm not familiar with the
21 process. I only see these when they arrive as
22 photocopies. Is that the normal process? Is it
23 signed and notarized?

24 MR. ABATELLI: It certainly should have
25 been signed.

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1 CHAIRMAN MOORE: As a requirement? Yes.

2 MR. ABATELLI: I wouldn't want to -- I'm

3 not even, to be honest -- does it have like an
4 actual notary place?

5 CHAIRMAN MOORE: There's a signature and a
6 date, but, as Mr. Corwin says, there's no --

7 MR. UELLEND AHL: It's not notarized

8 CHAIRMAN MOORE: It's not notarized. Okay.

So --

9 MS. NEFF: But is the signature in the
10 wrong place?

11 MR. UELLEND AHL: No. I signed it.

12 MS. NEFF: Okay.

13 MR. UELLEND AHL: But I was going to have it
14 notarized, but there was no notary present. And
15 I can have this done first thing in the morning.
16 I mean, I can go to Southold Town, because they
17 have notaries there --

18 MS. NEFF: The bank has notaries.

19 MR. UELLEND AHL: -- from 8 to 4:30.

20 CHAIRMAN MOORE: And what is the purpose --
21 I'm uneducated in this area. What is the purpose
22 of the notary for your or the applicant's
23 signature? Is it because you're acting in behalf
24 of?

25 MR. UELLEND AHL: Yes, I'm acting in behalf

1 of the -- well, even if I was not the -- you
2 know, I am the representative of the owner, but
3 the owner could have done it himself.

4 CHAIRMAN MOORE: Yes.

5 MR. UELLEND AHL: But the owner himself
6 would also have to have it notarized.

7 CHAIRMAN MOORE: Okay.

8 MR. UELLEND AHL: So it doesn't matter.
9 Either the owner or I would have to have it
10 notarized.

11 CHAIRMAN MOORE: Okay. So what I think
12 is -- the other thing that I have noticed in the
13 past is that when a representative is coming to
14 the meetings in behalf of the applicant, that
15 that person have a letter from the applicant
16 authorizing them to serve in their behalf, and I
17 don't see that in the package.

18 MR. UELLEND AHL: Yes. And I asked Eileen
19 that as well. I said, "Do you want me to file a
20 letter," and she said no.

21 CHAIRMAN MOORE: Okay. I think we're going
22 to have to return it to have those --

23 MS. NEFF: Can I say something?

24 CHAIRMAN MOORE: -- correctly. Yes.

25 MS. NEFF: Well, in effect, I want to ask,

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1 is signature on his -- is that the owner's?

2 MR. UELLEND AHL: This is the owner's
3 signature. I had -- because this is his own
4 answers to the first two questions.

5 MS. NEFF: Right.

6 MR. UELLEND AHL: And I could not answer
7 those, because it's very personal. And I had him
8 -- I asked him to sign it, and this should
9 account for something.

10 CHAIRMAN MOORE: Okay.

11 MS. NEFF: May I say something?

12 CHAIRMAN MOORE: Oh, here it is. I have
13 that copy.

14 MS. NEFF: May I say something?

15 CHAIRMAN MOORE: Yes, go ahead.

16 MS. NEFF: Okay. In view of the fact that
17 this is signed by the owner, not notarized, and
18 that your name is on the plans, and that you can
19 provide both a signature and a notary, and

20 there's a notary in every bank in Greenport, at
21 least one.

22 MR. UELLEND AHL: I can do it first thing in
23 the morning. I'll submit it tomorrow.

24 MS. NEFF: Yes. That I'm willing -- and
25 the sense of what this application says, doesn't

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1 say time is in the essence in so many words, but
2 it talks about a need.

3 CHAIRMAN MOORE: Yes, I was aware of that,
4 a health issue.

5 MS. NEFF: That have this signed and that
6 we could put it -- we accept it and put it on the
7 calendar is in my view a possible compromise.

8 MR. UELLEND AHL: Thank you.

9 CHAIRMAN MOORE: Right. And I would like
10 to make that recommendation also, so not to
11 penalize either Mr. Uellendahl or the owner, but
12 maybe make reference back to the source of the
13 problem, and provisionally accept this pending
14 proper submission. And I'll make that motion and
15 ask for a vote, since we've discussed it. And

16 we'll take it as it goes, and any no votes will
17 be duly noted. And I'm sure we'll get it
18 straightened out. So with that, I make that
19 motion and ask for a second.

20 MS. NEFF: Second.

21 CHAIRMAN MOORE: And all in favor?

22 MS. NEFF: Aye.

23 CHAIRMAN MOORE: Aye.

24 Any discussion?

25 MR. BENJAMIN: Yeah. I was going to say

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1 something. We could all see it tomorrow, then it
2 would be tentative on seeing it tomorrow.

3 CHAIRMAN MOORE: Well, we can't --

4 MR. BENJAMIN: If it was sooner, we could
5 see it.

6 CHAIRMAN MOORE: -- form another meeting
7 tomorrow, unless we convene an official meeting.
8 So I would say we have to do it provisionally.
9 And the test will be that if the paperwork is not
10 in order at the next meeting, then nothing
11 happens, but --

12 MR. UELLEND AHL: No. I will make sure that
13 it will be there tomorrow. But I would really
14 like to ask you to -- you know, to talk to the
15 Building Inspector. And, you know, going
16 forward, I mean --

17 CHAIRMAN MOORE: Okay.

18 MR. UELLEND AHL: -- I don't know how to
19 proceed with other projects.

20 CHAIRMAN MOORE: Right. I will certainly
21 make that note. So we have a vote. And,
22 Mr. Benjamin, can you vote, please, whether you
23 support accepting this application with that
24 provision? And it's a yes or no vote, so you can
25 say as you like.

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1 MR. BENJAMIN: Yes.

2 CHAIRMAN MOORE: Yes? And, Mr. Corwin?

3 MR. CORWIN: You're calling for the no
4 votes?

5 CHAIRMAN MOORE: I'm calling for the no
6 votes or yes votes.

7 MR. CORWIN: No.

8 CHAIRMAN MOORE: And I will say yes just to
9 move the process forward. And Mr. Corwin's no
10 vote is understood, and noted and --

11 MR. CORWIN: Now I just want to point out
12 again, this has happened repeatedly, that the
13 Building Inspector has screwed these things up,
14 and nothing comes of it. It's a free pass. It's
15 civil service, you do what you want to do. And
16 I'm paying her salary and I don't like it one
17 bit. Not only does she screw the applications
18 up, she is extremely biased. We're all biased.
19 She takes it to a new level.

20 CHAIRMAN MOORE: Okay. Thank you. Well,
21 so that has been forwarded for scheduling. And
22 we will be asking to have the proper
23 documentation in place, and, hopefully, in the
24 next few days.

25 Now, relating to this application above,

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1 I'm making a motion to accept the request from
2 the Building Inspector for an interpretation and
3 schedule a public hearing. As per a memo from

4 the Building Inspector, dated 4/16/2014, and in
5 connection with a pending appeal for variance,
6 Item 3 above, an interpretation is requested of
7 Section 150-12A regarding whether to include
8 below grade improvements in consideration of side
9 yard setback variance requests.

10 The crux of this matter is that in the
11 past, the Building Department has not included
12 stairwells, or Bilco doors, or chimneys in the
13 foundation footprint when calculating setbacks.
14 And, in practical terms, if an applicant is
15 coming forward with a house that meets the proper
16 setback requirements, and only a Bilco door
17 perhaps is intruding into a side yard, the cost
18 of that process, not only time but monetarily to
19 the applicant, might be considered to be unfair.

20 And what I'd like to do is have a
21 discussion next month, based on the request of
22 the Building Inspector, to try and determine
23 whether we should or shouldn't include, or
24 conditionally include them under certain
25 circumstances.

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1 I think, Mr. Corwin, you've had some
2 discussions with the Building Inspector from a
3 past project where we overlooked a Bilco door
4 that did intrude into a side yard. It never came
5 up in our discussion process.

6 And there are circumstances that perhaps
7 this might be important to an adjacent property
8 owner if it's quite close to the property line.
9 So I think, you know, we deserve a discussion of
10 this next month, and then we can make a
11 recommendation back to the Building Department.

12 So I'd make a motion to accept that request
13 for interpretation.

14 MR. CORWIN: So now can we do this before
15 we pass on the --

16 CHAIRMAN MOORE: Yes.

17 MR. CORWIN: The question #3, I mean, this
18 should -- 3a should come ahead of #3.

19 CHAIRMAN MOORE: I think we will put that
20 on the agenda ahead of the other discussion, so
21 that we can or cannot include it in the request.

22 It's an interesting proposal that is being
23 made for this addition for Item #3, because there
24 is already a structural wall that will enclose

25 the new construction, as well as the stairwell,

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1 so that it would be invisible to the neighboring
2 property. So it may not be such a pertinent
3 discussion for this case. But when you inspect
4 the property, which we'll do before the meeting
5 next month, you'll see what I mean. It's a very
6 interesting project as it is currently, and this
7 addition actually fits within that structure.

8 So I'm making that motion, that we will
9 discuss this at the next meeting, and I'd like a
10 second, please.

11 MS. NEFF: Second.

12 CHAIRMAN MOORE: And all in favor?

13 MR. CORWIN: Aye.

14 MS. NEFF: Aye.

15 CHAIRMAN MOORE: Aye.

16 And, Mr. Benjamin, did you answer?

17 MR. BENJAMIN: Yes, aye.

18 CHAIRMAN MOORE: Yes, aye. So that motion
19 carries.

20 Number 4 is motion to accept the ZBA

21 minutes for February 19th, 2014. So moved. May
22 I have a second, please?

23 MR. BENJAMIN: Second.

24 CHAIRMAN MOORE: And all in favor?

25 MR. CORWIN: Aye.

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1 MR. BENJAMIN: Aye.

2 MS. NEFF: Aye.

3 CHAIRMAN MOORE: Aye.

4 The motion carries.

5 Motion to approve the ZBA minutes for
6 January 15, 2014, that should be, not '13. So
7 moved. Second, please.

8 MS. NEFF: Second.

9 CHAIRMAN MOORE: All in favor?

10 MR. CORWIN: Aye.

11 MS. NEFF: Aye.

12 MR. BENJAMIN: Aye.

13 CHAIRMAN MOORE: Aye.

14 And then motion to schedule the next
15 regular ZBA meeting for May 21st, 2014.

16 And I would also suggest that we meet at

17 4:30 at the 8 -- is it 818 Main Street?

18 MS. NEFF: Uh-huh.

19 CHAIRMAN MOORE: To look at the property.
20 And we would also ask that that area be staked
21 out. We'll have to communicate that back to
22 Eileen to tell the property owner.

23 MR. UELLEND AHL: I will take care of that.

24 CHAIRMAN MOORE: Yes. Oh, sorry. I forgot
25 you were there.

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1 MR. UELLEND AHL: Yes.

2 CHAIRMAN MOORE: And that will be done,
3 then, next month, May 21st. Everybody's
4 agreeable to that? I don't know if we have to
5 have a formal motion on that.

6 MS. NEFF: Yes.

7 CHAIRMAN MOORE: And then the final is Item
#7,
8 which is a motion to adjourn. And a second,
9 please?

10 MR. CORWIN: Did we vote on #6?

11 CHAIRMAN MOORE: If you'd like to. I'll

12 make that motion for May 21st, 2014. And a
13 second, please.

14 MS. NEFF: Second.

15 CHAIRMAN MOORE: All in favor?

16 MR. CORWIN: Aye.

17 MS. NEFF: Aye.

18 MR. BENJAMIN: Aye.

19 CHAIRMAN MOORE: Aye.

20 The motion carries.

21 And then a motion to adjourn.

22 MR. CORWIN: Prior to adjourning.

23 CHAIRMAN MOORE: Yes.

24 MR. CORWIN: There's this letter here from
25 Mr. Costello, and he asked for an additional 18

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1 months. And my understanding is that that
2 approval of that project, the time frame expired.

3 CHAIRMAN MOORE: It did.

4 MR. CORWIN: And he had to submit a new
5 application.

6 CHAIRMAN MOORE: He had to submit an
7 application for a variance, which would involve

8 an extension of the normal six-month limit. And
9 he has since withdrawn that request and says that
10 when the time comes that he wished to move
11 forward, he will reapply for a variance, so that
12 has satisfied that question. In other words --

13 MR. CORWIN: Okay. So his --

14 CHAIRMAN MOORE: It's off the table.

15 MR. CORWIN: It's off the table, period.

16 CHAIRMAN MOORE: Yes.

17 MR. CORWIN: Okay.

18 CHAIRMAN MOORE: And he says he'll just
19 come back in the future and reapply.

20 MS. NEFF: Okay.

21 MR. ABATELLI: I think that was the case.
22 And the Sommer --

23 MR. ABATELLI: I think he's even
24 considering changing the --

25 CHAIRMAN MOORE: Yeah.

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1 MR. ABATELLI: -- plan a little bit.

2 CHAIRMAN MOORE: Okay. And the Sommer
3 application is also withdrawn.

4 MR. CORWIN: So this time you're going to
5 review it, rather than the Building Inspector,
6 right?

7 MR. ABATELLI: I won't actually be here.
8 Somebody -- the new person will, most likely. I
9 mean, if it's 18 months, I hope.

10 CHAIRMAN MOORE: Yeah, someone.

11 MR. CORWIN: Well, we could call you out of
12 retirement.

13 MR. BENJAMIN: I have his cell phone.

14 CHAIRMAN MOORE: I have a feeling you may
15 be trying to get far away from the ZBA.

16 So, if there's no further discussion, could
17 I make a motion to adjourn and ask for a second?

18 MR. CORWIN: Second.

19 CHAIRMAN MOORE: Very good. And all in
20 favor?

21 MR. CORWIN: Aye.

22 MS. NEFF: Aye.

23 MR. BENJAMIN: Aye.

24 CHAIRMAN MOORE: Aye.

25 (Whereupon, the meeting was concluded at 6:41

p.m.)

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

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 April 16, 2014.

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 26th day of April, 2014.

Lucia Braaten

