VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

ZONING BOARD OF APPEALS
REGULAR SESSION

Third Street Fire Station
Greenport, New York

October 15, 2019
6:00 p.m.

BEFORE:
JOHN SALADINO - CHAIRMAN
DAVID CORWIN - MEMBER
DINI GORDON - MEMBER
JACK REARDON - MEMBER (Absent)
ARTHUR TASKER - MEMBER (Absent)
ROBERT CONNOLLY - ZONING BOARD ATTORNEY
KRISTINA LINGG - CLERK TO THE BOARD

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(The meeting was called to order at 6:00 p.m.)

CHAIRMAN SALADINO: Folks, this is the Village of Greenport Zoning Board of Appeals regular meeting. And Item -- tonight we're shorthanded two members, so you're going to have to bear with us.

Item No. 1 is a motion to accept the minutes of the September 17th, 2019 Zoning Board of Appeals meeting. So moved.

MEMBER CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item No. 2 is a motion to approve the minutes of the August 20th, 2019 Zoning Board of Appeals meeting. So moved.

MEMBER GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER GORDON: Aye.

CHAIRMAN SALADINO: Any abstentions?

MEMBER CORWIN: Abstain.

CHAIRMAN SALADINO: And I'll vote aye.

We'll put that off until next month.

Item No. 3 is a motion to schedule the next
Zoning Board of Appeals meeting for Tuesday, November 19th, 2019, at 6 p.m., at the Third Street Fire Station, Greenport, New York 11944.

So moved.

MEMBER GORDON:  Second.

CHAIRMAN SALADINO:  All in favor?

MEMBER CORWIN:  Aye.

MEMBER GORDON:  Aye.

CHAIRMAN SALADINO:  And I'll vote aye.

Item No. 4 is 426 Second Street.  A motion to accept an application, schedule a public hearing for the application.  Motion to accept an application, schedule a public hearing and arrange a site visit for the application of Eric Fischer for the property located at 426 Second Street.  And the Suffolk County Tax Map Number is 1001-4.-2-34.1.

Is there an applicant?  No?

(No Response)

CHAIRMAN SALADINO:  This is -- this is an application for a --

MEMBER GORDON:  A swimming pool.

CHAIRMAN SALADINO:  For a swimming pool.

Normally, these are fairly routine, but on the application is -- just to explain to the public,
on the application is an error about a hot tub that was noticed. We're going to make the Building Department aware of it, and they're going to have to talk to the applicant about that portion of this application. So that's going to make the application incorrect. We can -- we can -- we can do that, make the Building Department aware -- should I explain about the hot tub?

MEMBER GORDON: Yeah.

CHAIRMAN SALADINO: The hot tub is a permanently installed hot tub and it fits the definition of a swimming pool. A swimming pool has to be a minimum of 20 feet from all property lines. The hot tub is -- wasn't included in the application as asking for a variance for the hot tub, only for the pool. The hot tub is 13 feet and a few inches from the property line. So they're going to need a variance for the hot tub, also.

What we can do is we can make the Building Department aware of this, and they can come up with a revised Notice of Disapproval, but we can schedule -- if the Board, if the members of the Board agree, we can schedule --
MEMBER GORDON: A hearing?

CHAIRMAN SALADINO: The hearing and the site visit for next month, and let the Building Department get the revised Notice of Disapproval to the applicant, or we can just table this until next month.

MEMBER CORWIN: My preference would be to go ahead and set it up to move ahead.

MEMBER GORDON: I agree.

CHAIRMAN SALADINO: Okay. So we'll schedule a public hearing for November 19th at 6 p.m. We set them all at 6 p.m. We're going to have to hear from the applicant, if there's a site visit, if we want to schedule a site visit. So we'll schedule a site -- a tentative site visit for 5:30 on the 19th?

MEMBER CORWIN: Yeah. It's starting to get dark, so --

CHAIRMAN SALADINO: You want to make it earlier?

MEMBER GORDON: When does -- when does --

MEMBER CORWIN: -- we have to take that into consideration, too.

MEMBER GORDON: When does daylight saving end?
CHAIRMAN SALADINO: I don't know.
MEMBER CORWIN: End of October.
MS. ALLEN: The end of October, usually, like Halloween weekend or the week after.
MEMBER GORDON: So 5:30 will be dark by November 19th.
MEMBER CORWIN: It's starting to get dark.
CHAIRMAN SALADINO: You got me, Dinni, I don't know. I'm still on summertime.
MR. THORP: It will be dark at 5:30.
MEMBER CORWIN: It will be dark at 5:30.
CHAIRMAN SALADINO: What time do you want to make it?
MEMBER CORWIN: So let's call it five.
CHAIRMAN SALADINO: Five o'clock?
MS. DUNNING: November 3rd.
MEMBER GORDON: Thank you.
CHAIRMAN SALADINO: November 3rd.
MS. BRAATEN: Who's speaking?
CHAIRMAN SALADINO: I don't know.
(Laughter)
CHAIRMAN SALADINO: I don't know. I don't know who that is.
MEMBER GORDON: Thank you.
CHAIRMAN SALADINO: Thank you.
MEMBER GORDON: Okay.

CHAIRMAN SALADINO: All right. So we'll schedule a site visit for 5 o'clock on November 19th, and, hopefully, hopefully, we'll hear from the applicant.

MEMBER CORWIN: Just one note, Mr. Chairman. It's for a swimming pool, a hot tub that may be a problem, and a deck with a roof.

CHAIRMAN SALADINO: Is there something we should be suggesting to the Building -- I'm not sure about a deck with a roof, like --

MEMBER CORWIN: Well, I'm just -- in your description of it, you didn't mention a deck with a roof. That needs setback, too.

CHAIRMAN SALADINO: Yeah, but not 20 feet. It's 13 feet from the side yard, and it's 15 feet or 18 feet from the other side. So it would be -- so we can ask about that, also, if the deck with the roof complies with side yard setbacks.

MEMBER CORWIN: All right. I make a motion that we accept 426 Second Street for the November meeting for an inspection at 5 o'clock, and then we direct or request that the Building Department investigate whether a hot tub needs to be put in
a public advertisement.

CHAIRMAN SALADINO: And, also, to ask, if it is, to also ask for a revised Notice of Disapproval, right? So --

MEMBER GORDON: Second.

CHAIRMAN SALADINO: And all in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

Item No. 5 is a continuation of public hearing regarding area variances requested by ANVK Holdings Trust, the Greenporter Hotel, for the property located at 326 Front Street. The Suffolk County Tax Map Number is 1001-4.-8-29, 30 and 31.

For the public, the public notice is attached to the -- to the agenda. Is the applicant --

MS. RIVERA PITTORINO: Hello, everyone.

For anyone who wasn't -- hasn't been here for the last few hearings, my name is Deborah Rivera Pittorino, and I'm here speaking on behalf of Greenporter Hotel.

I wanted to -- I've been thinking a lot about, you know, what's really at the core of
change, you know, because I think this is really what it's all about. I think that change is very painful, it's hard, it's hard for all of us, it's hard for all communities. And I -- but I really believe that the communities that don't change and evolve become -- they get left behind. And I really think that Greenport is an example for many towns that have revived themselves, and have been able to move forward, despite all of the challenges.

I read a lot of business journals, in a lot of business journals, they talk about how desirable it's becoming for -- they categorize towns in terms of walkability, and towns where you don't need a car are extremely desirable, and that's where a lot of millennials want to move, and work, and exist. And I think that there's a lot to be said for that, and I think that's part of what's so wonderful about Greenport.

And I -- so this application, we have put in an application, we're asking for a variety of variances. For any of you who's familiar with the Greenporter Hotel, it was originally built in the late '50s, and in the late '50s, that was very modern architecture for the time. It was
built as a motor lodge, and you would drive your
car up to your door, which was -- which was very
progressive at the time. And I -- my husband and
I bought this 20 years ago, and we ran a great
business for many years. For most of the time,
it was an even split between the hotel and food
and beverage.

And after a four-year battle with
pancreatic cancer, I lost my husband a year ago,
and I then -- you know, we've been sort of absent
from the business for four years, so I had to --
when I went back to work, I realized a lot had
changed in the time that I was absent from the
business. Business had changed, and I needed to
evolve with that change.

One of the problems was that we had a lot
of competition, not new competition from our
hotel competitors, but there's a lot of
competition from the Airbnb's and the -- all of
the other STR sites that -- where people rent
their houses for a day or two, and that really
started to impact our numbers.

Secondly, there had been a huge emergence
of -- there's like a food explosion in Greenport
and we have a lot of new restaurants. And when I
opened our restaurant 20 years ago, there -- it
was just us and Claudio's, and Claudio's was not
open year-round. I had to offer a restaurant for
my guests. But now we have a lot of -- there are
a lot of wonderful dining options for our guests,
so I don't wish to reopen the restaurant. It's
been closed now for five years, and we function
okay without it. And I decided to devote my
efforts more towards groups.

So in order to accommodate groups -- so
when I say "groups", I mean two things. I mean
corporations that come during the week and
off-season, and I mean also weddings that come on
the weekends.

I have many conversations, I have a very
good relationship with all the vendors in the
area. I know they, for example, one of our major
vineyards that we work with had to cancel a
wedding in April, because they couldn't find
enough guest rooms in the area. So when that
person cancels a wedding, that's a bunch of rooms
that were cancelled. That's probably like a
hundred and -- probably 100 rooms cancelled in
the Village of Greenport. That means that
flowers are cancelled, that means that wine is
cancelled, that means that catering business is
cancelled, the people that rely on those hours
are cancelled. It's a big loss for the Village.
And weddings are a great source of revenue,
because people come whether it's raining or not,
whether it's snowing or not, it's scheduled
significantly in advance.

Same thing with corporations. When
companies have an off-site, they -- they're
usually coming from the City. They ask us to
arrange their transportation, so we either send
like two passenger vans, or the Hampton Jitney
into the City or into Brooklyn to pick them up,
they bring them to the hotel. We arrange for
their team-building at a local vineyard. We
arrange for dinners downtown at restaurants. We
have restaurants that will open up on nights that
they're normally not open, and then they get the
revenue, and the people that work for them get to
work on a night that they normally wouldn't be
open.

So, for all of these reasons, I need what
I'm asking for, which is a third floor, which is
completely in line with what every other large
hotel in Greenport has currently.
And I had talked earlier about cars, and I know that a big -- a big part of the problem about people not wanting us to do this is because they're worried about parking. And as I had mentioned before, even during the 15 years we operated a very popular restaurant and had the 30 rooms. We never had an issue with parking, because so many people walk there. We had a very big local following, and people walked to the restaurant, and ours guests were already sleeping in there, so they walked from their room into the restaurant. Now we don't have the restaurant.

A lot of the people that come don't come with a car. I had presented some data last time I was here that was from New York City, from the Department of Transportation. And for the areas of Manhattan that our customers are coming from, between 16% and 25% have cars in a -- in worst case scenario, and in best case scenario, between 25 and 40% have cars.

And then we went under what -- the laborious task of counting. So we have these registration sheets that people fill out. Every time somebody checks in, we ask for identification. We ask for what kind of vehicle
they came in. If they didn't come in a vehicle, we ask what mode of transportation they use. So we counted these up all through the end of August and came up with the following data, and we have some charts here.

So I'll run through this quickly, because I don't want to bore you. But, for example, in the month of January, where we had 84 stays, 47 were from New York City, and of those 47, 18 had cars. That's for the month. So if we divide 18 by 4, there would be 4.5 cars per week. Then it goes to February, where there were 9.2 cars per week, then 8.9 cars per week, then 6.9 cars per week, 21.11 cars per week, 19.20 cars per week, 22 cars per week, and in our highest occupancy of the year in August, there were 23.60 cars per week. So we know who our customers are, we know if they need a car or not.

CHAIRMAN SALADINO: Could I just -- just ask one question with that?

MS. RIVERA PITTORINO: Sure.

CHAIRMAN SALADINO: So when you say cars per week, do you measure the cars on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday? So if there's four cars on Monday
and 32 cars on Saturday and Sunday, we're figuring on an average?

MS. RIVERA PITTORINO: Yeah, we do, we did do it on an average.

CHAIRMAN SALADINO: Okay.

MS. RIVERA PITTORINO: Yeah. So -- and
then these -- I even gave -- I was -- took a very aggressive approach. I said 40% of our customers had cars, and 40% don't have cars. The median is more like 31% have cars. So that's even with taking aggressive numbers in your favor.

So not only -- with this third floor, not only will we continue to decrease the carbon footprint of the Village, because so many of our customers don't have cars, but we will be providing employment year-round. This will enable a need to continue providing year-round professional employment, with benefits for staff, and this should spill over into the rest of the community.

I think that it's very hard, and a lot of people say, "Well, you know, my kids can't find a place to live because housing is so expensive. My children will have to move away because they can't find professional jobs." I think that
projects like this, I think that this building here, I think that this is the future, and this is what will help us sustain our Village.

So not only will we continue to decrease traffic with this -- with people coming by public transportation and coming in company-arranged vans and Hampton Jitney, but, also, with this third floor, the third floor is going to be put over the entire -- it's going to be like a U. And then we have to put on a new roof, and our roof will -- we're going to -- we're asking for -- well, we no longer need a variance for the solar panels, but I'll get to that.

But we -- so we will increase our water conservation program and reduce runoff. And with the addition of solar panels and a roof garden, the roof garden will capture and filter water for our own use. We currently have a well, and then this -- it's called a Permaculture roof, it captures and filters water, and there's an elaborate gutter system, that then they go into rain barrels. And we want to conserve our own water, and that's part of our program right now. We -- we're very -- we have a whole -- if you ever -- if you want to go on our website, we have
a page called "How We're Green", and it shows you all the practices that we put in place to help the environment and to be responsible for the environment. And that was criteria that was used by the Green Hotels Association to evaluate us, and it was criteria used by Trip Advisor.

Trip Advisor has a program called Green Leaders, and there are three categories, there's platinum, silver and gold, and I think there's also bronze, there's four, and we're the only platinum certified leader in the entire area of Long Island. So I bring this up because there were questions during the last meeting about our responsibility to the environment and our impact, the impact of our building on the environment. So not only are we driving more business to the Village, but we are an asset as community leaders in sustainability and environmental responsibility.

In addition to that, we're active in many community initiatives that involve sustainable food and agriculture. We partner with a local food bank and with houses of worship, and provide food and educational services to insecure households or households where seniors need
assistance.

We also assist local businesses by -- anyone who follows our Facebook, you'll see that every week we're promoting -- we do a newsletter, and we promote not our business, we promote what's happening in the entire area. So we promote our neighbors, whether it's, you know, what's going on at a store, or what's happening at, you know, downtown at the Greenport Harbor Brewery, or what's -- our Maritime Festival, and then all of the things that bring people to the area. And I know that some people don't like that, but it's -- I don't know how local businesses can survive if we don't have those events. We have 25,000 subscribers that this -- these newsletters go out to.

So we began this process back in February, first with the Planning Board and now with the ZBA, and we've really -- we've really learned a lot, taken a lot into account, taken -- very much taken seriously your feedback, and then made some changes accordingly.

So one of the changes was that there was concern that the third floor would be too imposing, so we did a very significant setback.
Our architect can later review what the setback is on the third floor. It's significantly set back, so it doesn't come out as far as the second -- first or second floor.

We consulted with a solar panel consultant, who provided us with a design and with recommendations for solar panels that would only be, I think, six inches high, and they will not be visible from the street. He said you would need an airplane to see them.

And, also, terminated our agreement with Hertz Rental Car, so that our parking is only for our guests and won't have any other cars.

So I'm hoping that -- I'm hopeful that my 20-year commitment to here, in this community, I really feel like I've paid my dues here, and I really hope to -- that you'll take all this into account, so that we could have equal footing with all the other major hotels in the area, just be treated equally.

So I thank you for your time.

CHAIRMAN SALADINO: Deborah, before you go, just a couple of questions, just while you're up there. You have the revised Notice of Disapproval?
MS. RIVERA PITTORINO: Yes.

CHAIRMAN SALADINO: You guys have it, so --

MS. RIVERA PITTORINO: Yeah, we just got it today.

CHAIRMAN SALADINO: Yeah, so did we.

(Laughter)

CHAIRMAN SALADINO: The other thing that I might ask, just while you're there, I understand this was a holiday weekend, and I'm just -- I just want to take exception to how you averaged the amount of parking that you needed. And don't take it as -- it's just a question.

I had occasion to go by the -- I live on Sixth Street, so I have occasion to go by your hotel every day. So this weekend I came down Fourth Street -- Fourth Avenue and it was blocked, so I kind of cut through your parking lot.

(Laughter)

CHAIRMAN SALADINO: And that was on Saturday, and the parking lot was full, every parking space was taken. And I -- and I forgot that it was a holiday weekend, so I said, wow, that's -- I don't usually see that, but then I realized it was a holiday weekend. So I made it
my business to drive through again on Sunday, and it was before noon. I don't know what time checkout is, but it was before noon that I drove through, and every spot was taken again.

So, in my mind, I'm kind of forced to ask, if you have 30 rooms or 31 rooms now, and on this particular weekend the parking lot was full, if the five members of this Board decide that 55 rooms is appropriate for your hotel, I'm kind of wondering where those other 24 people might park.

MS. RIVERA PITTORINO: Sure, sure. Yeah. No, I can answer that.

CHAIRMAN SALADINO: Because business -- and my father used to say you can never get hurt taking a profit if business is good, and I'm glad for you. But if business is good for the entire Village -- and you have to know, the reason that we might ask this is parking is on -- affordable housing and parking are the two things on everyone in this Village's lips.

MS. RIVERA PITTORINO: I agree.

CHAIRMAN SALADINO: So this Board is still hearing about a 20-space variance at a hotel from a year-and-a-half ago. So we're thinking about parking.
MS. RIVERA PITTORINO: Sure.

CHAIRMAN SALADINO: So --

MS. RIVERA PITTORINO: And I think about parking all the time, so let me answer that. So, first of all, when the parking lot is full, I don't know if you notice how people park, but some people take like two -- a lot of people take two spots. They -- people --

CHAIRMAN SALADINO: Okay. I didn't notice that, but okay.

MS. RIVERA PITTORINO: Yeah. Well, you'll -- take another look. So people take two spots. This weekend we also had a wedding. There were probably at least four or five families that weren't staying there that asked to use our parking lot, because they were staying at a local B&B that doesn't have parking, and those --

CHAIRMAN SALADINO: How could that be?

MS. RIVERA PITTORINO: I'm sorry, not local B&B, local Airbnb that didn't have parking, and they don't -- the owners asked them to not call -- you know, "Don't call attention to us and don't" -- "we can't have people piled up in our parking lot." So they asked --
CHAIRMAN SALADINO: Do you have their names? Do you have their names for the Building Department?

(Laughter)

MS. RIVERA PITTORINO: No, we can't give you their names. That's not for me to solve. And so they asked to park in our parking lot, and we let a lot of those people, when we have -- when we have weddings on the weekend, a lot of those people, they're -- a lot of people that park there, they ask us, and decide if we're going to let them park or not. Now, obviously, when we have the additional rooms, we won't be able to let those people park. Then they'll have to -- they'll have to -- the Village maybe will have to come up with a solution for all of these properties that don't have sufficient parking.

CHAIRMAN SALADINO: Okay.

MS. RIVERA PITTORINO: Yeah.

CHAIRMAN SALADINO: Members, while Deborah's here.

MEMBER GORDON: As long as we're on this, did you use valet parking? Because one of the things you've said about how you would relieve stress on the parking lot is --
MS. RIVERA PITTORINO: Sure. No, we didn't have to this weekend. Also, there was some snafu with Hertz, because Hertz has to pick up any unused vehicles by Thursday. They didn't pick them all up, so probably five of those cars were Hertz cars that for whatever reason somebody didn't show up and they weren't picked up.

So we didn't have to use the valet parking this weekend, and we don't have to use it most weekends. The only time we need to use valet parking is when there's a Long Island -- you know, Long Islanders, I always -- I think that the Hampton Jitney should have a Jitney that goes from -- makes a few stops on Long Island, because that's really who's clogging up our roads, are people coming from Long Island, it's not people coming from the City. So when we have a Long Island wedding, that's when we have to valet park, because everybody comes in a car, you know.

MEMBER GORDON: You did say last month that the Hertz Rental seems to be a problem, and I -- and I know it's the rental situation. The contract is ending at the end of October, I think you said.

MS. RIVERA PITTORINO: Uh-huh, uh-huh.
MEMBER GORDON: And -- but why wouldn't the Hertz Rental contribute to solving a problem if there's a crowded parking lot?

MS. RIVERA PITTORINO: Oh, you know what, I think -- I think that it would, but I think that they're -- during the Planning Board, they raised that there was a lot of spots for Hertz and they didn't -- they didn't --

MEMBER GORDON: There were two spots for Hertz, right?

MS. RIVERA PITTORINO: Yeah, there were two spots for Hertz. But sometimes somebody drops off a vehicle, and maybe like what happened this weekend, there were more than two Hertz cars in the parking lot.

MEMBER GORDON: I see.

MS. RIVERA PITTORINO: But I don't know. Planning Board seemed to have a problem with Hertz, and they -- my -- after speaking to my Architect, I think they told me that they had to go. And it doesn't -- it actually doesn't really hurt our customers, because they don't seem to be renting many cars. The locals are using the Hertz Rental Car.

MEMBER GORDON: Oh.
CHAIRMAN SALADINO: Well, I don't think this Board would have a problem with you allocating two spaces to --

MS. RIVERA PITTORINO: Okay.

CHAIRMAN SALADINO: We're concerned about the amount of spaces you have.

MS. RIVERA PITTORINO: Yeah.

CHAIRMAN SALADINO: Who you -- who parks in them would be --

MS. RIVERA PITTORINO: Okay. All right.

CHAIRMAN SALADINO: Well, the --

MS. RIVERA PITTORINO: Well, I must have misunderstood.

CHAIRMAN SALADINO: Well, I have a -- I have a question to expand on Dinni's. We keep hearing about valet parking. My idea of valet parking is that I pull up to the front of a restaurant, or a building, or a business and get out of my car, and I give somebody my keys and they park my car --

MS. RIVERA PITTORINO: Correct.

CHAIRMAN SALADINO: -- in a parking space. So whether you valet or your customers park their own car, the amount of spaces that you need doesn't change.
MS. RIVERA PITTORINO: No. Well, it depends how you park the cars. For example, we don't have to have -- we have two entrances. We don't have to have two entrances, but we have two entrances. So when we have to valet park, we stack them up towards the back and block the back entrance.

CHAIRMAN SALADINO: Well, I have a -- I have a note from the Building Department that says -- I have it somewhere -- if you want me to look for it, I will -- that says that's -- that's not allowed.

MS. RIVERA PITTORINO: Then we would be the only business subject to that law, because name one hotel in Greenport that has two exits, two forms of egress.

CHAIRMAN SALADINO: No, no, not about --

MS. RIVERA PITTORINO: Yeah.

CHAIRMAN SALADINO: Not about two exits.

MS. RIVERA PITTORINO: Uh-huh.

CHAIRMAN SALADINO: About blocking the center lane of the parking lot.

MS. RIVERA PITTORINO: We wouldn't -- we don't block the center lane.

CHAIRMAN SALADINO: Well, how can you stack
them up towards the back if you don't?

MS. RIVERA PITTORINO: We -- towards the back. So you don't need the center lane of the entire -- I'd like to see where the code says you need the entire center lane in the entire parking lot from front to back.

CHAIRMAN SALADINO: My information is it's -- we don't deal with the International Fire and Building Code.

MS. RIVERA PITTORINO: Yeah.

CHAIRMAN SALADINO: The Building Department does.

MS. RIVERA PITTORINO: But, you now, we were --

CHAIRMAN SALADINO: And the information I have from the Building Department, and we're just asking that, yeah.

MS. RIVERA PITTORINO: Sure, sure, I understand.

CHAIRMAN SALADINO: That, if that's the intention, then that might be a discussion you have with the Head of the Building Department.

MS. RIVERA PITTORINO: Sure.

CHAIRMAN SALADINO: As far as we're concerned, you know, we're --
MS. RIVERA PITTORINO: Yeah. I know there was concern about emergency vehicles, and we specifically walked all the hotels in the area. If there were a fire at, you know, one property -- you know, I'll go down the line, it's all of them, really. At every single property, except for Townsend Manor Inn, the Fire Department vehicles would have to be in the street. They don't even have enough parking to actually pull in.

CHAIRMAN SALADINO: That's an issue that -- Code Enforcement is an issue that is adjudicated someplace else --

MS. RIVERA PITTORINO: Okay. We can ask. You know, I'm answering --

CHAIRMAN SALADINO: -- not here.

MS. RIVERA PITTORINO: Okay.

CHAIRMAN SALADINO: And that's all I'm thinking I have right now. David, any questions?

MEMBER CORWIN: No.

CHAIRMAN SALADINO: Okay. Then we have -- thank you.

MS. RIVERA PITTORINO: You're welcome.

Thank you.

CHAIRMAN SALADINO: Before I ask the public...
if there's anyone to speak, I'm going to ask the members. I have the Village's response to the Notice of Disapproval. Do we want to hear from the public first, or do we want to -- the Village Administrator couldn't be here tonight, he's in Albany, doing Village business in Albany, so he couldn't be here tonight to explain this himself. He wrote it out for us as a response to the Notice of Disapproval. If the members are okay, we'll read it, or if not, we'll let the public speak. And do you --

MEMBER CORWIN: I would suggest you read it.
MEMBER GORDON: Uh-huh, I agree.
MS. RIVERA PITTORINO: Read it.
CHAIRMAN SALADINO: Okay, then. Then I'll -- then I'll do that. This is -- this is from Clerk Pirillo for Administrator Paul Pallas, and it's addressed to the Zoning Board. And there's a little paragraph in front that it says, "The following represents the rationale behind the notice items," the Notice of Disapproval. "One and Two, height and stories. The plan indicate a height of 37 feet, and the code allows 35 feet. The Building Department has historically disapproved applications where
roof" -- what's that word again?

MEMBER GORDON: Appurtenances.

CHAIRMAN SALADINO: What she said.

(Laughter)

CHAIRMAN SALADINO: "Have exceeded the

height requirement. In addition to height, code

states that a building cannot exceed two stories.

The plan indicates a three-story building. The

specific code language is two stories or 35 feet.

Here again, the Building Department has

historically disapproved on both grounds when

both are proposed.

Item No. 3 is the number of parking spaces.

By simple calculation, this application is
deficient by 27 spaces. The Village Code has an

exemption that states that properties improved as

of January 1st, 1991 are exempt from parking

requirements.

A survey, dated 2001, provided by the

applicant, shows that the western parcel was

unimproved and, therefore, not eligible for the

exemption."

And then parking space size is

self-explanatory, because it says in the code

10 feet. And offshoot loading requirements is
also self-explanatory, because it says that a
loading zone can't be in the front yard.
   So that's the Village's response to the
applicants.

MS. RIVERA PITTORINO: So I think my
Architect can address those points, okay?

MS. BERRY: Yes.

CHAIRMAN SALADINO: Well, we're going to --
sure.

MS. RIVERA PITTORINO: Okay.

CHAIRMAN SALADINO: We're going to -- we're
going to -- whoever wants to, we're going to open
it up to the public again, as it is a public
hearing, whoever wants to.

MS. BERRY: I'll do it after, we'll listen.

CHAIRMAN SALADINO: If there's someone from
the public that would like to speak, name and
address for the Stenographer, please.

MS. DIGREGORIO: Sure. Patricia
Digregorio, Southold.

I'm here today to support the Greenporter
Hotel. I've attended many of these meetings over
the past few months. Unfortunately, I was out of
town for the last hearing, but read most of the
106 pages of minutes from it.
Deborah and Bill Pittorino purchased and renovated the Greenporter Hotel close to 20 years ago. They've been a part of the Greenport community since day one. They've hired and mentored local students and college interns for many years. To this day, these former employees still consider themselves part of the Greenporter family and come back and visit. They've all gone on to have successful careers of their own.

The Greenporter has always cared about the environment, and as Deborah mentioned before, has their Green Leaders platinum certification.

Due to her many years in the corporate world, Deborah has been able to bring corporate business to Greenport. They schedule their business retreats and staff meetings during the work week year-round. The Greenporter sends them into town, into local merchants, restaurants, breweries and vineyards, which help support her own employees, as well as the community as a whole, during the off-season.

In recent years, there have been several new beautiful three-story hotels built in the town of Greenport. The Greenporter plans to maintain their original footprint and add a third
story to their building as well. I know this renovation will be tastefully done, as it's always been, and continue to be an asset to the town.

Their parking lot has -- is one of the largest in Greenport, and has always accommodated their staff, a fully booked hotel, and, up until a few years ago, a very popular restaurant. Also, many of the clients come by train or Jitney and enjoy walking into town.

I understand that this process can be difficult at times, and I thank you for your consideration. I ask that they be all treated the same, and that you approve the Greenporter's application. Thank you very much.

CHAIRMAN SALADINO: Thank you. Is there anyone else from the public that would like to speak?

MR. THORP: Hi. Charles Thorp.

MS. ALLEN: You've got to go up to the microphone.

MR. THORP: Sorry. Hi. Charles Thorp. Just curious, the building codes for heights on commercial buildings. I notice a lot of commercial buildings, and I've been on a lot of
roofs. People know me, I've been on probably every roof in Greenport. And Burton's Book Store, DiAngela Leather, many of them are three stories, and three-story apartments, you know, around.

I can understand that law with housing, regular, you know, homeowner housing at a certain height and not having three stories, but is there a different code for commercial buildings, or it's all the same code?

CHAIRMAN SALADINO: It's a 35-foot height requirement.

MR. THORP: For everyone. If your commercial building's on Front Street, which a lot of them are three stories --

CHAIRMAN SALADINO: Well, you have to remember, 99% of those buildings, aside from the two that I -- that I can think of, is the Harbor Front Inn and the new hotel, The Menhaden. They were all there prior to code, they were there prior to 1971, so --

MR. THORP: The Harbor Front was built after that.

CHAIRMAN SALADINO: But they got a variance for the third floor.
MR. THORP: Well, the variance was going from 35 feet to 37 feet. I believe 37 feet is the height of the solar panels, not the roof itself; is that correct?

CHAIRMAN SALADINO: Well, I think -- I think we're going to -- I think we're going to talk about that, perhaps --

MS. BERRY: Yes.

MS. RIVERA PITTORINO: Yes.

CHAIRMAN SALADINO: -- about exhaust vents and stuff, so --

MR. THORP: Just thought I'd bring it up, that one point.

CHAIRMAN SALADINO: Thank you.

MR. THORP: Thank you.

CHAIRMAN SALADINO: Anyone else who'd like to speak? Wait, wait, wait, wait, wait. Chatty.

MS. BERRY: Oh.

MS. ALLEN: Chatty Allen, Third Street. I have no problem with this project. I don't have a problem with the third floor. To me, it's minimal for height requirement. Like I've stated before, it's not obstructing sight lines of anyone. I don't have an issue with that.

Yes, it's a large parking lot, but my first
mind goes to -- because I live near it, and for
the past six months I've been walking. I see it
at different -- different days, different times
of, you know, the week, and my first thought goes
to the safety of getting rescue vehicles in,
because you have the parking lot, but when you
pull in from Front, the cars are parked here, and
I don't know if those are included as parking
spaces. And to hear now they're blocking off the
other entrance, if First Responders can't get in
at Front because there's cars parked here and
there's not enough room, and now you have the
other entrance parked, that scares me.

The other hotels are literally on the
street, so you can have a truck pull right up to
it. You're here, the building's as close to the
truck as you guys, I am to you.

I understand the hotel on Third Street was
given a variance for their additional parking,
which was a lot less than the 27 that's being
asked for.

MEMBER GORDON: It was 20.

MS. ALLEN: It was lower than that.

CHAIRMAN SALADINO: No, it was 20. It

was --
MEMBER GORDON: It was 20.

CHAIRMAN SALADINO: It was 20. But in all fairness to everyone here, there is another variance that we have to look at about size of spaces, so the 27 is speculative at this point.

MS. ALLEN: Right.

CHAIRMAN SALADINO: So --

MS. ALLEN: You're going to --

CHAIRMAN SALADINO: But The Menhaden Hotel was -- in the interest of just keeping the straight.

MS. ALLEN: Okay. I thought -- I thought he intended to reconvene and knock down the restaurant size. I thought it was lower than that. In the --

CHAIRMAN SALADINO: No, that's how they got to 20.

MS. ALLEN: Okay. But to say you can valet park cars and they're not in parking spaces, to me, that's illegal. Cars need to be in their spaces if they're -- if that's what's required. You know me, I speak at these meetings, I follow the code, and that's what I speak to, not whether I like something or don't like something. You guys know for what, two years? I stood up at
every meeting voicing objection about this hotel.
I just -- when something is that high -- all
right, I'm going to throw it out there. You want
to give it to them, make them pay for it. Pay in
lieu of parking, just going to throw that out.
Thank you.

CHAIRMAN SALADINO: Thank you.
MS. BERRY: Just to answer your issue --
CHAIRMAN SALADINO: Glynis.
MS. BERRY: Oh. Glynis Berry. I'm one of
the designers for the addition, proposed
addition.

To answer your question about access
through the driveway, the current situation, they
do have parking spots along the entry. In our
proposal, we don't do that, so we've kept the
wide access right through. So we were not
parking along that far -- the curb along the
road, except for the very end one on the wall.
So we've actually improved the widths for access
in this plan.

CHAIRMAN SALADINO: Well, I don't think
that was the question. I think the question --
MEMBER GORDON: It was.
CHAIRMAN SALADINO: I'm sorry.
MEMBER GORDON: It was part of what --

CHAIRMAN SALADINO: Oh, I'm sorry.

MS. BERRY: I'm answering the comment that

was just made.

CHAIRMAN SALADINO: Oh, I apologize.

MS. BERRY: So it's not about the variance, 

but it's also part of why we have fewer parking

spaces, because we didn't do that.

So one -- I just want to go over some of

the variances again, because we have asked now

for another variance to have the loading in the

front. That's where it is now, so we would like

to keep it there. The main access to the storage

is through stairways that are at the front of the

building, so it's the most convenient place.

And, also, the deliveries are infrequent. So

this is a great spot, because it frees up the

curb for people pulling up and dropping off

people at the hotel. So I think it's an ideal

place for something that's not used that

frequently. It provides the best access to this

building, and it allows multi-use right there.

Another thing is there are two parking

spaces that we're asking to be approved for

compact cars. They're being used for parking
now, but it's just -- the shortest one is 16.9, so just about 17 feet. And most, like, I looked at Prius and Subaru and they're just over 16 feet, but they're like 16.1 or 16.2 feet, so they could easily accommodate many of the cars that are being used today. So I'm hoping you will allow those two to be a little bit shorter than the 20.

We are also requesting that the parking spaces be 9 feet in width. It's wider than what is currently there, which is 8.2 feet. So we're actually widening what's there, but it is less than the 10 feet of the code, but we think it can be accommodated on site.

We also feel that the -- relative to parking, that the site was previously developed and should, therefore, be exempt from parking requirements. Now, the letter from the Supervisor mentioned that it doesn't apply to vacant lots, but he didn't give us credit for the ones that were developed, he made us start from scratch. And he totally missed another section of the code that clearly states any land which is developed as a unit under single ownership and control shall be considered a single lot for the
purpose of these parking regulations. So to me, that's very clear, that because you have the rule where you can't assemble the lots, or you did, it clearly states that if there's more than one lot, it should be considered as one. And it was under one ownership, it's still under one ownership, and it's three lots and it's been developed.

CHAIRMAN SALADINO: Could I ask, couldn't it be interpreted that because in 2001 the applicant decided to comply with the code and provide parking, and that now the three lots would be considered -- basically, what I'm thinking is, is that you gave up the right to come under 150-16 -- is it 150-16?

MS. BERRY: Yes.

MEMBER GORDON: That's 12 or 16.

CHAIRMAN SALADINO: You gave up that right in 2001. And because you were getting, kind of getting what you wanted and you -- well, we looked at the site plan and, yeah, you did. You agreed to provide parking when you say you didn't need it. So you can't say -- you can't say that, "Well, I got what I wanted in 2001, and I really didn't care about that then, but now I want to fall back on that portion of the code today."
MS. BERRY: Except I don't believe they applied for a variance, right, for the parking? And they don't meet the parking requirement.

CHAIRMAN SALADINO: No. They provided -- they agreed to provide parking in their site plan.

MS. BERRY: I know, but everybody has to submit a site plan and --

CHAIRMAN SALADINO: No, but to -- but they didn't have to agree to provide parking, you know.

MS. BERRY: No, but -- but, and that's one of my next points, is -- okay. I'm skipping my argument here.

CHAIRMAN SALADINO: Okay. No, you can give it to us. We --

MS. BERRY: But let me say two things.

CHAIRMAN SALADINO: Sure

MS. BERRY: Let me back up slightly.

CHAIRMAN SALADINO: I apologize for interrupting, Glynis.

MS. BERRY: No, no, no, no. I --

CHAIRMAN SALADINO: Because I lose my train of thought.

(Laughter)
MS. BERRY: The latest Notice of Disapproval does not recognize the fact that three parking spots are used for staff and owner. So if I'm assuming the same interpretation for existing use, then, the existing facility has a parking need of 54 parking spaces. So -- and they -- only 34 are provided. So they are not meeting code currently. In fact, there's a difference of 20 parking spaces. So their existing permitted plan has a differential of 20 parking spaces.

CHAIRMAN SALADINO: Where -- I'm not sure 34 parking spaces. I thought the site -- I thought it was 31 parking spaces.

MS. BERRY: In your latest interpretation that you got from the Village, they increased the request to 27 spots. So they didn't give us the three credit for the units, because we -- that are used by staff.

CHAIRMAN SALADINO: Yeah, but the code doesn't provide for staff.

MS. BERRY: Okay, so fine.

CHAIRMAN SALADINO: The code provides for --

MS. BERRY: Yeah. So, fine, it's the same
difference, because if you look at -- I
originally calculated by eliminating three, but
we're not eliminating three now based on this
latest variance request. So using the same
analysis of the existing, and applying your code
to the existing permitted uses, there's a
differential of 20 parking spaces that are not
being provided for the current use, for the
current permitted use.

CHAIRMAN SALADINO: I'm not sure I agree.

MS. BERRY: I calculated it. It's on --
they're on your plans.

CHAIRMAN SALADINO: I'm not saying -- I'm
not saying you're wrong.

(Laughter)

CHAIRMAN SALADINO: I'm just saying I'm
not -- I'm not sure I agree.

MS. BERRY: Yes.

CHAIRMAN SALADINO: Right now, you have 31
parking spaces, as per your site plan?

MS. BERRY: In our plan, there's 31. They
have 34 existing. There are 34 spots right now,
because for three reasons. They have like four
lined up behind each other on --

CHAIRMAN SALADINO: I'm only -- from the
2001 site plan that I looked at, at the Building Department, it provides for 31 parking spaces --

   MS. BERRY: Okay.

   CHAIRMAN SALADINO: -- at 9 feet each, at 9-foot-wide each.

   MS. BERRY: Okay, so 31.

   CHAIRMAN SALADINO: So 31.

   MS. BERRY: Okay.

   CHAIRMAN SALADINO: If you're increasing the amount of rental units to 55, and we're going to discount the restaurant, if you're increasing the amount of rental units to 55 --

   MS. RIVERA PITTORINO: It's actually 50.

Four of them are staff, and we have four spaces now.

   MS. BERRY: They're not counting it, so that's no longer part of our argument.

   Okay. So if we're saying 21, there's a need for the existing facility for 54 parking spaces, and if you subtract 31, that increased it. So there's a difference of 23 parking spaces. Between the parking need calculated by the code and the existing permitted use, 23.

   CHAIRMAN SALADINO: Could -- again, we're at a disadvantage, because the Building
Department is not here to answer --

MS. BERRY: The calculations are on the front --

CHAIRMAN SALADINO: No. What -- okay.

MS. BERRY: You know.

CHAIRMAN SALADINO: What I'm going to ask you is, is could the Building Department's number of 27 take into consideration the loss of space of the two deficient spaces and the space in the back, and the loading, if the loading zone --

MS. BERRY: The loading doesn't count in this count.

CHAIRMAN SALADINO: If the loading zone has to be relocated to the interior of the parking space, the parking lot?

MS. BERRY: No. This request is just for the number of spaces, assuming 9 feet, and assuming we're not going to take anymore away from the latest plan, so that request of 27. But what I'm trying to say is the existing situation has a lack of 23 parking spaces, so the difference is only four. So everybody's throwing out 27 parking spaces, and it sounds like a huge number, but they've been operating with a differential of 23, a lack of 23 parking places
for 10 years.

CHAIRMAN SALADINO: But they didn't have
the additional 20 rental units.

MS. BERRY: Pardon?

CHAIRMAN SALADINO: But they're not going
to have the additional 20 rental units.

MS. BERRY: No, but they're also not having
the restaurant that had 15 parking spaces.

CHAIRMAN SALADINO: Well, I have a question
about -- can we talk about the restaurant for a
second?

MS. BERRY: Sure.

CHAIRMAN SALADINO: I have a question about
the restaurant. Normally, applicants come in
front of us and they had -- they reduce the
amount of seating in a restaurant, because --
because more seating, more parking. Again,
looking at the Building Department file for the
Greenporter Hotel, there is -- there's no --
there's no Certificate of Occupancy that -- or
site plan that mentions the amount of seats in
the restaurant. The site plan from to 2001 --

MS. BERRY: Right.

CHAIRMAN SALADINO: -- and the temporary
Certificate of Occupancy from 2001, which there
is no current, unless somebody has it, there is no current Certificate of Occupancy. Does it -- it says -- we have a memo from the Building Inspector that says a cafe and kitchen, but there's no mention of seating.

MS. BERRY: I --

CHAIRMAN SALADINO: So we had asked, we had asked the Building Department, I had asked the Building Department --

MS. BERRY: Right.

CHAIRMAN SALADINO: -- if there was a Certificate of Occupancy allowing the restaurant, and they don't seem to have it in their file. Perhaps the -- perhaps --

MS. BERRY: I wasn't expecting this, so I have to look.

CHAIRMAN SALADINO: Well, again --

MS. BERRY: So I have to go back through my records. But I either counted off a plan or something. The number's based on a real thing, but I -- you know, we started this in February, so I can't remember exactly what --

CHAIRMAN SALADINO: Not here.

MS. BERRY: Exactly what --

CHAIRMAN SALADINO: Not here.
MS. BERRY: Not here.

CHAIRMAN SALADINO: Oh, okay.

MS. BERRY: But I have to go back when we calculated the parking need. You know, so I have to go back and see what --

CHAIRMAN SALADINO: But you have to remember, we're catching from up from February, too.

MS. BERRY: Right, right.

CHAIRMAN SALADINO: So, you know, these questions are going to come up. As we get information, we have questions, also.

MS. BERRY: But even if they increase the number of seats --

CHAIRMAN SALADINO: No, no. What I'm saying is, normally, applicants, new applications or applicants, they reduce the number of seats.

MS. BERRY: I was just counting what was either there or in a plan. I don't remember whether I went there and counted it, or whether I looked at a plan that was on file somewhere and counted the seats. It includes the -- that, which is what they're supposed to do. You know, it's not just the inside. So it's either based on actual seats, or it's based on a plan that I
saw of seating for the area, so --

CHAIRMAN SALADINO: Well, what I had asked
the Building Department was, was the -- to go by
square footage, and I believe they calculate the
amount of seats allowed in a restaurant by square
footage.

MS. BERRY: Well, it's -- the last time --

CHAIRMAN SALADINO: And I haven't got --
and I haven't got --

MS. BERRY: There's also a bar, which we
count differently, so, you know --

CHAIRMAN SALADINO: Well, I haven't gotten
that information, so --

MS. BERRY: But, you know.

CHAIRMAN SALADINO: But it all falls back
on the amount of parking spaces that are allowed
that were given up, that we don't need anymore,
that shouldn't be counted. These are all
questions that -- I'm sorry, Dinni, go ahead.

MEMBER GORDON: Oh, no, I want to follow up.

CHAIRMAN SALADINO: These are all questions
that --

MS. BERRY: But I think the point here is
that the use had a need based on your code of 23
more parking spaces than what is provided, and
now we're asking for 27, so we're only asking for four more. So the thing is everybody's making them go back to scratch and I don't think that is right, you know.

CHAIRMAN SALADINO: We're here -- we read this stuff, we read these things as you do.

MS. BERRY: Right.

CHAIRMAN SALADINO: You know, and it's not this Board --

MS. BERRY: Right.

CHAIRMAN SALADINO: -- that's coming up with these figures, it's the Village. And, again, we're at a bit of a disadvantage, because -- because the Building Department -- the Clerk of the Board is here, but she doesn't have that information. The Head of the Building Department is not here this evening to respond to this, so we're -- like you --

MS. BERRY: Right.

CHAIRMAN SALADINO: -- we're at a disadvantage. But 23, or 27 as opposed to 23 --

MS. BERRY: It's only a difference of four.

CHAIRMAN SALADINO: But it's still a lot of parking spaces. You know, we could say, well, it's not -- it's only 23, it's not 27, but it's
still --

MS. BERRY: But it's only a difference of four.

CHAIRMAN SALADINO: Dinni wants to talk.

MEMBER GORDON: I've been trying --

CHAIRMAN SALADINO: I'm going to stop, because Dinni wants to talk.

MS. BERRY: Yeah.

MEMBER GORDON: -- trying to break in here --

CHAIRMAN SALADINO: I'm sorry.

MEMBER GORDON: -- to ask a questions.

MS. BERRY: Sure.

MEMBER GORDON: It seems to me there's a sort of different perspective, and maybe it's too large, rather than being focused on the technical details. But it seems to me that what you're asking, and you can correct me if I'm wrong, what you're suggesting is that in the past, we won't call it a variance, because it wasn't a variance, we'll call it a buy.

MS. BERRY: Right.

MEMBER GORDON: The earlier plan got a sort of buy of 23 spaces than what the code technically requires.
MS. BERRY: Right.

MEMBER GORDON: Last month you called it a demand, the code --

MS. BERRY: Yeah, that's a -- yeah.

MEMBER GORDON: I understand.

MS. BERRY: It's a technical term.

MEMBER GORDON: Yeah. I mean, it was sort of a mistake, because a lot of people --

MS. BERRY: Didn't understand.

MEMBER GORDON: -- including me, didn't understand.

MS. BERRY: Right.

MEMBER GORDON: But the idea was that the code, if interpreted literally, would have required 23 more spaces than were provided in that earlier plan.

MS. BERRY: Right.

MEMBER GORDON: And that -- so I see you as arguing, okay, that happened in the past and things turned out all right. The business proceeded with that buy of that number of spaces, and there were not complaints from the neighbors, or crowds blocking the access. So everything went okay with that buy. Now you're asking for another buy, in this case in the form of a
variance, that responds to modern conditions that
didn't exist in the earlier design. They
didn't -- we didn't have so many people coming by
foot with their little -- dragging their
suitcases, which I have seen people do --

MS. BERRY: Right.

MEMBER GORDON: -- on their way to the
Greenporter. And it's just a different era with
different conditions, no restaurant, or at least
a restaurant that has minimal use. So you're
suggesting that factoring in these differences of
almost a 20-year period, we should be thinking of
this increase in deficiency, if you want to put
it that way, as only four spaces.

MS. BERRY: Uh-huh.

MEMBER GORDON: That's your position,
right?

MS. BERRY: Yeah. And that's not even
considering that more people are not coming by
cars, because --

MEMBER GORDON: Well, but it is in a sense,
because it's taking into consideration the larger
atmosphere of changes in how people travel, and
what they want to do in this particular space.
They don't want to eat anymore.
MS. BERRY: Right.

MEMBER GORDON: They want to go to Noah's or something.

MS. BERRY: Right.

MEMBER GORDON: So I think it is taking those things into consideration in a larger sense. And you're essentially saying, "It won't be so different now" --

MS. BERRY: Right

MEMBER GORDON: -- "because our conditions are different," and, in fact, there's less demand in the normal sense, not in the code sense, for these things. And that seems to me a reasonable argument. We could decide that it's not valid, we could decide that we don't agree with it, but it is, it seems to me, a reasonable argument and --

MS. BERRY: And on top of it, with her getting rid of the rental, most of the people work outside the hotel that were using it, so you're gaining all those spots, too, so.

CHAIRMAN SALADINO: I'm sorry?

MEMBER GORDON: I didn't --

CHAIRMAN SALADINO: Explain that.

MEMBER GORDON: I didn't understand that
either.

MS. BERRY: The rental.

MS. RIVERA PITTORENO: The car rental.

MS. BERRY: The car rental.

MEMBER GORDON: Oh. Oh, okay.

MEMBER GORDON: And even though it was only two spots, sometimes they had more cars there that were part of the rental, and so those are going, and those served mostly people that weren't staying at the hotel. So that's another thing that's going to help this as well.

CHAIRMAN SALADINO: Well, that's certainly going to be part of the discussion. I mean, that certainly would be --

MEMBER GORDON: I have one other question. About the loading, you said it isn't -- it isn't much used. Is that really true? And why isn't that true? I would think you would need -- you would have a lot of loading

MS. RIVERA PITTORENO: Sure. No, I can -- so I can respond to that. So anybody who lives in the area knows that we don't have a lot of loading. We don't use a lot of -- part of our green program, we don't have -- we don't use a lot of packaged goods. So the breakfast that's
served to the guests at the hotel we make ourselves, so those aren't packages that come in. These are things that are made from scratch in our kitchen.

Also, we even make -- we make our own cleaning solution for the room. We use essential oils, so we don't use bleach, or Windex, or things with --

MEMBER GORDON: So, essentially, you're saying you don't really have many deliveries as --

MS. RIVERA PITTORINO: We don't have many deliveries, and some of it -- I would invite anybody to sit in front of the Greenporter day after day and see that we don't have a lot of deliveries.

MEMBER GORDON: I just wanted to understand.

MS. RIVERA PITTORINO: We create a lot of our own things and it's -- you know, it's not -- it's not so -- the things that we're using are just not large, so we --

MEMBER GORDON: Okay.

MS. RIVERA PITTORINO: -- pick them up ourselves.
MEMBER GORDON: Thank you.

CHAIRMAN SALADINO: Just as a -- as an observation, when this Board issues a variance, it runs with the land. So today, tomorrow, there are no deliveries at the -- at the hotel. To have a loading zone in a front yard, we see on First Street, we see on First Street across from Colonial, we see on First Street and South Street when there are deliveries, or we see at Texaco Alley when a truck has to back down and block Front Street. So not saying that the Greenporter today there would be a problem with having a loading zone in the front yard. For this Board to issue a variance, we have to think of the second sentence, we have to think of what happens when perhaps 10 years, 12 years, 15 years down the road, because variances run with the land, that a different corporation, or owner changes the dynamic of the hotel and they need deliveries, maybe not daily, but weekly, or twice weekly. And now you have trucks backing in from Front Street to a loading zone in the front yard at the Greenporter. I'm not saying -- I'm not saying that it's going to happen with you there, I'm not saying that -- but it's something that
this Board has to think about.

MS. RIVERA PITTORINO: Sure.

CHAIRMAN SALADINO: Only because --

MS. RIVERA PITTORINO: But what would change in a hotel?

CHAIRMAN SALADINO: Only because the variance runs with the land.

MS. RIVERA PITTORINO: Sure.

CHAIRMAN SALADINO: So what happens with that variance today is carved in stone forever.

MS. RIVERA PITTORINO: No, I understand.

But in a hotel, you're not going to have -- whether it's me or another operator, you know, the cases of soap, you know, there's a box like this big (indicating). You know, we have them delivered, I don't know, once a month.

CHAIRMAN SALADINO: We have no idea.

MS. RIVERA PITTORINO: It's not like one hotel is going to use a lot more stuff than another hotel, even if -- even if I weren't -- you know, some day I will cease to exist and the Greenporter will have a different owner, and they're not going to need anymore soap or anymore towels delivered anymore often than they are.

CHAIRMAN SALADINO: Well, there's -- but
it's just stuff we have to think about.

MS. BERRY: Can I add two things?

CHAIRMAN SALADINO: Sure.

MS. BERRY: She has the advantage of having the entrance and the exit, so anybody delivering is not on the street, and they don't have to back up, they just drive through. So, you know, I don't think --

CHAIRMAN SALADINO: Assuming there's no valet parking and stacking up in the back.

MS. BERRY: Assuming there's --

MS. RIVERA PITTORINO: How often do we have valet parking? Three times a year, maybe.

MS. BERRY: And she's not going to block the exit anymore, so. And the other thing is, if the variance -- this is what she already has and which has been accepted for 10 years.

MS. RIVERA PITTORINO: For 20 years.

MS. BERRY: Twenty years.

MS. RIVERA PITTORINO: Yeah.

MS. BERRY: So it's like if the variance goes with the land and changes --

CHAIRMAN SALADINO: But she never got a variance for that.

MS. BERRY: But it was a permitted plan, it
was approved.

MS. RIVERA PITTORINO: It was an approved plan.

MS. BERRY: It's an approved plan with the --

MS. RIVERA PITTORINO: We never had a problem with loading.

CHAIRMAN SALADINO: The problem that a Board like this in 2019 is presented with, what happened 20 years ago, and we hear it from applicants all the time, just play it forward -- just pay it forward, just pay it forward. Somebody made a mistake or overlooked something 20 years ago, I'm just -- I just can't get my head around saying, like, "Okay, we just go with it," when it's -- when it's not right. I apologize for thinking like that, but that's how my mind works.

MS. BERRY: So there's no recognition of her current use. And this is what really bothers me for this application, because --

CHAIRMAN SALADINO: But isn't that a Planning Board issue? I mean, Zoning Board deals with land use.

MS. BERRY: Right.
CHAIRMAN SALADINO: Isn't that a Planning Board issue, really?

MS. BERRY: Yeah, yeah.

CHAIRMAN SALADINO: Okay. So for us --

MS. BERRY: But it appears in the code.

CHAIRMAN SALADINO: For us to raise these questions --

MS. BERRY: But it appears in the code, not in the front yard. So it does need a variance if you're going to -- yeah.

CHAIRMAN SALADINO: Exactly. But you're asking -- you're asking us to take into consideration something that's been done for the last 19 years. And, you know, we go to training seminars and we hear all the time, you know, something's grandfathered only if it's legal. Something can't be grandfathered if it wasn't legal to begin with. So the fact that it was there and overlooked or not taken into consideration -- everybody makes mistakes, this Board makes them all the time. Everybody makes mistakes.

MEMBER GORDON: All the time?

(Laughter)

CHAIRMAN SALADINO: So if somebody in 2001
overlooked something, I don't think it behooves
this Board to overlook it also, or not take it
into consideration, but that will be part of our
discussion. That will --

MS. BERRY: Yeah. And just for rationale,
her staircases are at the front of the building,
so that's where it makes the -- for delivery,
like she's got a storage on one side and not the
other. She has her own laundry, so there's not
that going. So if you could also consider --

CHAIRMAN SALADINO: Well, I'm not saying
the variance request is unreasonable.

MS. BERRY: Right.

CHAIRMAN SALADINO: I'm just saying it's
needed.

MS. BERRY: Okay.

CHAIRMAN SALADINO: I don't think it's
unreasonable.

MS. RIVERA PITTORINO: Also, the elevators,
the elevator's in the front and --

MS. BERRY: Right.

MS. RIVERA PITTORINO: -- the housekeepers
are really the ones that accept really soaps and
things like that. That's really the only thing
we have delivered.
CHAIRMAN SALADINO: Again, I don't think it's a big ask.

MS. RIVERA PITTORINO: Yeah, they need it, yeah.

CHAIRMAN SALADINO: I'm just saying it should be considered.

MS. BERRY: So just in terms of function, it makes more sense for the design.

CHAIRMAN SALADINO: That's a great argument.

MS. BERRY: Okay. And then I just wanted to talk -- I'm sorry for talking so long, but the other is about the height. I'd actually like to increase the variance to four feet for the vent pipe. I was looking at different vent pipes, and I'm hoping we can get one that meets the 2 foot, but some were higher. So if for just the vent you would allow up to 4 feet, just in case. We haven't designed it. We're not the mechanical people, so --

CHAIRMAN SALADINO: Isn't that something you're going to have to work out with the Building Department as far as --

MS. BERRY: But the thing is, to me, those aren't part of the roof structure, but you're
interpreting them as roof. So that's my -- always been my issue with the height, because I think we comply with it.

CHAIRMAN SALADINO: A vent you don't consider part of the height of the roof?

MS. BERRY: No, that's --

MR. CONNOLLY: But a chimney, really, right? I mean --

MS. BERRY: Right.

MR. CONNOLLY: -- it's like a chimney, so it wouldn't -- it would be exempt from it.

MS. BERRY: Yeah, right. If you look at both the building code and your own code that allows for antennas and things. But, so technically, I still don't believe it's -- your code says to the top of the roof, you know, and I don't call that the roof. But since you are interpreting it as a roof, I'm asking that the variance could be for up to 4 feet just for the vents.

CHAIRMAN SALADINO: Wait, we didn't make that interpretation. You declined to have an interpretation. That's the Building Department's opinion.

MS. BERRY: Right.
CHAIRMAN SALADINO: And we're reading from the Notice of Disapproval.

MS. BERRY: Right.

CHAIRMAN SALADINO: If you had asked for an interpretation at the start of this --

MS. BERRY: I would have loved to have asked for an interpretation, but I'm not the applicant, so it's --

CHAIRMAN SALADINO: Well, as longs as we're all on the same page. You know, it's not -- it's not our interpretation about --

MS. BERRY: Right, okay, I understand. Okay. So we do ask that you consider 4 feet just for the vent, and 2 feet just for the railings. And we no longer need it for the solar panels, because we're going to be less than a foot high for the solar panels.

MEMBER CORWIN: What kind of vents are you talking about?

MS. BERRY: Just a kitchen one. We looked at them, and we think there are small ones, but we notice some had a taller stack. So that's not our expertise, so we'll be hiring a mechanical engineer to work with us on a frontal design once we get our approvals of the schematic. So we
want to make sure that we can accommodate
whatever needs to -- we want the most modest one
to go in, but, you know, I need a mechanical
ingineer to tell me which one he thinks is --
MEMBER CORWIN: So that is a kitchen smoke
vent in the front?
MS. BERRY: Yes.
MEMBER CORWIN: Thank you.
MR. ARIIZUMI: Hideaki Ariizumi, Architect.
Just to make a real clear clarification, in
the denial, I don't think it is talking about a
vent, right? They are talking about rain and
floor above.
MS. BERRY: I know. That was raised.
CHAIRMAN SALADINO: No, it came up last
month.
MS. BERRY: It came up last month.
CHAIRMAN SALADINO: It came up last month.
MR. ARIIZUMI: Drop vent?
CHAIRMAN SALADINO: I'm sorry?
MR. ARIIZUMI: Drop vent is the only --
MS. BERRY: I added it. I added it,
because I wanted it to be clear.
MR. ARIIZUMI: Well, you aren't, you're
not, but not in the denial.
MS. BERRY: But it's not in the denial, but I wrote it.

MR. ARIIZUMI: So it needs, it need to formalize it. We don't -- we don't need to talk about the vent.

MS. BERRY: Well, I just don't want it to be --

CHAIRMAN SALADINO: We do need to talk about it --

MS. BERRY: Yeah.

CHAIRMAN SALADINO: -- because when we looked at the site plan, we asked the question, "What about the exhaust vents?" And the response from your wife was, from Glynis was, was that, "We didn't think about them." So the Building Department was here last month. We left it up to them to discuss it with Glynis and --

MS. BERRY: And I wrote a letter that asked for that to be considered.

CHAIRMAN SALADINO: We have that, yeah. So I'm not quite sure what --

MR. ARIIZUMI: Well, my point is this is the Zoning Board of Appeals, and the denial doesn't say anything about the vent. So why are we talking about it?
MS. BERRY: Because I want it -- I don't want to come back if the vent is one foot higher than the two-foot variance.

MR. ARIIZUMI: Well, however, the vent is there. The Building Department didn't consider vent on the roof, I guess. Therefore, they didn't talk about it.

MS. BERRY: Okay.

CHAIRMAN SALADINO: But that's our -- but that's our point, again.

MR. ARIIZUMI: I know, it's assumption.

CHAIRMAN SALADINO: No, no. Our point is we're not pointing fingers at anybody. This Board, the Building Department, your application, everybody makes a mistake now and then. So if the vent was -- would be higher than the two-foot variance that you're asking for, instead of last month, instead of holding up the project, or an outright denial of that because it wasn't on the -- on the public notice, or the Notice of Disapproval, and carrying this forward, we made a request to Glynis for her to come up with some numbers about a vent, discuss it with the Building Department. This way it wouldn't --

MS. BERRY: Right.
CHAIRMAN SALADINO: I thought we were kind of accommodating her.

MS. BERRY: Yeah.

CHAIRMAN SALADINO: If you feel otherwise, then --

MS. BERRY: I'd rather have it recognized and be part of the record.

CHAIRMAN SALADINO: Well, actually, we're responding to that also.

MS. BERRY: Right, right.

CHAIRMAN SALADINO: Your email to us was let us know --

MS. BERRY: Right.

CHAIRMAN SALADINO: -- so we can respond to it.

MS. BERRY: Right.

CHAIRMAN SALADINO: And I kind of thought that's what we were doing.

MS. BERRY: Right.

MR. ARIIZUMI: Okay.

(Laughter)

CHAIRMAN SALADINO: Is there anyone else from the public that would like to speak?

(No Response)

CHAIRMAN SALADINO: Okay. We have two
members that are missing. So, again, I believe this is an important project. I think those members should be up to speed and have input. I would rather not close the public hearing tonight. I would -- I would -- there are some additional variance requests here -- keep it open.

Also, I think it would be appropriate to have some input from the Planning Board as far as the bulk and height and design of the building. I would like to ask them for their opinion about it as it relates to health, welfare and safety of the Village. We did it with the other hotel. We didn't -- they chose not to respond, so it wasn't a big issue.

MS. BERRY: Okay.

CHAIRMAN SALADINO: Before, before we --

MS. BERRY: Okay. Two things. We did go to them and we incorporated their comments that we have recent -- I mean, when we originally applied to the Planning, and there were a number of meetings with discussions, and we tried to adapt to any comments that we got from them.

CHAIRMAN SALADINO: We have no comments from the Planning Board.
MS. BERRY: No, I -- not in response to you.

CHAIRMAN SALADINO: Oh.

MS. BERRY: But when we went to the Board, you know, like we adjusted some of the decks in response to what they said. I -- we're not going to be here next month, because we're going to be in Greenbuild, so that's -- if you're going to have more questions or keep it open, that's an issue, but -- so I was hoping you'd ask all the questions, or whatever.

CHAIRMAN SALADINO: I'm not prepared to -- well, there's three of us here. I'm not prepared to close this public hearing tonight.

MS. BERRY: When?

CHAIRMAN SALADINO: I'm not prepared to close this public hearing tonight. There's three of us here. We'll make a motion, but I'm going to be upfront with you, I'm going to -- to be honest with you, I'm going to vote no to keep -- I want to keep it open for at least another month.

MS. RIVERA PITTORINO: Then we're into the holidays, then.

CHAIRMAN SALADINO: I apologize.
MS. RIVERA PITTORINO: So she's not here in November and I'm not here for the date in December, and I'm not -- and --

CHAIRMAN SALADINO: The other thing I would like to ask you about the Planning Board is did you approach the Planning Board about payment in lieu of parking? Was that --

MS. BERRY: No, it never came up.

CHAIRMAN SALADINO: Do you think -- do you think -- some of us have -- some of -- I could speak for myself. I have an idea of what the Zoning Board does, moderately tailored relief. And if just as -- just as -- without applying it to any particular application or to ask for -- if, in fact, 27 is the number, as opposed to 24, we'll square that all away, whether it's 27 or 24. To ask for 27, in some people's minds, might not be moderately tailored relief, but seven is.

So it would be helpful for me to know if the applicant and the Planning Board can reach an accomodation about payment in lieu of parking.

MS. BERRY: I think that's totally inappropriate, quite frankly, because, one, I don't even think the request should apply to this project, because it was -- I'm reading your own
code, you know.

CHAIRMAN SALADINO: Yeah, but then you should have asked for an interpretation.

MS. BERRY: Okay.

CHAIRMAN SALADINO: The fact that you didn't get an interpretation -- again, we're going back to it, the fact that you didn't get an interpretation. And I say this not to be inappropriate, or not to say like, well, our judgment will be tainted, because we'll say no, of course, because they're going to buy the spaces. That's not why I say it. I say it because if we use the last hotel as a learning experience, they went to the Planning Board. They came to the Zoning Board. We suggested that they go to the Planning Board, and they did, and the Planning Board rejected their request.

The Zoning Board, the plurality of the Zoning Board, the vote was three-two. The three members that voted yes to give the 20-space variance, their concern was, if I understand it correctly, their concern was that we didn't want to lose the project. So they offered -- they issued the variance, they gave them a 20-space variance. It was a -- it was a tool that the
Zoning Board used to come to a conclusion to a project -- to a variance request. If I'm being inappropriate? I'm not sure if -- I'll ask the Attorney, do you think this is an inappropriate request?

MR. CONNOLLY: Well, you can ask the Planning Board if -- like Glynis said, the -- she believes that the Planning Board's comments were incorporated into this application. So you can ask the Planning Board if they agree that what has been, you know, submitted to this Board meets what the Planning Board asked them to incorporate to -- and that said, the parking -- the code says that the payment in lieu is up to the Planning Board, so, you know, that's for them to decide.

CHAIRMAN SALADINO: Not that they would decide to give you an -- that if they would be receptive to that concept.

MS. RIVERA PITTORINO: Sorry, but I'm not receptive to that concept.

CHAIRMAN SALADINO: Okay.

MS. RIVERA PITTORINO: I would be held to something --

CHAIRMAN SALADINO: Okay, that's enough.

That's --
MS. RIVERA PITTORINO: -- that no one else has been held to. A, I don't need the parking, and B, I think that would take parking away from local people if all of a sudden we had people, my guests -- because if I'm paying for the spaces, and I'd say, "Okay, we're going to take all the spaces that we paid for," and I'm going be taking spaces from my neighbors. Isn't that how it works?

MEMBER CORWIN: I don't think so.

MS. RIVERA PITTORINO: How does it work? If I pay, if I pay for parking, that means that I have the right to occupy parking on the street.

CHAIRMAN SALADINO: No.

MS. RIVERA PITTORINO: No?

MEMBER CORWIN: No.

CHAIRMAN SALADINO: What it is, is you -- because a lot of the properties need additional parking that they can't provide, the code provides for payment in lieu of that. And that money is, again, in theory, is -- and we'd all love to live in theory because everything works there, that that money is supposed to go into a dedicated fund for the Village to use to increase parking throughout the Village. That's how those
parking --

MS. RIVERA PITTORINO: I would love to know the details about that fund and see how it's being used.

MEMBER CORWIN: Let me fill you in a little bit on that. That came from the Planning Board 30, 35 years ago.

MS. RIVERA PITTORINO: Uh-huh.

MEMBER CORWIN: That figure, I think, it's $2500. At that point in time, you could probably buy property and make a parking place for $2500. Today, according to Mr. Panessi (phonetic), you can pave a parking place for $2500. So something came about to try to accommodate some of these parking problems 35 years ago as really a holdover, it's a gift, it's a gift.

CHAIRMAN SALADINO: Having said that, the parking lots on Adams Street -- it's supposed to be a dedicated fund. There's no doubt in my mind that the Village has the money someplace, whoever paid into it. They used the money to build those two parking lots on Adams Street, I believe; is that right, David?

MEMBER CORWIN: I don't think so. There was very rarely any money that went into it over
the last 23 years. There were a couple of places, I believe, that bought into it. And I believe there is a checking account or a savings account someplace with a few thousand dollars representing it in it.

CHAIRMAN SALADINO: So that's the concept of payment in lieu of parking. It's supposed to go into a dedicated fund. When that fund builds up, the Village would use it wisely to provide parking. Whether -- whether it's to build a parking lot, for parking studies, I'm not really sure. I'm not on the Village Board, I'm not really sure. So that's the theory behind it.

But it -- if you think about it, if you think about it, it's a way for someone that needs parking, that can't provide it, gets it, and it takes it out of the zoning process, the appeals process. It becomes a Planning Board decision that -- or you can go through the -- before Glynis corrects me, you can go through the -- you can go through the appeals process and cast your faith to the wind to see, you know, how a Zoning Board decides, any Zoning, any Zoning Board on Long Island decides.

MS. BERRY: But what you're basically doing
is you're taking away the parking rights she has.

MEMBER CORWIN: Well, I don't agree with you.

CHAIRMAN SALADINO: What we're doing, what we're doing is giving the applicant an alternative, is what we're doing, that's what we're doing.

MS. RIVERA PITTORINO: Well, we're asking for the alternative from you to recognize the parking spaces that we're entitled to, because those three parcels should be treated as one, according to your code.

CHAIRMAN SALADINO: That's water under the bridge right now. That to me is water under the bridge. We're ask -- we have a Notice of Disapproval in front of us that you're deficient 27 parking spaces, that's what we're going to have to decide.

MS. RIVERA PITTORINO: Well, you know, I'll ask you the same question that I asked last month, how do I get what everybody else got?

CHAIRMAN SALADINO: You stand in front of the Zoning Board, you present a clear and concise argument, you show a need, you show that your need is greater than the detriment to the
Village, and most Zoning Boards will grant the variance, that's how you do it.

MS. RIVERA PITTORINO: And I think I've -- I think I've done that.

CHAIRMAN SALADINO: That will be part of our discussion.

MS. RIVERA PITTORINO: Okay.

CHAIRMAN SALADINO: I mean, I'm not sure what you're suggesting. You know, to me, for you to say, "Well, how do I get what that guy got," you know, to flip it --

MS. RIVERA PITTORINO: No, what everybody got, what everybody got.

CHAIRMAN SALADINO: I'm not sure everybody. Who are we talking about everybody?

MS. RIVERA PITTORINO: Oh, there's three hotels downtown with a third floor and not enough parking. We have --

CHAIRMAN SALADINO: One was there prior to 1971.

MS. RIVERA PITTORINO: We have -- well, okay, so then there's another two. And then there are tasting rooms, and they're -- like there are tasting rooms downtown. You don't know about the tasting rooms downtown?
CHAIRMAN SALADINO: I'm just trying to figure out what buildings we're talking about that were built after --

MS. RIVERA PITTORINO: That don't have enough parking.

CHAIRMAN SALADINO: That were built after 1971, aside from the Harborfront Inn and the Menhaden.

MS. RIVERA PITTORINO: What about the brewery, the brewery and --

CHAIRMAN SALADINO: The brewery -- the brewery? The brewery?

MS. RIVERA PITTORINO: Isn't that commercial?

CHAIRMAN SALADINO: Are you suggesting that the brewery was built after 1971? It was the Firehouse.

MS. RIVERA PITTORINO: Oh, okay. Well, what about the tasting -- these tasting rooms downtown? Aren't there any tasting rooms downtown, or am I crazy?

MS. BERRY: Yes, there was a house conversion.

MR. CONNOLLY: That was a new structure.

MS. RIVERA PITTORINO: Well, I'm sorry?
CHAIRMAN SALADINO: Exactly. Any structure that was -- that was there prior to 1971 was there prior to code. Anything after that was by variance. The only two with third floors that I -- that would -- not to belabor this. The only two that I can think of, and correct me if I'm wrong, is the Harborfront Inn and The Menhaden.

MS. RIVERA PITTORINO: And the Gallery.

CHAIRMAN SALADINO: (Shook head no).

MS. RIVERA PITTORINO: The Gallery.

MS. BERRY: What's that?

CHAIRMAN SALADINO: The Gallery Hotel was there prior to 1971.

MEMBER CORWIN: And they purchased some parking, too.

CHAIRMAN SALADINO: And they did, and they bought parking.

MEMBER CORWIN: They bought physical parking from somebody.

MS. BERRY: I don't know if I should ask this now or later.

CHAIRMAN SALADINO: Any time is good, Glynis.

MS. BERRY: But you seem to act like she's lost her rights from having a previously
developed parcel because we're asking for the variance.

CHAIRMAN SALADINO: That's not our contention, that's the Village's contention. We're the arbitrators. You have a side, the Village has a side, and we decide the outcome.

MS. BERRY: Because that -- the only reason she agreed to go with a variance is -- was because let's speed this process up, which it obviously hasn't. So --

CHAIRMAN SALADINO: Glynis, in all fairness to the -- in all fairness to any Zoning Board on the planet --

MS. BERRY: Right.

CHAIRMAN SALADINO: -- and if you expected a resolution to this problem, to this, to this application in two months, even you have to admit that's unreasonable. In other municipalities you would be in front of the Zoning Board for years.

MS. BERRY: No, but I'm --

CHAIRMAN SALADINO: I mean, to expect us to come to a decision in two months is really unreasonable.

MS. BERRY: But I'm very concerned of the fact that you're dismissing the fact that --
CHAIRMAN SALADINO: We're not dismissing it. We listened to --

MS. BERRY: -- it was previously developed.

CHAIRMAN SALADINO: But we listened to your side of the story, we listened to the Village's side of the story.

MS. BERRY: Right.

CHAIRMAN SALADINO: When we close the public hearing, we'll have a discussion --

MS. BERRY: Right.

CHAIRMAN SALADINO: -- and our decision will be based on that discussion. We're the arbitrators here, we're not -- we're not the Village.

MS. BERRY: Okay. All right.

CHAIRMAN SALADINO: But, Glynis, in all fairness, you understand that, you know that's the way it works.

MS. BERRY: Okay.

MR. ARIIZUMI: Okay. I just want to add just for your consideration for the loading stuff. And it is right now there, and there is -- in some sense, there's no back entry in the building, except going around to get into the foyer, which is almost impossible to have this
as. So the only way I can technically consider, if you really need to move to a -- from -- away from the front toward the -- the only way is to locate just behind the existing side entry steps, which takes like at least six or something parking spots. So it's a give and take. And so it's a serious problem for us to actually figure there, that's already there, first floor. We are not changing the first floor. So please consider that.

CHAIRMAN SALADINO: Thank you. I'm going to make a motion we keep this public hearing open.

MEMBER GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

CHAIRMAN SALADINO: I vote no.

We're going to continue next month. We're going to ask the Building Department if the Planning Board would provide --

MEMBER CORWIN: You've got to go over that again.

MEMBER GORDON: Yes.

MEMBER CORWIN: You confused us.
MEMBER GORDON: Would you repeat that? I have a feeling that I voted opposite to what I meant. Would you please restate that?

CHAIRMAN SALADINO: Did I say open or close? I'm sorry. Did I say --

MEMBER CORWIN: You said open and voted no.

CHAIRMAN SALADINO: Oh, I apologize. I thought I said close.

MEMBER CORWIN: So let's have a do-over.

MEMBER GORDON: Okay, start over.

CHAIRMAN SALADINO: I'm going to start over. We're going to -- we're going to amend that. We're going to amend it.

MEMBER CORWIN: We're going to --

CHAIRMAN SALADINO: I'm going make a new --

MEMBER GORDON: We're just starting over.

CHAIRMAN SALADINO: We're going to start over. I'm going to make a motion that we keep the public hearing open, this public hearing open. So moved.

MEMBER CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: No.

CHAIRMAN SALADINO: I vote aye. So the
public hearing is open, is going to --

MEMBER GORDON: Do we have to -- don't --
doesn't it have to be unanimous, given that there
are only three of us?

CHAIRMAN SALADINO: No, it has to be --

MEMBER GORDON: It doesn't?

CHAIRMAN SALADINO: It has to be unanimous,
it has to be unanimous for the members present.

MR. CONNOLLY: No, it's -- there's only
three --

MEMBER GORDON: Right.

MR. CONNOLLY: -- three members, so it has
to be -- it has to be -- the totality of the
three members has to vote to keep it open, but
that doesn't mean it's closed either, so.

MEMBER CORWIN: There's no motion --

CHAIRMAN SALADINO: Well, let me --

MEMBER CORWIN: There's not motion to
close it.

CHAIRMAN SALADINO: Well, let me -- let
me propose -- let me --

MEMBER CORWIN: There aren't enough votes
here to close it, so it has to stay open.

CHAIRMAN SALADINO: I could propose -- I
could make the motion to close the public
hearing, and if there's not enough yes votes, we can't close the public hearing.

MR. CONNOLLY: That's actually -- yeah, right, correct.

CHAIRMAN SALADINO: All right. Then we'll change the motion again. I'll make a motion to close this public hearing. So moved.

MEMBER CORWIN: Second.

MEMBER GORDON: Discussion.

CHAIRMAN SALADINO: Sure.

MEMBER GORDON: I'm in favor of closing the public hearing, because I think this project, as we're dealing with it, could drag on for a very long time, and that that's not fair to the applicant. And, also, I think the other two members can be fully informed by reading the minutes, by looking at the TV. That's what we have it for.

We have a pretty good idea of what this project entails, and many of the variances they're asking for are very small. Perhaps the accumulation of them will seem to be too much, but we're not talking about a huge departure from what is requested, except with respect to this one issue of parking, and I think our colleagues
can be fully informed about that by reading the minutes and looking at the television.

CHAIRMAN SALADINO: Yeah, but I don't think we should negate their right to ask questions either with the public hearing open. Plus, we got four additional variance requests this evening that have to be addressed by the Building Department. I don't -- I don't understand it. The fact that -- the fact that somebody has to go on vacation, or what time -- what month it is--

MEMBER GORDON: I'm not --

CHAIRMAN SALADINO: I don't think --

MEMBER GORDON: -- making my point because people are going on vacation. I'm making the point because I think we've had a lot of good information, and it is -- it could be many, many more months.

CHAIRMAN SALADINO: Or it could be one more month.

MEMBER CORWIN: Why wouldn't it go ahead in November? We don't have to have the Architect here to go ahead.

MEMBER GORDON: That's true.

MS. RIVERA PITTORINO: But what new questions would there be, then?
CHAIRMAN SALADINO: We don't know. We have 30 days to think about. We have four more variance requests to consider. We have to get the response from the Building Department.

MS. RIVERA PITTORINO: They're not huge, I mean, it's a vent.

CHAIRMAN SALADINO: It's not about being huge, it's about being different. It's about being in addition to. It's not about how big or how small, it's about you're asking for a variance. The Building Department is the person that has, or the people that have to respond to it. We have to get their response to -- we don't, we don't decide about Notice of Disapproval, the Building Department does. There's a process and we should follow it.

I don't understand. The way people get lost is when they move off the path. The path is there for a reason, and this way nobody gets lost. The process is you asked for something, they -- and I'm pointing over there, because that's where the Building Department normally sits. They respond to it, and we listen to both sides and come to a decision. How fair would it be to the Village if we just took these into
consideration without getting their opinion? I'm not sure I understand.

MS. RIVERA PITTORINO: Well, they didn't come.

CHAIRMAN SALADINO: Well, unfortunately -- and not to make excuses

MS. RIVERA PITTORINO: They might not come next month either, you know.

MEMBER GORDON: I also think we got their opinion in both the Notice of Disapproval and the memo, the note from Paul Pallas. But your second motion is to close the hearing, and if that motion doesn't pass, then the hearing remains open.

CHAIRMAN SALADINO: That's why I made it. I'm of the opinion the hearing should stay open. I made that motion, it was seconded, you asked for a discussion. The motion on the table is to close this public hearing.

MEMBER CORWIN: Well, the votes aren't there, so let's just move along.

MEMBER GORDON: Yes, I think that's right.

MEMBER CORWIN: I'd like to try to summarize the little bit that I understand about --
CHAIRMAN SALADINO: David, before you --
before you do that, just let me make this request
to the Clerk. Can we ask the Planning Board
their opinion about -- about -- so they can
convey it to us?

MS. LINGG: (Nodded yes)

CHAIRMAN SALADINO: And so we don't have to
get the Architect's opinion about what they said?

MS. LINGG: Yes.

CHAIRMAN SALADINO: And on the size, the
third floor and the parking, if they -- if they
choose to. We made this request to them about
the other hotel, they chose not to respond, so it
just --

MS. BERRY: When you're talking about size,
you mean height? I think it should be clear.

CHAIRMAN SALADINO: Their opinion, their
opinion about the height or the --

MS. BERRY: Okay. You should call it
height, not size, because the --

CHAIRMAN SALADINO: Well, the footprint is
the same, right? So --

MS. BERRY: Well, it's already connected,
it's connected.

CHAIRMAN SALADINO: Okay. About the height
of the building. Actually, I'll take any opinion
they have.

(Laughter)

CHAIRMAN SALADINO: I'll take any opinion
they have that they're willing to give the Zoning
Board about this project. Is that -- is that
fair to ask? Is that -- am I overstepping my
bounds by asking that?

MR. CONNOLLY: No. State Law allows that.

CHAIRMAN SALADINO: What?

MR. CONNOLLY: State Law allows the
Planning Board to ask -- I'm sorry -- the Zoning
Board to ask the Planning Board for their --

CHAIRMAN SALADINO: Okay.

MR. CONNOLLY: -- comments.

CHAIRMAN SALADINO: So we decided that the
Zoning -- the public hearing is going to stay
open. I made the request to the Clerk of the
Boards for the Planning Board. David just has
some comments he would like to make.

MEMBER CORWIN: Just two, so I can
understand if I'm off the track anywhere.

The applicant says she wants every -- what
everybody else got, and I could understand saying
that. I had asked the authorities to supply me
with rooms, parking spaces, tables for Galleria, for American Beech, and for Menhaden. I guess they're busy there, that was not -- I asked that a month ago and it wasn't forthcoming.

We have a variance, a request for a variance for 37 feet in height. That's, as I understand it, 33 feet of building, 2 feet of rails, and possibly solar panels, and possibly 2 feet or 4 feet total, 2 feet extra, for a vent for the kitchen that would be on the south side of the front of the building. Have I got that much right?

CHAIRMAN SALADINO: Is it four additional feet or 4 feet total?

MS. BERRY: Four feet total.

CHAIRMAN SALADINO: Okay.

MS. BERRY: Yeah, another 2 feet. So he --

CHAIRMAN SALADINO: So thirty --

MS. BERRY: Yeah. And --

CHAIRMAN SALADINO: Thirty-nine feet total.

MS. BERRY: Correct. And we're quite sure we don't need it for the solar panels anymore, because we have this low one.

MEMBER CORWIN: All right. Now, Mr. Chairman you just said 39 feet. I have in my
mind a 33 feet -- foot building high --

MS. BERRY: Yep.

MEMBER CORWIN: -- and then 2 feet for rails and possibly solar panels, and then 2 feet additional, for a total of 4 feet, for a possible -- some sort of vent --

MS. BERRY: Right.

MEMBER CORWIN: -- for the kitchen, which will have to be there.

MS. BERRY: Right.

MEMBER CORWIN: You just don't know how tall at this time.

MS. BERRY: Correct.

MEMBER CORWIN: I'll read the last -- the worst to last question is the loading in front. There's loading in front now. So you want a variance to remove the loading from the front and put it someplace else?

MS. BERRY: I'm sorry?

MEMBER CORWIN: You're --

CHAIRMAN SALADINO: No. The variance request would be to keep it in front.

MS. BERRY: Right, in front.

MEMBER CORWIN: To keep -- I'm sorry, yes.

The request is to keep the loading in front?
MS. BERRY: Yes.

MEMBER CORWIN: And I don't see that as a big stumbling block when I look at -- when you said, "Give me what everybody else has," go down to, what is it, First and South and see where their loading space is, it's First Street, so this has got to be better.

There's a question, the width of a space for a car, and I've heard a little bit of disagreement on that. Code says 10 feet. There's 8.2 feet now, as there's really no markings on there, but apparently that's the way spaces were counted --

MS. BERRY: They put numbers.

MEMBER CORWIN: -- and they put plaques on the wall.

MS. BERRY: Yeah, correct.

MEMBER CORWIN: And it came out as 8.2 feet, I guess, when we measured.

MS. BERRY: Right.

MEMBER CORWIN: And you're asking for 9 feet. I don't see a big problem with that. I go along with that reasoning. Some cars are smaller. Compact car spaces where there's two air conditioning units, I don't see that as a big
stumbling block.

I do have to note at some point in time the restaurant is going to open, as an aside.

MS. RIVERA PITTORINO: I didn't understand that, I'm sorry.

MS. BERRY: That's fine.

MEMBER CORWIN: Well, that's my position. Let me talk now, I'm not interested in debating.

MS. RIVERA PITTORINO: I'm sorry, I just didn't hear you.

MEMBER CORWIN: Once again, I -- as an aside, at some point in time, the restaurant is going to open. Whether it's the applicant or the next person down the line, at some point in time, the restaurant, the bar opens. So that's what I'll call the possibly accommodated variances. And I do want to address Chatty's concern in terms of fire engines and emergency vehicles, and I assume this is all going to be sprinkled.

MS. BERRY: Yes.

MEMBER CORWIN: So that lowers the problem of fire a great deal in sprinklered buildings. I think the reason they sprinkled so much is so many got burned down to collect the insurance; sprinkle it.
CHAIRMAN SALADINO: David.

(Laughter)

MEMBER CORWIN: And then we come to, well, 35 feet or three stories. I'll just make a note on that, that I think why we have three -- the code goes back to 19 -- if Arthur was here, he would tell you exactly, 1948 or 1949. And I think 35 feet was to accommodate the movie theater, because it was tall. And that was like the center of town in its time.

And just looking, most of the houses are three stories. My house is three stories, first floor, second floor and the attic. And a lot of these houses around, of course, we're talking the Commercial District, but three stories was to accommodate these houses that had been built over the years, first story, second story, an attic that was often used as living space. And as a point, my house is about 35 feet, maybe a little more.

But that brings us down to the real problem, is the parking. The Building Department is saying 27 spaces. Glynis is trying to fight for 23 spaces. I really would like if there was some way we could decide exactly what the
number is. And that's my understanding. Have I left anything out?

MEMBER GORDON: Can I say something? I think she's subtracting 23 spaces, because there already is a forgiveness, a buy, whatever you want to call it, except variance, of 23 spaces.

MEMBER CORWIN: So Greg says 27 spaces, Glynis says, "No, we need four spaces." That's what it is? I would rather just -- I would rather just keep this right to the Board, so we can understand what we're going to think about over a month.

MS. BERRY: Okay.

CHAIRMAN SALADINO: Are you done?

MEMBER CORWIN: Yes.

CHAIRMAN SALADINO: You're done? I think -- I don't have my agenda, but I think -- I think just his last comment, David's last comment about the CEO, the Code Enforcement Officer, or the Building Department saying 27 spaces, and the applicant disagreeing with that, without getting into a number, disagreeing with that number is a good enough reason that we should have the Head of the Building Department here to explain that
logic without -- without us.

And then what we forget is the public hearing, everything that the public hears they have the right to comment on. Once we close the public hearing, we don't accept comment. Well, we -- I'm kind of lenient, we kind of do, you know, but we shouldn't. You know, once the public hearing is closed, we really shouldn't, but -- so it's best to have all the answers before we close the public hearing, so the discussion of the Board is directed, it's informed, it's -- this way we don't debate answers and -- well, we debate answers, but we don't debate the facts presented by the applicant and the Building Department. So that's kind of --

MEMBER CORWIN: So that question is still a cloud. The Building Department says 27 spaces. Since we've heard that or a number similar to that for two months now, and it's increased, I'm inclined to say it's not going to change on the part of the Building Department.

MS. BERRY: That's fine. That's fine.

MEMBER CORWIN: And Board Member says --

Glynis is saying, "No, we don't" -- "there's 23
spaces that just are in invisible, you need four spaces.

CHAIRMAN SALADINO: All we're saying -- all the applicant is saying is they dispute needing 27 spaces; is that fair?

MS. BERRY: Not really.

CHAIRMAN SALADINO: Okay. I thought it was kind of fair.

MS. BERRY: No. Can I explain?

CHAIRMAN SALADINO: Of course.

MS. BERRY: Okay. So when we did the application, we subtracted three.

MR. ARIIZUMI: Units.

MS. BERRY: Units, three sleeping units from both the existing demand -- need and the current. But he's saying no, he wants to count the full. So I don't care. If he wants to count it as 27 instead of 24, then that's the interpretation, so we'll go with the 27. But what my argument was, it still made no difference in the increased need, so -- and it's that differential that I was trying to point out. And the 23 number is the difference between the existing need and what they're providing.

So there are three numbers. So I have no
issue that if he wants to not count the three
that are used by staff, and you count the need as
being three higher, so be it, I'm not arguing
that. But what I am arguing is it makes no
difference to the increase in need.

CHAIRMAN SALADINO: But that's part of our
discussion. That -- we have a Notice of
Disapproval, and you -- and I'm positive you
understand that.

MS. BERRY: Right.

CHAIRMAN SALADINO: We have a Notice of
Disapproval in front of us --

MS. BERRY: Right.

CHAIRMAN SALADINO: -- and we have to go by
what the Notice of Disapproval says. When we
close the public hearing, the discussion of this
Board will be what's the need.

MS. BERRY: Right.

CHAIRMAN SALADINO: And I'm sure we'll come
to a conclusion.

MS. BERRY: Right.

CHAIRMAN SALADINO: We'll come to it.

MS. BERRY: So I'm not fighting the 27, I'm
just trying to explain that it -- in fact, it
makes no difference.
CHAIRMAN SALADINO: Okay. Anybody else?

No?

(No Response)

MEMBER GORDON: We're not going to do this --

CHAIRMAN SALADINO: No, not today.

Item No. 6 is the discussion. We didn't close the public hearing, so there'll be no discussion on -- or a motion on the -- on 326 Front Street this evening.

Item No. 7 is any other Zoning Board of Appeals business that might properly come before the Board. This is if somebody's got a question, somebody, about zoning, this is the time to ask it. If not, we're going to move on to No. 8, is motion to adjourn. So moved.

MEMBER CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

CHAIRMAN SALADINO: I'll vote aye. Thank you, folks.

(Time Noted: 8:00 p.m.)
CERTIFICATION

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

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on October 15, 2019.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of October, 2019.

________________________________________
Lucia Braaten

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