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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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ZONING BOARD OF APPEALS

REGULAR SESSION

-----x

Third Street Firehouse
Greenport, New York

February 17, 2016
5:05 p.m.

B E F O R E:

JOHN SALADINO - CHAIRMAN

ELLEN NEFF - MEMBER

DAVID CORWIN - MEMBER

JOSEPH PROKOP - VILLAGE ATTORNEY

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

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CHAIRMAN SALADINO: CHAIRMAN

SALADINO: It is 5:02. This is the February session of the Zoning Board of Appeals. Present, David Corwin, Ellen Neff, I'm John Saladino.

Before we get to tonight's agenda, there is one or two things I want to mention.

Tonight the meeting is going to be webcast. Trustee Roberts is going to webcast this meeting. For where -- where can people watch this if they wanted to?

TRUSTEE ROBERTS: I posted a link.

CHAIRMAN SALADINO: Okay. There is the link posted on the website.

The venue obviously is different because we had a conflict with the Fire Department, so that's why we're here instead of the firehouse. We thought perhaps the meeting might run a little longer, and they have a meeting scheduled for later, we didn't want them to be inconvenienced and we didn't

1 want to be inconvenienced.

2
3 And there's one question about the
4 start time for the second public
5 hearing. We made a motion last month
6 that the second public hearing would
7 start at 5:30, to accommodate any -- I
8 think to accommodate any member of the
9 public that was there and heard that
10 and shows up at 5:30, they should be
11 entitled to see what goes on, so if
12 it's okay with the applicant, Mr.
13 Pennessi, we're going to start your
14 public hearing at 5:30.

15 MR. PENNESSI: That's fine.

16 MS. WINGATE: Frank is at the
17 schoolhouse, is at the firehouse, he'll
18 be here in a -- Frank and Mr. Moore
19 will be right over.

20 CHAIRMAN SALADINO: Okay.

21 Because of the change of venue,
22 the first public hearing, the applicant
23 and his representative are at the
24 firehouse, so they're on their way
25 over, it should be two minutes.

1
2 The last thing I would like to say
3 is about the chairmanship. Last month,
4 Ellen was the chairman of this board.

5 MEMBER NEFF: Acting chairman.

6 CHAIRMAN SALADINO: Acting
7 chairman.

8 This month I'm the acting
9 chairman. It has nothing to do with
10 performance, it had to do with an
11 agreement that we made with Mr. Moore
12 when he left, he suggested that we
13 rotate to gather experience, and that's
14 what we're doing.

15 David had a turn as being the
16 chairman, Ellen and me. If Dinni was
17 here, she would be on the list, but
18 she's not here.

19 The first public hearing is on
20 pause.

21 Can we read this or would that
22 be --

23 MEMBER CORWIN: You can read it.
24 You can open the public hearing.

25 MR. PROKOP: You can read it.

1
2 CHAIRMAN SALADINO: The public
3 hearing is: Public hearing on the
4 application for Robert Moore, 139 Fifth
5 Street, Greenport, New York 11944.
6 Suffolk County Tax Map number
7 1001-7-4-0. The property is located in
8 the R-2 District and not within the
9 Historic District. The application
10 requests an area variance maximum
11 permitted lot coverage and a variance
12 for the front-yard setback for an
13 as-built permit to construct a rear
14 deck and additionally requires a
15 front-yard setback variance for an
16 existing six-foot high fence.

17 The 330-square-foot deck increases
18 the total building lot coverage to 33.2
19 percent requiring a lot coverage
20 variance of 5.2 percent or 336 square
21 feet. The existing lot coverage is
22 30.25 percent which includes the
23 existing house and garage. Section
24 150-12A of the Village of Greenport
25 Code requires that a one-family home in

1
2 the R-2 District have a maximum
3 permitted lot coverage of 30 percent.

4 The deck is 9.5 feet from the
5 south property line requiring a 20.5
6 foot front yard area variance. Section
7 15-13B, paragraph 2 of the Village of
8 Greenport Code requires that on a
9 corner lot, front yards are required on
10 both street frontages. One yard other
11 than the front yard shall be deemed to
12 be a rear yard and the other or others
13 to be side yards. Section 150-12A
14 requires a front-yard setback of 30
15 feet.

16 The existing six-foot height fence
17 is located within the required
18 front-yard setback along the south and
19 west property lines. Section 150-13B,
20 2 of the Village of Greenport Code
21 requires that on a corner lot, front
22 yards are required on both street
23 frontages. One yard other than the
24 front yard shall be deemed to be a rear
25 yard and the other or others to be side

1
2 Robert Moore are present, so if there
3 are any other more detailed questions,
4 you can ask them.

5 MR. PROKOP: Do we have the proof
6 of mailing?

7 MEMBER CORWIN: Yes, we do.

8 MS. WINGATE: Yes.

9 CHAIRMAN SALADINO: And we can
10 confirm that this was noticed in the
11 newspaper?

12 MS. WINGATE: Yes.

13 FRANK: Good evening. My name is
14 Frank (inaudible), I'm here on behalf
15 of Robert and Dianna Moore.

16 As the application states, this
17 house was moved from another piece of
18 property in Greenport way back,
19 probably in the '40s, and the Moore
20 family bought the house in 1974, and
21 they did add, a year or two years
22 later, a small deck, which is pictured
23 on the drawing because the house is
24 actually quite high up, like five
25 steps, they wanted the deck to have

1 access to the yard, but did not apply
2 for a building permit. This is an
3 as-built permit application.
4

5 The house is not on the market at
6 this point, but at one point they are
7 planning to sell, and they want to have
8 the Certificate of Occupancy in place.

9 Once we got started, of course, I
10 had to do zoning calculations. The
11 property is small, 6,400 square feet,
12 and there was an existing two-car
13 garage on the west end of the property.
14 The coverage, even without the added
15 deck, exceeded the 30 percent coverage,
16 maximum coverage that is allowed under
17 the current code. Now we are actually
18 above the 30 percent at 35.2.

19 Then there was another question
20 that came up a couple of months ago
21 about the height of the fence --

22 MEMBER NEFF: Frank, if I could
23 interrupt.

24 We have a couple of empty seats,
25 but they're not visible, so if there's

1
2 an empty seat next to you, and you have
3 stuff on it, there are some seats.

4 Excuse me, Frank.

5 FRANK: In regards to the six-foot
6 fence which wraps around Johnson Place,
7 which is facing south toward the park,
8 that fence has been in existence since
9 the very beginning. There are aerial
10 photos that verify this, and we also
11 have, the owners brought a photo from
12 back then when there was always a
13 six-foot fence, but it needed to be
14 replaced, and they just basically had
15 it replaced without asking for a permit
16 first because, you know, they think
17 it's a replacement, it's falling apart
18 and they needed to put up a new fence.

19 It's very important to them to
20 have the privacy because of what's
21 going on in the park over the weekends
22 and at nighttime, and so this is where
23 we are today. As I said, the house is
24 not on the market, but eventually it
25 will be and then we want to be in

1
2 probably, I would think three times, at
3 least over the course of 40 years
4 because it's a stockade fence. You
5 know how long they last, and we try to
6 keep it looking nice. The one that is
7 there now, I would guess maybe four to
8 five years, maybe a little less than
9 that. I'm not sure because it's in
10 pretty good shape. It's a better fence
11 this time. We had been buying the
12 cheaper ones and we got something a
13 little better this time, so I'd say
14 it's been there about four years.

15 CHAIRMAN SALADINO: Do we have an
16 approximate date for the deck?

17 MR. MOORE: The deck was built,
18 originally built in 1978, '79. That is
19 the -- you have been to the property
20 and seen it, that is the main piece and
21 then we actually put a hot tub in and
22 had the slight, small addition which is
23 that lower piece you saw. We had a hot
24 tub put in, I think about 15 years ago.

25 CHAIRMAN SALADINO: So the

1 addition would be -- the original deck
2 is --

3 MR. MOORE: It's probably from
4 approximately --

5 CHAIRMAN SALADINO: -- forty years
6 old.

7 MR. MOORE: It's about forty years
8 old.

9 CHAIRMAN SALADINO: And the
10 addition is 15 years old?

11 MR. MOORE: About 15, yes; that's
12 what I would guess.

13 We actually took the tub out
14 because we were advised that if we were
15 going to sell the house, it was better
16 to take the tub out, so we did and just
17 put some more decking down.

18 CHAIRMAN SALADINO: Thank you.

19 Is there any member of the public
20 that --

21 MS. ALLEN: Chatty Allen, Fifth
22 Avenue.

23 Just real quick. I think it
24 should be approved for them.

1
2 CHAIRMAN SALADINO: If there is
3 nobody else from the public that would
4 like to speak, what's the pleasure of
5 the Board?

6 MEMBER NEFF: We could vote.

7 CHAIRMAN SALADINO: Do you want to
8 close the public hearing?

9 MEMBER NEFF: Yes.

10 I move that we close the public
11 hearing for the property at 139 Fifth
12 Street.

13 CHAIRMAN SALADINO: Is there a
14 second?

15 MEMBER CORWIN: I second it.

16 CHAIRMAN SALADINO: All in favor?

17 MEMBER CORWIN: Aye.

18 MEMBER NEFF: Aye.

19 CHAIRMAN SALADINO: And I'll vote
20 aye.

21 MEMBER CORWIN: There is no sense
22 in getting into a discussion on this
23 until after the other public hearing.

24 Maybe we can do one or two of the
25 other boilerplate items.

1
2 CHAIRMAN SALADINO: Joe, there's
3 on the agenda -- can we -- we have ten
4 or twelve minutes before 5:30.

5 MR. PROKOP: You can change the
6 order of the agenda and go into the
7 regular meeting portion for this
8 particular application. Is that what
9 you would like to do?

10 CHAIRMAN SALADINO: Yes.

11 MR. PROKOP: Yes, you can do that.

12 MEMBER NEFF: Just do this one
13 right now.

14 CHAIRMAN SALADINO: The Fifth
15 Avenue application.

16 MEMBER NEFF: Or whatever you
17 want.

18 CHAIRMAN SALADINO: We have a few
19 minutes and we have something we could
20 do in the meantime.

21 We have an application from -- we
22 have a motion to accept an appeal for
23 an area variance, publicly noticed and
24 scheduled a public hearing for Carlos
25 Saavedra -- is the applicant here?

1 MS. WINGATE: No.

2 CHAIRMAN SALADINO: And Nicole
3 Eckstrom, 502 Front Street, Suffolk
4 County Tax Map 1001-4-4-28.1. The
5 applicant requests an area variance of
6 a front-yard setback for an as-built
7 permit to construct a six-foot high
8 fence. Section 150-13F, paragraph 2 of
9 the Village of Greenport Code requires
10 that no wall or fence is required in
11 the front yard, and shall have a height
12 greater than four feet.
13

14 The applicant is not here.

15 Any discussion?

16 MEMBER CORWIN: Just basically
17 they would get -- we would have to
18 define what the front yard is, how far
19 it goes back.

20 As I understand it, it says the
21 front yard limited, so basically it's
22 an application for a variance for that
23 30 feet where it's six feet now, it
24 should be four feet. Am I correct?

25 CHAIRMAN SALADINO: We have an

1
2 interpretation -- we have an
3 interpretation for front-yard fences,
4 and if it's a conforming lot, 30 feet,
5 it would be 30 feet to the side yard of
6 this house. So it would need a 30-foot
7 front yard variance for a six-foot high
8 fence.

9 MEMBER CORWIN: That's what I
10 said.

11 CHAIRMAN SALADINO: How about you;
12 is that right?

13 MEMBER NEFF: Um-hum.

14 CHAIRMAN SALADINO: So what is the
15 pleasure of the Board; are we going to
16 accept this application?

17 MEMBER CORWIN: Yes. I move that
18 we schedule a public hearing --

19 MEMBER NEFF: And the site visit.

20 MEMBER CORWIN: -- and a site
21 visit for Carlos Saavedra, site visit
22 at, do you want to say 4:30 at our next
23 meeting and public hearing at 5
24 o'clock?

25 CHAIRMAN SALADINO: Do we know

1 when the next meeting is?

2 MS. WINGATE: March 16th.

3 CHAIRMAN SALADINO: March 16th.

4 So we're going to schedule a site visit
5 for March 16th at --

6 MS. WINGATE: -- 4:30.

7 CHAIRMAN SALADINO: -- 4:30 p.m.
8 and a public hearing, it's going to be
9 at 5 o'clock.

10 MEMBER CORWIN: Five o'clock, yes.

11 And you better say we're going to
12 have that public hearing at the
13 firehouse at Third Street.

14 CHAIRMAN SALADINO: That's for
15 sure?

16 MEMBER CORWIN: We can always
17 change it.

18 CHAIRMAN SALADINO: Second?

19 MEMBER NEFF: Second.

20 CHAIRMAN SALADINO: All in favor?

21 MEMBER NEFF: Aye.

22 MEMBER CORWIN: Aye.

23 CHAIRMAN SALADINO: I'll vote yes.

24 MEMBER NEFF: Can I suggest that
25

1
2 we are -- are we at 5:30, yes.

3 CHAIRMAN SALADINO: No.

4 MEMBER NEFF: That we then move to
5 vote on our -- on the items about 139
6 Fifth Street.

7 CHAIRMAN SALADINO: I think there
8 is a little bit of discussion with
9 that --

10 MEMBER NEFF: Okay.

11 CHAIRMAN SALADINO: -- and I don't
12 think it's going to happen in five
13 minutes, so we can read the --

14 MEMBER CORWIN: Supposing I make a
15 motion to approve the ZBA minutes for
16 December 16, 2015.

17 MEMBER NEFF: Second.

18 CHAIRMAN SALADINO: All in favor?

19 MEMBER NEFF: Aye.

20 CHAIRMAN SALADINO: David?

21 MEMBER CORWIN: I guess I have to
22 say aye to move on to -- I'll say aye.

23 CHAIRMAN SALADINO: And I'll vote
24 yes.

25 MEMBER CORWIN: Then I'll make a

1 motion to schedule the next ZBA meeting
2 for March 16, 2015 in the firehouse at
3 5 o'clock on Third Street.
4

5 CHAIRMAN SALADINO: Second?

6 MEMBER NEFF: Second.

7 CHAIRMAN SALADINO: All in favor?

8 MEMBER CORWIN: Aye.

9 MEMBER NEFF: Aye.

10 CHAIRMAN SALADINO: I'll vote yes.

11 MR. PROKOP: One of the things
12 which I would like to mention is that
13 there is no requirement that the public
14 notice or that the agenda be read aloud
15 or in complete form, so the next
16 application, we have a fairly long
17 notice and agenda description. You
18 could do it if you want to, there's no
19 problem with that, but there is no
20 requirement by law that you read the
21 agenda.

22 MEMBER NEFF: I have a question.

23 Is there copies of the agenda if
24 anybody in the public wants to see
25 them? Do we have copies of the agenda?

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MS. WINGATE: They're in the back.

MEMBER NEFF: If anybody needs a copy of the agenda, they're in the back.

CHAIRMAN SALADINO: I'm going to read the first paragraph; is that okay?

MEMBER CORWIN: That's what I'd do, then I would ask the secretary to enter the notice into the record.

CHAIRMAN SALADINO: We're going to start the public hearing. I'm not going to read the entire notice. It's -- this is a public hearing on the application for SAKD Holdings, LLC. Daniel Pennessi, president.

The property is located on the southeast corner of Front Street and Third Street, Greenport, New York 11944. Suffolk County Tax Map number 1001-5-4-5.

MS. WINGATE: The next sentence is incorrect.

CHAIRMAN SALADINO: It's Waterfront Commercial.

1 Commons at Greenport, 35 Channing
2 Cross, Hampton Bays, New York 11946;
3 Mayland Shanning, LLC, Post Office Box
4 630, Southold, New York 11971; Musco
5 Corporation, attention Lasette Coley,
6 315 East 72nd Street, Apartment 10L,
7 New York, New York; Leah (phonetic)
8 Realty Corporation, 104 East Main
9 Street, East Islip, New York; American
10 Legion, Post Office Box 125, Greenport,
11 New York 11944; 300 Front Street Realty
12 Corporation, 640 Old Country Road,
13 Riverhead, New York; and GPO Central
14 LLC, Post Office Box 1360, Southold,
15 New York 11944.
16

17 And we're going to confirm that
18 the public notice was noticed in the
19 local newspaper.

20 MS. WINGATE: Yes.

21 MEMBER CORWIN: And it was posted
22 on the fence.

23 CHAIRMAN SALADINO: The applicant
24 is here.

25 MR. PENNESSI: Yes.

CHAIRMAN SALADINO: Mr. Pennessi.

MR. PENNESSI: Good evening. Dan Pennessi for the applicant SAKD Holdings, LLC. With me is our architect, Tom Pedrazzi.

We have submitted an application that is accurately represented in the public notice pursuant to further discussions after the notice went out, we will be forgoing the interpretation on the lot coverage item, which results in three requested interpretations and then depending on the decision of the Zoning Board of Appeals, we are asking for seven variances that cover really five categories, and if I could just go through them.

We are proposing a three-story building at the corner of Front and Third Street. The ground floor will be a hotel lobby with a restaurant. There will be 70 interior seats, ten seasonal exterior seats and a rather small retail space. On the second and third

1
2 floors, there will be eight hotel rooms
3 each, and on the roof, there is
4 proposed a roof deck.

5 The variances we are looking for
6 are lot coverage. The current Zoning
7 Code allows for a lot coverage of 40
8 percent in the district, we are seeking
9 a variance of 6. As set forth in the
10 application, there is precedent in the
11 Village for lot coverages in excess of
12 the 40 percent. The average in the
13 area is approximately 80 percent.

14 We're looking for a parking
15 variance, depending on the decision of
16 the Board as to the interpretations.
17 The Zoning Code requires 36 parking
18 spaces, we are providing 12 on-site.
19 Our position is that the Zoning Code
20 does not, in fact, require off-street
21 parking for this parcel.

22 There is a variance request for
23 the loading berth. If the Board
24 determines that a loading berth is
25 actually required, the Zoning Code

1
2 requires a loading berth for every
3 25,000 square feet of floor area. The
4 proposed structure is well below that
5 at approximately 16,000. To the extent
6 the Zoning Board does decide that a
7 loading berth is required, under the
8 Zoning Code, we would ask for a
9 variance to not provide that loading
10 berth.

11 There is a height variance request
12 depending on the determination of the
13 Board as to our interpretations on the
14 height matter, as well as setbacks.

15 In order to provide some visuals,
16 I would ask that our architect, Tom,
17 maybe show the Board based on the
18 materials provided in our variance
19 application, the extent of some of the
20 variance, in particular, I think it
21 would be useful for the setback and the
22 height variances, if that's all right.

23 MR. PEDRAZZI: Tom Pedrazzi,
24 architect.

25 What you see here is our site plan

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2 that we started out with. The building
3 really is all about filling in that
4 corner and --

5 MEMBER CORWIN: Can I make a
6 suggestion. Suppose I hold it up so
7 the people in the audience can see it.
8 We all have copies, so we kind of know
9 how it goes.

10 MR. PEDRAZZI: That helps.

11 Thanks.

12 This is a building that really
13 wants to address, not only an entrance
14 to the Village but also a way of sort
15 of softening up that corner, so the
16 design is really an attempt to welcome
17 people into the front door and creating
18 a corner entry. The corner entry, I
19 believe it's eighteen inches into a
20 lobby. To the left you have a
21 restroom, restaurant, a dining
22 facility, check-in is straight ahead
23 and restaurant and kitchen off to the
24 back or, you know, serviceability.
25 Handicapped ramp off onto the back.

1 window, six over one, very residential,
2 very soft, nothing modern.

3
4 The trellis obviously softens up
5 the base of the building which is the
6 more pedestrian level. You can see
7 from that elevation that we do have a
8 pretty heavy cornice. That would be a
9 built up cornice, just to accentuate
10 that connection to the sky.

11 You can turn it.

12 On average, typically, a program
13 like this really is, we invest a lot of
14 time and energy into building room
15 sizes that not only, one has to be
16 adaptable, but also sort of are
17 comfortable and they're not a suite,
18 they are 350 and 450 square feet for
19 the rooms. We have a single elevator,
20 two egress stairs. All services go to
21 the back of house. On-street bathroom,
22 so obviously for everyone.

23 It's a very tight and very
24 centered layout, allowing the open
25 views of the Village off into the

1 street.

2
3 So the roof is definitely for --
4 we are really hoping that we have a
5 view off to the south of the Sound, the
6 bay; and it has the vestibule into an
7 elevator, so it's a comfortable
8 connection to the roof, ADA compliant
9 roof. Mechanical unit up, tucked to
10 the back, so you won't see it at all,
11 very low. All the restaurant vents and
12 service is off to the back, so you'll
13 never see that behind the bulkhead.

14 Let's go one more.

15 Actually, let's go to the end.

16 So this is the way we envision
17 that corner as for the entry to the
18 Village and in relationship to the
19 theater. Softened corner and, I
20 believe, the Board walked the site, and
21 they saw how we really tried to kind of
22 soften that corner with a nice recessed
23 entryway, we are not jamming anybody up
24 on that corner, and how that trellis
25 really welcomes you into the retail

1
2 area and how we are stepping up off of
3 the main street into a little dining
4 plateau with a trellis that sort of
5 mimics the scale of the trellis on
6 Third.

7 It really is -- it's really about
8 proportion on that site, anything too
9 small would have been just sort of like
10 too much of a shopping center, but we
11 really wanted to make it stand out and
12 be in relationship to, not only the
13 block, but continue the street facade
14 and soften it out.

15 So if anybody has any questions.

16 MR. PENNESSI: If I could just add
17 a couple things.

18 CHAIRMAN SALADINO: Sure.

19 MR. PENNESSI: Just technically
20 speaking on some of the variances we're
21 looking for.

22 This is a very useful piece to see
23 the impact of the setback variances
24 that we're looking for, both along
25 Front Street and along Third Street.

1
2 So along Front Street the building
3 facade is set back and works with the
4 Zoning Code, and really what is in the
5 setback area is the raised seating area
6 and the trellis above it. Likewise, on
7 Third Street, the building facade is
8 set back in accordance with the Zoning
9 Code and what is in the setback is the
10 trellis area.

11 Also on the height, there are a
12 number of buildings -- the way the
13 Zoning Code reads is, the building must
14 be two stories or 35 feet. There are a
15 number of circumstances of three-story
16 buildings. It's important to note that
17 the top of the parapet wall, the
18 building does comply with the 35-foot
19 height restriction and the variances
20 that we're looking for to exceed that
21 height restriction are only for certain
22 aspects. Those being some of the
23 mechanical units that are set back
24 against the theater, the bulkhead which
25 carries the elevator and the stairwell

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2 up to the roof-deck area, as well as
3 the trellis, and it's more,
4 particularly set forth in the public
5 notice.

6 But this is a very good
7 illustration of how the proposed
8 building relates to the Zoning Codes as
9 we read it.

10 Thank you.

11 CHAIRMAN SALADINO: Thank you.

12 Is there any member of the public
13 that would like to comment?

14 MR. PROKOP: Can I ask a question
15 while he is up here?

16 CHAIRMAN SALADINO: Sure.

17 MR. PROKOP: Did you want to
18 say -- you mentioned the deck on the
19 roof; did you want to say what the use
20 of that deck was going to be, just in
21 case the public had questions about it?

22 MR. PENNESSI: Absolutely.

23 Because of, particularly the
24 restrictions on the parking and the
25 size of the site, we're proposing that

1
2 the roof deck be restricted to hotel
3 guests only. If it was to be opened up
4 to, for example, restaurant guests or
5 other members of the public, the
6 parking requirements would be pretty
7 excessive. We would have to add in
8 seating or square footage of the roof
9 deck, and we would be seeking a much
10 greater variance than we're seeking.

11 MEMBER CORWIN: I have a question
12 about that roof deck, and you have a
13 fire pit shown there.

14 Could you tell me a little about
15 what a fire pit is and how it would
16 work?

17 MR. PENNESSI: Sure.

18 It's really there for an amenity.
19 We're proposing that it would be
20 propane fired from the tank that's on,
21 proposed to be on the property. It's a
22 recreation amenity.

23 MEMBER CORWIN: What material is
24 the roof going to be?

25 MR. PEDRAZZI: The roof is

1
2 probably going to be Ipe or some sort
3 of wood.

4 MEMBER CORWIN: A hardwood?

5 MR. PEDRAZZI: Yes, a hardwood,
6 but they create like a stone shroud
7 around those units. I mean, they're
8 all UL tested and rated, and they
9 have -- you know, I just put one on top
10 of the roofs in Sag Harbor and at the
11 Watchcase and they're just shrouded
12 with these units, they're all very
13 efficient and they burn with just coal
14 (inaudible) surface. There's no real
15 flame except for, you know, a small
16 little pilot, ignitor pilot.

17 MEMBER CORWIN: Thank you.

18 CHAIRMAN SALADINO: I just have a
19 few questions at this point about the
20 EAF, but I think we can address it when
21 we do SEQRA.

22 Right?

23 MR. PROKOP: Yes.

24 CHAIRMAN SALADINO: So, maybe
25 we'll let the public -- and you guys

1
2 will come back and perhaps answer any
3 questions they may have.

4 Chatty.

5 MS. ALLEN: Chatty Allen, Fifth
6 Avenue.

7 These drawings are gorgeous, and I
8 think in any other place, it would be
9 perfect, not on that tiny little lot.

10 My main concern is, you need seven
11 variances for any project, it shouldn't
12 be a go. Okay. That's the first
13 thing.

14 Next thing is traffic by that lot.
15 You have the ferry coming through. We
16 already have problems on Third Street.
17 Now you're going to add more traffic.

18 It's supposed to have 36 parking
19 spaces. I don't understand how you're
20 going to put 12 parking spaces in
21 the -- plus everything else on the
22 ground floor that they're looking at.

23 To me this is the most unsafe
24 thing to put on that corner. How are
25 trucks going to get in? You have a

1 restaurant, you have a hotel, you need
2 big trucks coming in with supplies.
3 Even if they're small trucks, all of us
4 see the congestion even when they go
5 through Adam Street and in the back,
6 they take up the roads. I don't see
7 anywhere on that site plan where a
8 truck can pull in there for deliveries,
9 so now you're going to be backing up
10 Third Street and/or Front Street with
11 deliveries.
12

13 To me, this boggles the mind how
14 this has even gotten this far. I mean
15 when you need seven variances, I can
16 see one or two, okay. The height isn't
17 a factor for me, it's the danger of
18 where it's being put. The danger to
19 young kids that are walking into town
20 to come to Mitchell Park, to the
21 carousel, just to walk in, you know.
22 Especially in the summer, we have major
23 traffic to begin with. To me, this
24 is -- it should have been no from the
25 get-go, and a different lot found for

1
2 and I really hope you consider putting
3 an end to this.

4 MEMBER CORWIN: Can I make a
5 suggestion that you explain -- went to
6 the Planning Board, comes to the ZBA --

7 CHAIRMAN SALADINO: I was just
8 going to --

9 Chatty, just so everybody, so you
10 and everybody knows, this was
11 disapproved. It went to the Planning
12 Board. They referred it to the ZBA,
13 the building inspector wrote a notice
14 of disapproval. It has been no from
15 the get-go, but this is the applicant's
16 right for this process, so that's how
17 it got here. That's how the process
18 got here.

19 Just to clarify, I mean, we made a
20 site visit, and there is easement
21 behind the property that also --

22 MS. ALLEN: So that those doors
23 wouldn't be blocked there?

24 MEMBER CORWIN: That's not what
25 the easement is for. There's an

1 Regular Meeting - 2-17-16 41
2 easement for the Village of Greenport
3 for two transformers and a switch, so
4 it's an easement for electrical
5 equipment.

6 CHAIRMAN SALADINO: But the
7 applicant can make the argument, if he
8 wants --

9 MR. PENNESSI: I can show you
10 right where it is if it's helpful.

11 The building facade on the
12 southern end ends here, the emergency
13 door for the theater is right here.

14 MS. ALLEN: Right down -- we know
15 where it is.

16 MR. PENNESSI: There is nothing
17 proposed, there is no fencing proposed,
18 there is no easement granted for that
19 egress. The easement that the Board is
20 referring to is an easement to the
21 Village for this area here. The
22 property line is, in fact, further
23 south from -- in terms of these parking
24 spaces, so there is plenty of room
25 should this door be required to get

1
2 developer. I don't know these people,
3 but that -- I've lived here 20 years,
4 that corner has been an eyesore for 20
5 years.

6 As far as children being at risk,
7 there was a carousel there when I first
8 moved here. We didn't care about
9 the -- that definitely attracted
10 children to that corner, and we didn't
11 concern ourselves with that risk, so I
12 mean I think that's overblown.

13 As far as parking, I know it's
14 jammed up, but we give away -- the 20
15 years I've lived here, we give away 60,
16 70 spots just down the street, we give
17 them away to Shelter Island residents
18 all the time, that's right down the
19 street, I'm sure some accommodation,
20 you know, some valet service can be
21 arranged because those parking spots,
22 you go there right now, middle of
23 winter, there is 40 cars from Shelter
24 Island. We're not getting any money
25 for it.

1
2 Do some deal, let this guy build
3 something. Here is a man who wants to
4 invest in Greenport. He is going to
5 pay taxes, you know, that will lighten
6 our burden. He will bring an
7 attraction to that corner that has been
8 an eyesore since I've been here.

9 And also the congestion, we
10 allow -- we don't -- the ferry, we give
11 them a free ride. What for? Why does
12 the ferry seem to control what happens
13 in our village? They pay the Village
14 nothing, zero. We allow this traffic
15 to course through our village without
16 any recompense. Here is someone that
17 owns property, that's paying taxes,
18 that wants to beautify the village,
19 that wants to make -- these people that
20 are going to come here are going to
21 shop in our stores, they're going to go
22 to our restaurants, they're going to
23 spend money here. These people that go
24 through our Village from Shelter Island
25 pay us nothing, they clog up the

1
2 streets, we get nothing, ruins our
3 roads, backs up traffic, so let's think
4 about what's causing the congestion
5 here and attack that source, not go
6 after people who are trying to invest
7 and improve the community.

8 CHAIRMAN SALADINO: Thank you.

9 Is there anybody else that would
10 like to speak?

11 MS. CLARKE: Lucy Clarke, 611 Main
12 Street, Greenport.

13 I'm opposed. Again, it looks
14 beautiful on paper, great concept, love
15 that someone wants to invest in the
16 Village, but when you have a project
17 that is asking for seven variances, I
18 think that's extreme.

19 He used the word soften quite
20 often. You know what, I'm not feeling
21 softened by this, you know, I'm just
22 not feeling softened. Nice word if it
23 applies, but in my opinion it doesn't.

24 As my daughter, Jillian, I know
25 she stated the parking is ludicrous.

1
2 It's no longer even just a nuisance, I
3 think it's now a liability and a safety
4 issue, and if this is allowed to go,
5 and I agree with Mike, the Shelter
6 Island people should be taken to task;
7 however, we need to address the parking
8 issue prior to even contemplating
9 allowing such a project to go through.
10 We have had a parking issue for a long
11 time, it needs to be addressed, and
12 adding to the problem is not the
13 solution in my opinion. We need to get
14 on board with a solution.

15 And that is excessive to only
16 bring in one third of your parking
17 spaces, 12 out of the 36 that are
18 required. I just don't see it.

19 And that's a lot of variances. I
20 feel that, are they doing anything to
21 code, are they conforming to anything,
22 you know, when you have to go so far
23 out of the conforming to code, I don't
24 think it should be entertained and as
25 you said, due process, I respect that,

1
2 they do have a right to appeal, but I
3 hope that you guys will stay on board
4 with the denial that was granted first
5 in the process of the application and
6 stay with the denial.

7 Thank you.

8 CHAIRMAN SALADINO: Thank you.

9 Is there anybody else from the
10 public that would like to speak on
11 this?

12 Do we have any letters?

13 MS. WINGATE: No.

14 CHAIRMAN SALADINO: At this point
15 we would normally decide whether to
16 close this public hearing before -- I'm
17 sorry, there is a rebut.

18 MR. PENNESSI: Just some responses
19 to the public comment.

20 CHAIRMAN SALADINO: Sure.

21 MR. PENNESSI: I just want it to
22 be clear, the application we did submit
23 does include a number of
24 interpretations of the code, and, you
25 know, and I'll repeat, the variances we

1
2 are looking for are very minor in
3 nature. If you compare what's
4 permitted by the code against what
5 variances we are seeking, and in
6 particular, I can hear from the public
7 comments the parking is a large issue.

8 The code provides that to the
9 extent a property was improved as of
10 January 1, 1991, there are no
11 off-street parking requirements for
12 that property.

13 Now, the notice of disapproval
14 from the Building Department identified
15 that according to the code and the
16 uses, hotel use, restaurant use, and
17 retail use that is being proposed for
18 the site, there are 36 spaces required;
19 however, the applicant is proposing
20 that those two sections of the Zoning
21 Code, specifically 150-12C and 150-16A
22 1. This property was improved as of
23 January 1, 1991 and there is precedent
24 in the Village, primarily the
25 Harborfront Inn where the ZBA had

1 granted on March 20, 2002 an
2 interpretation that there were no
3 off-street parking spaces required for
4 the Harborfront Inn.
5

6 Likewise, we included in our
7 application a memorandum identifying
8 the number of parking spaces provided
9 on various properties located in the WC
10 and CR district; and it's notable that
11 only one, two, three, four, six
12 properties out of forty actually have
13 off-street parking, parking spaces
14 located on the parcel. The rest of
15 those properties that include Keith's
16 Photo, Jacob's Jewelry, a number of
17 restaurants and retail spaces are
18 serviced by on-street parking.

19 In light of the comments and in
20 light of the application, it's
21 important to look to what's been done
22 in the Village before and what exists
23 in the Village. We did strive to
24 design the building in conformance with
25 other structures in the Village, and,

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2 you know, we have used the word to
3 shoehorn this building into the
4 property in compliance with the code,
5 and yes, technically speaking, if the
6 interpretations are not determined in
7 our favor, there are seven variances,
8 but if you look, they're really five
9 categories. We're forced to seek a
10 variance for height against two stories
11 and 35 feet, that's really a
12 single-height variance in my opinion,
13 so, yes, there are seven variances if
14 the interpretations don't go our way.
15 There is precedent and other
16 circumstances in the Village that
17 support the application that we have
18 submitted.

19 We do look forward to investing in
20 the Village. We do look forward to
21 building this project. It's taken a
22 lot of effort and time to make sure
23 it's right, in our opinion. Certainly
24 the public comments that are received
25 both here and that will be received

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2 during the site-plan process with the
3 Planning Board are welcome. You know,
4 you don't always get it right on the
5 first try. We went through three
6 pre-submission hearings with the
7 Planning Board because certain aspects
8 of the project don't comply to Zoning
9 Code, the Building Department did issue
10 the notice of disapproval which landed
11 us here in front of the Zoning Board to
12 start that process.

13 This is a long process, there is
14 many different boards involved, at the
15 Zoning Board's request, we did submit a
16 full environmental assessment form that
17 I'm sure will be reviewed once we get
18 into the SEQRA process, and we do look
19 forward to this process. We are
20 accessible. My information is with the
21 Village.

22 Thank you.

23 CHAIRMAN SALADINO: I have one
24 question and perhaps I should hold it
25 until we get into the application

1
2 including interpretations, but I heard
3 you say the property was improved.

4 MR. PENNESSI: January 1, 1991.

5 CHAIRMAN SALADINO: Your
6 contention is once improved, always
7 improved.

8 MR. PENNESSI: Yeah.

9 This is an infill project. This
10 isn't a greenfield in our opinion.
11 It's not an application for a
12 subdivision on a previously undisturbed
13 parcel as was commented before. The
14 property was a service station, parking
15 lot, carousel over time, more recently
16 a vacant lot. It's improved with
17 fencing, with a foundation asphalt.
18 It's improved with the Village's
19 utilities taking up the southern end of
20 it which does honestly further
21 constrain the property and what can
22 actually be built there and the number
23 of parking spaces that can be built
24 there. That is something that we're
25 taking the property subject to, and

1
2 trying to make it work.

3 CHAIRMAN SALADINO: Thank you.

4 MS. ALLEN: May I?

5 CHAIRMAN SALADINO: Sure.

6 MS. ALLEN: Chatty Allen, Fifth
7 Avenue.

8 I might be confused, but I know
9 B&Bs have to have at least one parking
10 spot per room. The hotels all have
11 their own parking spaces. When the one
12 by the theater was built, a parking lot
13 was built for that.

14 I'm not sure --

15 CHAIRMAN SALADINO: May I stop you
16 for a second?

17 MS. ALLEN: Yeah.

18 CHAIRMAN SALADINO: The hotel got
19 a variance for five cars, they have 35
20 rooms, they have 30 parking spaces.

21 MS. ALLEN: That is a lot
22 different though than having what
23 they're proposing.

24 CHAIRMAN SALADINO: I'm not --

25 MS. ALLEN: But I'm saying though,

1 restaurant, it's one parking space for
2 five tables, so it's an 80-seat
3 restaurant --

4 MEMBER CORWIN: Five seats.

5 CHAIRMAN SALADINO: Five seats,
6 I'm sorry, so it comes out to, if we're
7 only going to have two employees, 38
8 spaces.

9 MS. ALLEN: Right. And he only
10 wants to put 12.

11 I also go back to keep the ferry
12 out of it, keep people walking, I
13 haven't heard how deliveries are going
14 to be made there. There is not room
15 for trucks there and to block up an
16 intersection like that, first of all,
17 it's not fair to any of us that have to
18 get around that live here.

19 CHAIRMAN SALADINO: That's one of
20 the interpretations, about a loading
21 zone.

22 MS. ALLEN: Right.

23 CHAIRMAN SALADINO: We're
24 certainly going to talk about that.

1 MS. ALLEN: Okay.

2
3 Because on the plan that they
4 have, there is nowhere, and I don't
5 know how much space is in between the
6 two sets of parking lots, are people
7 going to be able to back up and go out
8 onto Third, do they have to back into
9 Third? That is my main concern with
10 all of this, is how people are going to
11 get in and out of there without tying
12 up that intersection.

13 I know -- I don't know if he is
14 still in there, but I know there is a
15 physical therapy office in there that
16 patients need to get in there, and if
17 you're blocking that corner up, I
18 just -- like I said, I love the
19 concept, just not on that tiny parcel
20 of land.

21 CHAIRMAN SALADINO: Thank you.

22 MS. CLARKE: May I?

23 CHAIRMAN SALADINO: Sure.

24 MS. CLARKE: Again, Lucy Clarke,
25 611 Main Street, Greenport.

1
2 You know, just I understand he's
3 citing the precedences and the reason
4 we're in this situation in Greenport we
5 are is because of the parking and lack
6 thereof is because so many
7 establishments have been able to, I
8 believe, pay the fee. I believe there
9 is a fee that they get to pay to the
10 Village in lieu of having the right
11 amount of parking spaces.

12 CHAIRMAN SALADINO: That's up to
13 the Planning Board. We don't --

14 MS. CLARKE: But that is how it --
15 where we are because of that.

16 CHAIRMAN SALADINO: Oh, it's
17 possible, yes.

18 MS. CLARKE: Just because
19 something has been done in the past,
20 it's not working. I hope that we
21 reconsider what possibly has been done
22 in the past that has brought us to
23 where we are today, and not repeat that
24 mistake. I believe that to be a fatal
25 one.

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Thank you.

CHAIRMAN SALADINO: Thank you.

Anyone else?

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

I'd like to say that I do agree with the attractiveness of the building and Mr. Osinski's comments, the positive effect such a business might have on the economy in terms of two or three wage earners and so forth, but I think that the -- you have to look at the cost of that as contrasted with the benefit that such an establishment brings to the Village of Greenport. Particularly when you compound the parking issue, I haven't parsed the Village Code to see precisely how many parking spaces might be required to an establishment like that, but someone mentioned it's in the 30-something range, but when you compound that with the traffic and the fact that they are also looking for, looking to have no

1 truck-loading area within the premises,
2 that corner, to the best of my
3 knowledge, there is no parking
4 permitted on the east side of Third
5 Street at that corner and certainly not
6 on Front Street in front of that
7 building, so the ability to even stop
8 to unload, to stop to let off people
9 who are going to go into the
10 restaurant, to stop to let off people
11 who are going to check-in, carry their
12 bags across the street and unload in
13 front of the building, the compounding
14 effect of parking and traffic and
15 conflict with the rest of the uses that
16 are carried on in that area is going to
17 be overwhelming for the area, and I
18 would suggest that a very close look be
19 taken at anything that might be granted
20 to them as far as variances are
21 concerned.
22

23 Thank you.

24 CHAIRMAN SALADINO: Thank you.

25 Just state your name again.

1 Regular Meeting - 2-17-16
2 MR. PEDRAZZI: Tom Pedrazzi,
3 architect.

4 When we were in the Planning Board
5 meeting, they were very concerned. We
6 did have it at a 60-degree parking, so
7 you can pull in and out a little bit
8 easier, but they mandated that we do go
9 with the 90-degree parking, so this is
10 all per Greenport Code. We're not
11 going for that. We have the
12 twenty-by-ten parking space with 20
13 feet between, that's what we're
14 required, so everybody is going to pull
15 in, park and pull out on site.

16 MR. TASKER: Everybody.

17 MR. PEDRAZZI: Everybody.

18 MR. TASKER: All the people going
19 into the restaurant.

20 MR. PEDRAZZI: All the people
21 going into the restaurant are going to
22 either try to find a spot or if they
23 don't find a spot, they'll pull out
24 and --

25 AUDIENCE MEMBER: You can't --

1 CHAIRMAN SALADINO: Guys. We're
2
3 not going to do that. We're going to
4
5 let him talk and then you can talk.

6 MR. PEDRAZZI: We have a parking
7
8 attendant who says, there's no spots or
9
10 have a little sign, lot full.

11 CHAIRMAN SALADINO: Address the
12
13 Board.

14 MR. PEDRAZZI: Really, what I'm
15
16 trying to do is I'm just trying to
17
18 address all these 12 parking spots, you
19
20 drive in, you park, you turn around and
21
22 you pull out. That's what this site
23
24 allows for, and as far as where we are,
25 the current curb-cut is not changed, so
 we're not up at the corner, we're way
 down at the end.

 There will be no trucks parking
 here and loading and unloading. We
 will have somebody -- and it will be an
 early-morning delivery or a late-night
 delivery and they're small trucks.
 It's only a small restaurant.

 CHAIRMAN SALADINO: Thank you.

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Isabel.

ISABEL: Isabel (inaudible), 307
Front Street.

If you -- I sort of walked in here
because I was with Mike.

If you step back and look at what
everybody is saying in this room, the
issue seems to be parking -- oh, it's
not?

MEMBER CORWIN: That's one of the
issues, parking.

ISABEL: One of the issues is
parking, which seems to concern a lot
of the residents, and there are other
issues which I probably don't know
about.

Why don't -- why doesn't the
Village come up with a solution in the
MTA area, the bus, the ferry, the train
and come up with a -- can't be done?

CHAIRMAN SALADINO: It's a great
idea.

ISABEL: I mean, that's the crux
of the matter, and that whole work

1
2 parking lot behind the building, or
3 they can rearrange the building so they
4 have a loading zone and a handicapped
5 access and a drop-off zone that's off
6 the street. Cars can come in, drop off
7 people and come back out and it doesn't
8 mess up the intersection, which is a
9 problem for all of us, but the bigger
10 picture is that unless Greenport
11 addresses the concerns of the citizens,
12 and there is this huge area that's just
13 giveaway, you don't charge the ferry
14 anything.

15 CHAIRMAN SALADINO: If you could
16 just respond.

17 ISABEL: Yes.

18 CHAIRMAN SALADINO: David, do you
19 want to respond?

20 MEMBER CORWIN: I would just note
21 that Trustee Roberts brought this whole
22 idea of doing something with the MTA
23 parking lot up at the last work
24 session. Mr. Saladino who worked for
25 the Long Island Rail Road, said, I'm

1
2 not so sure you're going to get the
3 Long Island Rail Road or the MTA to do
4 anything, so that's way down the road
5 from what we're talking about right
6 now.

7 CHAIRMAN SALADINO: Parking in
8 that area, just to respond, parking in
9 that area now is not -- what the
10 Village does is not legislated here.

11 ISABEL: But the ferry --

12 CHAIRMAN SALADINO: Or the ferry,
13 I mean, that's legislated on Thursday
14 nights.

15 ISABEL: The ferry could
16 contribute to Greenport, so we can
17 address the issues that are caused by
18 the ferry, which could help us then
19 grow as a community, in my opinion.

20 CHAIRMAN SALADINO: Isabel, I
21 agree, but the here and now, that's not
22 the question on the table.

23 ISABEL: Okay.

24 Thank you.

25 CHAIRMAN SALADINO: Anyone else?

(No response.)

No.

Joe, were you going to say something?

MR. PROKOP: No.

CHAIRMAN SALADINO: I think there is enough interest and conversation going on and perhaps that we might want to keep this public hearing open for another month, adjourn it 'til next month's meeting. We'll accept written comments, the public will have an opportunity to speak again next month. We understand it's a bit of an inconvenience to the applicant, but we want to be fair to everyone. It is February, people are coming back from down south, perhaps they would like to speak also.

MEMBER NEFF: I have a suggestion.

CHAIRMAN SALADINO: Sure.

MEMBER NEFF: To the applicant and perhaps anybody from the public, I think this is the scale that you were,

1
2 the same scale that was in the sheets
3 that were revolving, each of us has a
4 copy of this, and I certainly benefit
5 from having a copy, but if we could
6 post these on foam board around the
7 location of our next meeting, namely
8 the firehouse, that people could look
9 at them, you know, carefully. That
10 might help, and also I'm sure they
11 could, if they want to come to Village
12 Hall, examine them at their leisure,
13 that is also a possibility.

14 CHAIRMAN SALADINO: This entire
15 application is public information.
16 It's available at Village Hall. I
17 believe the photographs and the
18 drawings are on Trustee Roberts'
19 website, so you can go there and look
20 at them there. Actually, the more that
21 the public knows, the better we like
22 it, so we are going to give you another
23 opportunity to speak, I believe, if the
24 Board agrees, to speak next month also.
25 We're going to adjourn the public --

1
2 we're going to suggest that we adjourn
3 the public hearing.

4 MEMBER NEFF: I have one other
5 comment.

6 CHAIRMAN SALADINO: Sure.

7 MEMBER NEFF: I think that in the
8 time that I've lived in the Village, I
9 think that things that have changed
10 like you can't park on both sides of
11 Front Street seemed shocking and
12 impossible, but we, in fact, got used
13 to it and it made a lot of things
14 better. Safety engineering for the way
15 people circulate around a place like
16 Greenport which has its peak times and
17 its low times. It's an interesting, if
18 you think about how it's evolved, I
19 just spent a little time traveling, and
20 I'm sure you all, we have all visited
21 places that are more congested at
22 certain times than Greenport is, on the
23 other hand, I live in the north end of
24 Second Street, people didn't used to
25 park near my house to visit the Village

1
2 restaurants or whatever they came --
3 and I don't mean just for the big
4 weekends, and we're living in a time of
5 evolved, a lot of evolution about what
6 goes on in Greenport and who is the
7 voice or what committee, is there a
8 safety committee of the Village that
9 thinks about, like I remember one, long
10 time, the way you got to the ferry was
11 going down Third Street, but you don't
12 go there anymore that way, you enter
13 from a different area, and the flow to
14 the ferry is somewhat improved by that,
15 the way people leave unfortunately
16 seems to be entirely using Third Street
17 and that light. The timing of that
18 light, I've been in places where how
19 long a light is red and how long is
20 green are very different from that
21 light. People don't like waiting for
22 the light to turn green. On the other
23 hand, you know, I think we do need to
24 think in terms of safety engineering,
25 not that any safety engineering will

1
2 take a poor plan and make it a good
3 plan, but there are changes that happen
4 and I think changes will continue to
5 happen and we have to think about
6 what's possible.

7 CHAIRMAN SALADINO: This Board has
8 an opportunity when it comes to SEQRA,
9 we can actually ask for a traffic
10 study.

11 MR. PROKOP: Yes, we can.

12 CHAIRMAN SALADINO: Actually, I
13 had kind of thought if and when, if or
14 when this application makes it to the
15 Planning Board, I had thought the
16 Planning Board would be the appropriate
17 agency to do that, but until that
18 happens, until we get to the SEQRA
19 portion of this, I would like to
20 suggest to the Board that we, since no
21 one else wants to speak --

22 MEMBER CORWIN: Just make a note
23 that, in answer to what Ellen said --

24 MS. HUGHES: Can I say something,
25 sorry, just really quick about --

1
2 CHAIRMAN SALADINO: Sure. Come
3 up.

4 MS. HUGHES: I just want to just
5 say, you were talking about the ferry,
6 and I'm trying to figure out a way to
7 make it flow better, that Wiggins
8 Street, they made that one block a
9 one-way street, so when people come off
10 the ferry, the only way they have to go
11 up Third Street.

12 MEMBER NEFF: Right, the way it is
13 now, yes.

14 MS. HUGHES: Yes. And they
15 changed that so that people could go
16 down Wiggins Street to get onto the
17 ferry, so I don't know if there is any
18 way to change that flow to the ferry
19 now. They already changed it that one
20 way, right?

21 CHAIRMAN SALADINO: The ferry
22 question is one of those eternal
23 questions that is always going to come
24 up here. Again, that's not legislated
25 here.

1
2 MS. HUGHES: No. I just wanted to
3 say, just in case anybody was thinking
4 about it, I just want -- that just came
5 into my head, so I just wanted to --

6 CHAIRMAN SALADINO: Thank you for
7 sharing that.

8 MR. KEHL: Bob Kehl, 242 Fifth
9 Avenue, Greenport.

10 The plan is beautiful. You think
11 I'm crazy when I say this. You're all
12 talking about parking. Make the whole
13 first floor parking. Give them another
14 floor, just go up, push the thing up,
15 put your restaurant on the second
16 floor, have your entrance through, have
17 an elevator go up. It's still, right
18 now, it's still lower than --

19 CHAIRMAN SALADINO: You can
20 certainly suggest that to them.

21 MR. KEHL: But it's still shorter
22 than the -- right now it's shorter than
23 the movie house. I mean, you get a
24 better view off the top, and get a lot
25 more parking.

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CHAIRMAN SALADINO: Thank you.

MR. PROKOP: If I can ask the applicant, what is the relationship between SAKD and Mayland Shanning?

MR. PENNESSI: SAKD Holdings, LLC is the contract vendee for the property. The current owner and seller under the contract is Mayland Shanning LLC.

MR. PROKOP: Okay.

CHAIRMAN SALADINO: While I have you here, I'm going to ask you about this long form only because it has to be complete and correct.

We're going to do SEQRA tonight.

MR. PROKOP: We're going to talk about it, yes.

CHAIRMAN SALADINO: I'll ask when we get there.

MR. PROKOP: One of the things I wanted to mention was that it is my recommendation that you determine that it's an Unlisted action.

The Board, I know you may consider

1
2 at some point having the Planning Board
3 weigh in on SEQRA, but we're the first
4 board to have this now to potentially
5 take action on it, so we should really
6 adopt -- it would be my recommendation
7 that we adopt lead agency status for
8 purposes of SEQRA and determine that
9 it's an Unlisted action. I think the
10 potential impacts are unclear at this
11 time, but I think there is enough that
12 has been indicated in the long form
13 that there is a possibility of impact.

14 Impacts would include impacts on
15 parking and traffic and water
16 consumption, things like that. The way
17 that that's relevant to an Unlisted
18 action is, if you agree with me, it's
19 just a suggestion, you don't have to
20 agree with me, it's just something I
21 want to bring to your attention. If
22 it's an Unlisted action and you think
23 there is a potential for impact on any
24 aspect of the environment, and when I
25 say environment, it's not just flora

1
2 and fauna, it's light, traffic,
3 parking, things like that, then we have
4 to initiate what's called a coordinated
5 review and a coordinated review means
6 only that we have to provide notice to
7 the other boards in the Village that
8 this is happening and see if they have
9 comments and/or would like to be lead
10 agency. I think there is probably only
11 one other board that is qualified to be
12 lead agency, so I don't see that that's
13 an issue. That way we do get comments
14 from the other boards in the Village
15 about potential impacts.

16 CHAIRMAN SALADINO: The board
17 that -- we could -- you and I had
18 discussed this, we could adopt lead
19 agency status and then if and when it
20 goes to the Planning Board, we could
21 pass it to --

22 MR. PROKOP: I think it could be
23 changed to the Planning Board at that
24 time, right.

25 CHAIRMAN SALADINO: As far as the

1
2 coordinated review, if that was the
3 case and since it's not, this
4 application is not, the property is not
5 contiguous to the Historic District, so
6 it's only, they're only an interested
7 party, but the Planning Board would be
8 an involved party.

9 MR. PROKOP: Yes, the Planning
10 Board is an involved party.

11 CHAIRMAN SALADINO: So should we
12 do that now, should we declare now?

13 MR. PROKOP: I think the motion
14 would be for the Board to adopt lead
15 agency status for purposes of SEQRA,
16 for the Board to make an initial
17 determination that it's an Unlisted
18 action for purposes of SEQRA and to
19 initiate a coordinated review.

20 CHAIRMAN SALADINO: Would someone
21 like to make a motion?

22 MEMBER CORWIN: Let me get my
23 response to Ellen's remarks off my mind
24 first.

25 The ferries go down to Main

1
2 Street, so it moves around.

3 MEMBER NEFF: Yes.

4 MEMBER CORWIN: Transportation
5 Committee was the question. The
6 Village has, as far as I know, a member
7 on the Town's Transportation Committee
8 and the point I want to make is when
9 the State came through and re-did State
10 Road 25, they built, they took those
11 parking spaces away and every parking
12 space they took away, they built a
13 space so they added parking lots, so
14 there was no plus and minus.

15 And as far as SEQRA review, I ask
16 since the State is saying that's a
17 State road, would they be involved in
18 the SEQRA review on something like
19 this? I would ask Mr. Prokop.

20 MR. PROKOP: Yes, they are. The
21 Village now has an established,
22 pre-established list of agencies that
23 receive notification under coordinated
24 reviews, and the State is one of those
25 agencies, so it would go to the DOT.

1
2 MEMBER CORWIN: And how about the
3 County now, we have some agreement with
4 the County but --

5 MR. PROKOP: The County also.

6 We do have an agreement with the
7 County regarding Planning Commission
8 input. I don't know that it applies to
9 this application, so we will be sending
10 a copy of the application to the County
11 as it is being developed.

12 CHAIRMAN SALADINO: Just to expand
13 on that, didn't we have to have
14 something from the County that they
15 were to respond to this?

16 MS. WINGATE: A letter went out,
17 they haven't responded yet.

18 CHAIRMAN SALADINO: Has it been
19 the 45 days?

20 MS. WINGATE: I don't know the
21 days offhand.

22 Usually I get a letter saying it's
23 local jurisdiction, I haven't received
24 anything yet.

25 CHAIRMAN SALADINO: Okay.

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2 Before we determine SEQRA -- did
3 we make that motion? Is somebody going
4 to make that motion?

5 MEMBER CORWIN: We probably
6 should --

7 CHAIRMAN SALADINO: -- take care
8 of the public hearing first.

9 MEMBER CORWIN: -- then do the
10 SEQRA thing.

11 CHAIRMAN SALADINO: I would
12 suggest we keep the public hearing
13 open.

14 MEMBER NEFF: I move that we
15 continue the public hearing on the
16 matter proposed for the corner of Third
17 and Front Street, continue the public
18 meeting until our next meeting in
19 March.

20 CHAIRMAN SALADINO: Second?

21 MEMBER CORWIN: So we are
22 adjourning the public meeting until the
23 next meeting in March?

24 CHAIRMAN SALADINO: Right.

25 Is there a second?

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MEMBER CORWIN: I second it.

CHAIRMAN SALADINO: All in favor?

MEMBER NEFF: Aye.

MEMBER CORWIN: Aye.

CHAIRMAN SALADINO: I'll vote aye
also.

A time for the next public
hearing, do we have to put a time or
just --

MR. PROKOP: No, you don't have to
put a time.

CHAIRMAN SALADINO: Are we going
to make a motion about SEQRA?

MEMBER CORWIN: I'll make a
motion, we'll see how that goes.

I move that the Zoning Board of
the Village of Greenport declares
itself the lead agency for State
Environmental Quality Review Act
purposes, SEQRA purposes, and we
declare the action an Unlisted action
and that we initiate a coordinated
review with all parties that would be
interested in the application.

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MEMBER NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Did I get that
right, Joe?

MR. PROKOP: Yes, that's correct.

Thank you.

CHAIRMAN SALADINO: Good job,
David.

MEMBER CORWIN: Aye.

CHAIRMAN SALADINO: I'll vote aye.
Ellen?

MEMBER NEFF: Aye.

MR. PROKOP: I just want to
mention one other thing for purposes of
SEQRA, if I could, please.

We have what's called a long form
before us. It's a 13-page form that
runs through many of the potential
impacts that could be created by the
project, and what we're allowed to do
as a board is request that the
applicant give us an expanded study on
any one of these items that the Board
might have a concern on.

1 station, we might be -- we do have City
2 water, City sewers, so the impact is
3 not that great, but that might be
4 something you want to think about also.
5 A few of the things in your long form,
6 one of the questions is the project
7 site located in a community with an
8 LWRP program, and you said no. I'm
9 curious about that.
10

11 MR. PENNESSI: I wasn't aware if
12 the Village had a Waterfront Commission
13 formally organized.

14 MR. PROKOP: I think it's
15 available in the New York State
16 Department of State website, the fact
17 that we do have one, but yes, we do.

18 MR. PENNESSI: It was adopted?

19 MR. PROKOP: Yes.

20 MR. PENNESSI: I can update that
21 insurance.

22 MR. PROKOP: And there is an
23 amendment that is proposed now.

24 MR. PENNESSI: Okay.

25 CHAIRMAN SALADINO: So that might

1
2 be something --

3 MR. PENNESSI: As to the
4 environmental, we did include the
5 information that is publically
6 available from the DEC's website with
7 respect to the property.

8 CHAIRMAN SALADINO: I did notice
9 that there was a spill response there,
10 you've had two or three --

11 MR. PENNESSI: There were three.
12 They have all since been closed by the
13 DEC. There were close written
14 materials in the submission.

15 CHAIRMAN SALADINO: Does anybody
16 else have anything?

17 MR. PROKOP: I think the last time
18 the Fire Department weighed in, if I'm
19 not mistaken.

20 No?

21 MR. PENNESSI: For the Harborfront
22 application, the Fire Department did
23 weigh in on accessibility and we can
24 certainly speak with them to make sure.
25 They have the plans and have reviewed

1
2 accessibility for this building.

3 CHAIRMAN SALADINO: The other one
4 that I marked here was hundred-year
5 flood plain.

6 MEMBER CORWIN: I don't know if
7 they are.

8 CHAIRMAN SALADINO: I thought that
9 property was in the hundred-year flood
10 plan, so you might want to --

11 MR. PENNESSI: The property is in
12 Zone X, and the structure has been
13 designed to be raised, I think eighteen
14 inches is our finished floor to take
15 into consideration, Zone X does not
16 have a determined flood elevation, it's
17 not one of the zones that FEMA has gone
18 ahead and said that the flood elevation
19 for this property is six feet, seven
20 feet, it's in Flood Zone X, so there
21 isn't a specific elevation above what
22 you need to be, but as a precautionary
23 measure, we did raise the finished
24 floor to eighteen inches above current
25 grade.

1
2 CHAIRMAN SALADINO: Okay. One of
3 the other ones that I have here is, is
4 the project within five miles of an
5 official and you said to be determined.

6 MR. PENNESSI: We had worked the
7 Village, but additional villages
8 determine if, in fact, we have to --

9 CHAIRMAN SALADINO: You have that.

10 MR. PENNESSI: Yes, it's still in
11 process.

12 CHAIRMAN SALADINO: Thank you.

13 And I guess we'll see you next
14 month.

15 Next on the agenda, hard to
16 believe, right, we're moving up. Next
17 on the agenda is discussion and
18 possible action on the requested area
19 variances for Robert Moore, 139 Fifth
20 Street, Greenport, New York 11944.
21 Suffolk County Tax Map 10017-4-9. The
22 property is located in the R-2 District
23 and not located within the Historic
24 District.

25 Is there any discussion on this?

1
2 MR. PROKOP: This is Moore? We
3 went back to Moore?

4 I just want to mention that these
5 are all, there are all area variances
6 that are related to the use of the
7 single-family residence, so I think
8 that it's a Type 2 action for purposes
9 of SEQRA unless somebody disagrees with
10 me, which means that we just vote that
11 it's a Type 2 action?

12 CHAIRMAN SALADINO: Someone make
13 that motion that this is a Type 2
14 action under SEQRA.

15 MEMBER CORWIN: I'll make a motion
16 and that we declare ourselves, the
17 Zoning Board of Appeals of the Village
18 of Greenport declares itself the lead
19 agency for the Moore fence and deck
20 project and declares it as a Type 2
21 action under SEQRA.

22 MEMBER NEFF: Second.

23 CHAIRMAN SALADINO: All in favor?

24 MEMBER CORWIN: Aye.

25 CHAIRMAN SALADINO: Aye.

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MEMBER NEFF: Aye.

CHAIRMAN SALADINO: Motion passes.

Is there any discussion on this application?

(No response.)

I would just like to say this Board or members of this Board or all the members of this Board spent months on a fence interpretation.

This interpretation was that this particular property, like others like it, have two front yards, six-foot fences aren't allowed on front yards.

MEMBER NEFF: Can I just point out this property actually has three front yards.

CHAIRMAN SALADINO: That's true, that's true.

MEMBER NEFF: It is unique.

CHAIRMAN SALADINO: The question now is, is do we make an interpretation and forget about enforcement or do we make an interpretation and, especially since we have one right behind us,

1 right behind this application with a
2 six-foot fence, so I certainly
3 understand the proximity of the house
4 to the park. No one wants to be in the
5 backyard with 500 people watching them
6 eat.
7

8 MS. MOORE: And more.

9 CHAIRMAN SALADINO: We don't want
10 to hear about it.

11 MS. MOORE: I could write a book.

12 CHAIRMAN SALADINO: So the
13 question before us is this fence -- the
14 fence was built, obviously without a
15 permit. If they had gotten a permit,
16 someone from the Building Department
17 would have explained that the fence
18 couldn't be six feet tall.

19 The deck just compounds it with
20 obviously the lot coverage, I mean, the
21 house and garage when it was moved was
22 over the lot coverage, now to add the
23 deck to it.

24 I'm in the quandary here as to
25 what to do, you know. As far as the

1
2 deck, I think there's some latitude
3 with that, as far as the fence, I just
4 see a thousand -- how many -- Eileen,
5 do you know?

6 MS. WINGATE: A thousand eight
7 properties in the Village.

8 CHAIRMAN SALADINO: And how many
9 fence violations, potential corner
10 fence violations?

11 MS. WINGATE: Many.

12 MEMBER NEFF: I think that they're
13 existing fences, that means, and
14 especially since we can identify this
15 very same fence or very similar fence
16 in photographs that go back to 1978
17 changes my perspective and that this
18 was created at a time when the park was
19 created, and the shape of Johnson
20 Street was created and the house was
21 moved, you're looking at history.

22 CHAIRMAN SALADINO: I agree. I
23 agree. The only thing that -- the only
24 problem that I have is that we made the
25 interpretation, and I really can't

1
2 speak for everybody because two of the
3 members aren't here, but we made the
4 interpretation and perhaps we didn't
5 look at the second sentence. We made
6 the interpretation. We decided what we
7 thought was right. We voted on it, and
8 it passed. If we would have perhaps a
9 little more due diligence, we could
10 have foreseen problems like this.
11 We're at the point now where we're in a
12 position that we either say no or grant
13 the variance to the 30 or 40 properties
14 that are in a similar situation.

15 MEMBER NEFF: There aren't 30 or
16 40 applicants, may I point out, there
17 is an applicant here.

18 CHAIRMAN SALADINO: Potentially.

19 MEMBER NEFF: We only deal with
20 them one at a time and I think that
21 that --

22 CHAIRMAN SALADINO: Every decision
23 we make sets a precedent --

24 MEMBER NEFF: That's why there is
25 a Zoning Board of Appeals.

1
2 MEMBER CORWIN: There is no
3 precedence.

4 CHAIRMAN SALADINO: Not
5 precedence, but every decision unless
6 you have --

7 MEMBER NEFF: It's individual.

8 CHAIRMAN SALADINO: I understand
9 that, but every decision carries
10 weight.

11 MEMBER NEFF: Um-hum.

12 CHAIRMAN SALADINO: You can't for
13 a similar property say yes and then for
14 almost like the piece of property say
15 no, it's -- you're not setting a
16 precedent, but --

17 MEMBER NEFF: May I just say it
18 depends, that's my thought. To what
19 you're saying, all I can say is it
20 depends, and what it depends on are
21 what are the particulars of the case in
22 front of us, and that's why we have to
23 look at this as the case in front of us
24 plus our interpretation and how it
25 weighs.

1
2 made our inspection, Ms. Gordon said,
3 well, the idea of the fence being
4 four-foot high is for sight distance.
5 In other words, a car going around the
6 corner, but the Village Code
7 specifically addresses sight distance
8 and it says on the corner that you can
9 only have a fence, I believe it's 30
10 inches above the curb of the road, so
11 that is a problem there.

12 The reason that the code says
13 these side yards can't have
14 six-foot-high fences is so that we
15 don't have every corner with
16 six-foot-high fences all around, a
17 gated community that every time you
18 come to the corner and you look, you
19 don't see the architecture of the house
20 or the yard or landscaping or whatever,
21 which I have to say is big deal for me.

22 So the other thing is
23 interpretation didn't say that, it said
24 that rule was a side yard at a corner
25 had to be four feet, it didn't say you

1
2 couldn't come in and ask for a
3 variance, which is what they have done.

4 So the problem with this piece of
5 property to me is it's right across the
6 street from the park. It's very busy
7 in the summertime. This time of year,
8 nobody is there. The summertime if you
9 want to go out in your backyard or on
10 your deck and you look across at what
11 is going on across the street, you kind
12 of wish you had some kind of privacy,
13 so my thinking is -- I went back there
14 again, I've been obsessing over this
15 for two months, and I went back there
16 again a week or so ago, and I looked
17 around and I looked at the guy's fence
18 next door.

19 MEMBER NEFF: Next door, meaning
20 where?

21 MEMBER CORWIN: As you're
22 traveling from the garage and going
23 north up Fifth Street, that guy has a
24 fence in his backyard that's five feet
25 high and he has some plantings inside

1
2 of the fence that to me, this looked,
3 it didn't give the appearance of this
4 gated community or walls everywhere, so
5 my thinking was that maybe a five-foot
6 fence would be appropriate here because
7 it would give the owner some privacy
8 from what's going on across the street,
9 a five-foot fence, hopefully, with some
10 landscaping like the fellow next door
11 which softens the fence a little more,
12 so that's where my thinking is on this
13 application at this point in time.

14 CHAIRMAN SALADINO: I have a
15 problem with a five-foot fence. I
16 think we either give the variance for a
17 six-foot fence or enforce the four-foot
18 fence. You know, to go through the
19 time and expense to cut it down a foot,
20 I kind of think is half stepping, you
21 know, either we enforce the
22 interpretation and deny the variance,
23 the building inspector would do what
24 the building inspector does unless
25 there is a four-foot fence there or we

1
2 give them the variance for the six-foot
3 fence. I don't think five foot is the
4 viable option.

5 It was clear in my mind what I
6 wanted to do, but all I keep thinking
7 about is that park next door, and it
8 just, you know --

9 MEMBER NEFF: If I may say, if you
10 can go -- I think that given what has
11 existed since these owners have been
12 involved and even before, the placement
13 of the house, itself and the garage
14 which go back, we think to -- what did
15 we --

16 CHAIRMAN SALADINO: Forty years.

17 MEMBER NEFF: Yes.

18 I mean, they have nothing to do
19 with the current zoning that we have
20 about front yards and three sides and
21 30 feet and all the rest of it and so
22 we accept as is. The fence, the fact
23 that it has been there and for the
24 reasons various people put out the fact
25 that a park that is frequently used

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MR. PROKOP: That's correct.

CHAIRMAN SALADINO: -- and next month there will be one for sure and perhaps two additional members here.

MEMBER NEFF: Is the clock already running on 62 days?

CHAIRMAN SALADINO: Today, the clock starts.

MEMBER NEFF: All right.

CHAIRMAN SALADINO: I think that's a good idea based on what we have heard so far.

MEMBER CORWIN: Well, you can ask the applicant if they will give us more than 62 days.

CHAIRMAN SALADINO: I don't think we're going to need more than 62 days.

MEMBER CORWIN: What you're looking for is to have the five members here and --

CHAIRMAN SALADINO: I'm looking to fill the table is what I'm looking to do, and this way one person's not being sure is kind of, the void is filled by

1
2 the other four chairs, so if it's not,
3 if you're not under a really big time
4 constraint.

5 MR. MOORE: We're not.

6 MS. MOORE: We're not.

7 CHAIRMAN SALADINO: And if it's --

8 MR. MOORE: Other than it hangs
9 over our head for another two months.

10 CHAIRMAN SALADINO: I can't
11 foresee how members are going to vote,
12 but I'm sure you would be happier next
13 month than you would this month.

14 MEMBER CORWIN: You might note
15 that you have three people in
16 agreement, we only have three people on
17 the board.

18 MS. MOORE: If you were to come
19 down the street on the nice summer day,
20 and we have a very nice house, I
21 consider --

22 CHAIRMAN SALADINO: I know your
23 house, I live around the corner. I
24 live on Sixth Street.

25 MS. MOORE: Oh, hi. Nice to meet

1
2 you.

3 When you come down, and I like to
4 cook outside, it's hot in the kitchen,
5 I don't have AC, you know, I like to
6 cook outside and be in the shade a
7 little bit, and you can't, you can't,
8 you just can't and you can't live in
9 that house without a fence.

10 CHAIRMAN SALADINO: I certainly
11 understand that.

12 MS. MOORE: It's beautiful, it's a
13 gorgeous spot, we've got the water, we
14 got -- I mean it's beautiful --

15 CHAIRMAN SALADINO: I certainly
16 understand that --

17 MS. MOORE: -- but it's tough.

18 CHAIRMAN SALADINO: -- and I
19 truly, truly sympathize with your
20 position, and if I lived in that house,
21 I'd be fighting tooth and nail for an
22 eight-foot fence. My problem is we
23 made this interpretation and for me
24 personally, obviously not the rest of
25 the Board, for me personally, I think

1 every time we say, well, we're going to
2 put it aside for now or that
3 application is different, I think, I
4 personally think the solution is that
5 an interested party ask this Board for
6 another interpretation.
7

8 I don't even know if I'm allowed
9 to say that. I apologize.

10 Ask for a different interpretation
11 of that portion of the code or the
12 Village Board changes the code, but
13 with --

14 MS. MOORE: We understand --

15 MR. MOORE: I think the big thing
16 what Ms. Wingate said over there, it's
17 the only piece of property like that in
18 the village and there are extenuating
19 circumstances in that piece of
20 property, and it is the park across the
21 street, not you know, I mean, I'd be
22 the first one to admit when I did the
23 deck, I mean, I didn't even, the deck
24 was originally built in the 1970s okay,
25 when I put the addition on the deck, I

1
2 should have gotten a permit, I just
3 never thought of that.

4 CHAIRMAN SALADINO: We're going to
5 give you the deck.

6 MR. MOORE: We didn't have to
7 worry about that.

8 CHAIRMAN SALADINO: I don't know
9 if I'm allowed to say that.

10 MS. MOORE: We thought we were in
11 the village, you know, we had done all
12 the other stuff and didn't, so we
13 figured, I mean, the fence has been
14 there forever, it's something that has
15 to stay.

16 MEMBER CORWIN: I also want to
17 note there's another solution here
18 which a lot of people do, they can't
19 have a fence, they put in a hedge.

20 MR. MOORE: Yeah, I realize that,
21 and it's another expense.

22 MS. MOORE: But the saltwater
23 doesn't like -- when the tide goes up,
24 there goes the hedge.

25 MR. MOORE: I mean, they had to

1
2 replace the whole hedge across the
3 street from us.

4 MEMBER CORWIN: All right. We
5 can't settle this tonight.

6 I make a motion we close the
7 meeting.

8 MEMBER NEFF: Second.

9 CHAIRMAN SALADINO: Second.

10 Wow, wow, wait a second.

11 Do you want to close the, you made
12 a motion to close the -- are we going
13 to just --

14 MEMBER CORWIN: Just leave it in
15 the air, they can't get approval
16 tonight.

17 CHAIRMAN SALADINO: I think that
18 would be the best for the applicant to
19 wait until next month and get your
20 answer next month. If you want to be
21 honest with us and tell us there is a
22 time constraint.

23 MR. MOORE: There's not time
24 constraint.

25 CHAIRMAN SALADINO: I think you

1
2 would be better off waiting until next
3 month for the decision. We have 62
4 days to make the decision. I'm
5 positive it won't take that long.

6 MEMBER CORWIN: How many Board
7 members will be here next month?

8 MEMBER NEFF: I'll be here.

9 CHAIRMAN SALADINO: Four for sure,
10 and five maybe, David made a motion to
11 --

12 MS. WINGATE: -- close the
13 meeting.

14 CHAIRMAN SALADINO: We did
15 everything on the agenda?

16 MEMBER NEFF: We did it.

17 CHAIRMAN SALADINO: All right.
18 We have a motion to adjourn.

19 MEMBER NEFF: And I second.

20 CHAIRMAN SALADINO: All in favor?

21 MEMBER NEFF: Aye.

22 MEMBER CORWIN: Aye.

23 CHAIRMAN SALADINO: Aye.

24 Meeting adjourned.

25 (Time noted: 6:55 p.m.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand to this 17th day of February, 2016.

STEPHANIE O'KEEFFE

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