VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

ZONING BOARD OF APPEALS
REGULAR SESSION

Third Street Firehouse
Greenport, New York

February 17, 2016
5:05 p.m.

BEFORE:
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
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want to be inconvenienced.

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

MR. PENNESSI: That's fine.

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

CHAIRMAN SALADINO: Okay.

Because of the change of venue, the first public hearing, the applicant and his representative are at the firehouse, so they're on their way over, it should be two minutes.
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The last thing I would like to say

is about the chairmanship. Last month,

Ellen was the chairman of this board.

MEMBER NEFF: Acting chairman.

CHAIRMAN SALADINO: Acting chairman.

This month I'm the acting

chairman. It has nothing to do with

performance, it had to do with an

agreement that we made with Mr. Moore

when he left, he suggested that we

rotate to gather experience, and that's

what we're doing.

David had a turn as being the

chairman, Ellen and me. If Dini was

here, she would be on the list, but

she's not here.

The first public hearing is on

pause.

Can we read this or would that

be --

MEMBER CORWIN: You can read it.

You can open the public hearing.

MR. PROKOP: You can read it.
CHAIRMAN SALADINO: The public hearing is: Public hearing on the application for Robert Moore, 139 Fifth Street, Greenport, New York 11944. Suffolk County Tax Map number 1001-7-4-0. The property is located in the R-2 District and not within the Historic District. The application requests an area variance maximum permitted lot coverage and a variance for the front-yard setback for an as-built permit to construct a rear deck and additionally requires a front-yard setback variance for an existing six-foot high fence.

The 330-square-foot deck increases the total building lot coverage to 33.2 percent requiring a lot coverage variance of 5.2 percent or 336 square feet. The existing lot coverage is 30.25 percent which includes the existing house and garage. Section 150-12A of the Village of Greenport Code requires that a one-family home in...
the R-2 District have a maximum permitted lot coverage of 30 percent.

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

The existing six-foot height fence is located within the required front-yard setback along the south and west property lines. Section 150-13B, 2 of the Village of Greenport Code requires that on a corner lot, front yards are required on both street frontages. One yard other than the front yard shall be deemed to be a rear yard and the other or others to be side yards.
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yards. Section 150-12A requires a front-yard setback of 30 feet.

The applicant is here. His representative is here.

Before we hear from the applicant, we have the notices, Sharon Pratzer (phonetic), 145 Fifth Street, Post Office Box 144, Greenport, New York, and the Village of Greenport 236 -- that's wrong.

MS. WINGATE: No, it's not. The Village owns the property south of it, so --

CHAIRMAN SALADINO: I'm sorry. The Village of Greenport, 236 Third Street, Greenport, New York and Oyster Point Condos, 160 Fifth Street.

MEMBER CORWIN: What's the -- it's all -- the applicant Robert Moore, does Mr. Moore own the two pieces of property adjoining or just one piece of property?

FRANK: Just this one piece of property, but the owners, Dianna and
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Robert Moore are present, so if there are any other more detailed questions, you can ask them.

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

MEMBER CORWIN: Yes, we do.

MS. WINGATE: Yes.

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

MS. WINGATE: Yes.

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

As the application states, this house was moved from another piece of property in Greenport way back, probably in the '40s, and the Moore family bought the house in 1974, and they did add, a year or two years later, a small deck, which is pictured on the drawing because the house is actually quite high up, like five steps, they wanted the deck to have
access to the yard, but did not apply for a building permit. This is an as-built permit application.

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

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

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

MEMBER NEFF: Frank, if I could interrupt.

We have a couple of empty seats, but they're not visible, so if there's
an empty seat next to you, and you have
stuff on it, there are some seats.

Excuse me, Frank.

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

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

CHAIRMAN SALADINO: Do we have an approximate date for the new fence and for the deck?

FRANK: I may have to ask, Robert or Dianna, when --

MR. MOORE: The fence has probably been replaced three or four --

MEMBER CORWIN: Hold on. If you're going to talk, you've got to come to the podium and give your name for the reporter.

MR. MOORE: Okay.

My name is Robert Moore. I'm the owner of the property.

Dianna and I bought the house in 1974. When we purchased the house, there was a six-foot fence there. I actually contacted the previous owner and received an e-mail back that she remembers the fence was put up in the early '70s.

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

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

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

CHAIRMAN SALADINO: So the
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addition would be -- the original deck is --

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

CHAIRMAN SALADINO: -- forty years old.

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

CHAIRMAN SALADINO: And the addition is 15 years old?

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

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

CHAIRMAN SALADINO: Thank you.

Is there any member of the public that --

MS. ALLEN: Chatty Allen, Fifth Avenue.

Just real quick. I think it should be approved for them.
CHAIRMAN SALADINO: If there is nobody else from the public that would like to speak, what's the pleasure of the Board?

MEMBER NEFF: We could vote.

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

MEMBER NEFF: Yes.

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

CHAIRMAN SALADINO: Is there a second?

MEMBER CORWIN: I second it.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

MEMBER CORWIN: There is no sense in getting into a discussion on this until after the other public hearing. Maybe we can do one or two of the other boilerplate items.
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CHAIRMAN SALADINO: Joe, there's on the agenda -- can we -- we have ten or twelve minutes before 5:30.

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

CHAIRMAN SALADINO: Yes.

MR. PROKOP: Yes, you can do that.

MEMBER NEFF: Just do this one right now.

CHAIRMAN SALADINO: The Fifth Avenue application.

MEMBER NEFF: Or whatever you want.

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

We have an application from -- we have a motion to accept an appeal for an area variance, publicly noticed and scheduled a public hearing for Carlos Saavedra -- is the applicant here?
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MS. WINGATE: No.

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

The applicant is not here.

Any discussion?

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

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

CHAIRMAN SALADINO: We have an
interpretation -- we have an interpretation for front-yard fences, and if it's a conforming lot, 30 feet, it would be 30 feet to the side yard of this house. So it would need a 30-foot front yard variance for a six-foot high fence.

MEMBER CORWIN: That's what I said.

CHAIRMAN SALADINO: How about you; is that right?

MEMBER NEFF: Um-hum.

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

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

MEMBER NEFF: And the site visit.

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

CHAIRMAN SALADINO: Do we know
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when the next meeting is?

MS. WINGATE: March 16th.

CHAIRMAN SALADINO: March 16th.

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


CHAIRMAN SALADINO: -- 4:30 p.m.

and a public hearing, it's going to be
at 5 o'clock.

MEMBER CORWIN: Five o'clock, yes.

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

CHAIRMAN SALADINO: That's for
sure?

MEMBER CORWIN: We can always
change it.

CHAIRMAN SALADINO: Second?

MEMBER NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER NEFF: Aye.

MEMBER CORWIN: Aye.

CHAIRMAN SALADINO: I'll vote yes.

MEMBER NEFF: Can I suggest that
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we are -- are we at 5:30, yes.

CHAIRMAN SALADINO: No.

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

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

MEMBER NEFF: Okay.

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

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

MEMBER NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: David?

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

CHAIRMAN SALADINO: And I'll vote yes.

MEMBER CORWIN: Then I'll make a
motion to schedule the next ZBA meeting for March 16, 2015 in the firehouse at 5 o'clock on Third Street.

CHAIRMAN SALADINO: Second?

MEMBER NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN SALADINO: I'll vote yes.

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

MEMBER NEFF: I have a question. Is there copies of the agenda if anybody in the public wants to see 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.
The property is located in the Waterfront Commercial, not within the Historic District.

The applicant proposes to construct a new mixed-use, three-story building having an 80-seat restaurant and 715 square feet of retail use on the ground floor and hotel uses for 16 units on the second and third floor, as well as a roof deck.

The proposed uses are conditional under the Greenport Village Code, Sections 150-11B, paragraph 1, 2 and 3.

We have the mailings, Pagano Holding Corporation, 137 Third Street, Greenport, New York; Maxwell Winston, LLC, care of Josh Sapin, 285 Central Park West, New York, New York 10024; Cheryl Inzerilly, 505 Seventh Street, Greenport, New York 11944; Sterlington
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Commons at Greenport, 35 Channing Cross, Hampton Bays, New York 11946; Mayland Shanning, LLC, Post Office Box 630, Southold, New York 11971; Musco Corporation, attention Lasette Coley, 315 East 72nd Street, Apartment 10L, New York, New York; Leah (phonetic) Realty Corporation, 104 East Main Street, East Islip, New York; American Legion, Post Office Box 125, Greenport, New York 11944; 300 Front Street Realty Corporation, 640 Old Country Road, Riverhead, New York; and GPO Central LLC, Post Office Box 1360, Southold, New York 11944.

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

MS. WINGATE: Yes.

MEMBER CORWIN: And it was posted on the fence.

CHAIRMAN SALADINO: The applicant is here.

MR. PENNESSI: Yes.

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

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

We're looking for a parking variance, depending on the decision of the Board as to the interpretations.

The Zoning Code requires 36 parking spaces, we are providing 12 on-site. Our position is that the Zoning Code does not, in fact, require off-street parking for this parcel.

There is a variance request for the loading berth. If the Board determines that a loading berth is actually required, the Zoning Code
requires a loading berth for every
25,000 square feet of floor area. The
proposed structure is well below that
at approximately 16,000. To the extent
the Zoning Board does decide that a
loading berth is required, under the
Zoning Code, we would ask for a
variance to not provide that loading
berth.

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

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

MR. PEDRAZZI: Tom Pedrazzi,
architect.

What you see here is our site plan
that we started out with. The building really is all about filling in that corner and --

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

MR. PEDRAZZI: That helps.

Thanks.

This is a building that really wants to address, not only an entrance to the Village but also a way of sort of softening up that corner, so the design is really an attempt to welcome people into the front door and creating a corner entry. The corner entry, I believe it's eighteen inches into a lobby. To the left you have a restroom, restaurant, a dining facility, check-in is straight ahead and restaurant and kitchen off to the back or, you know, serviceability.

Handicapped ramp off onto the back.
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The real intention here for the first floor was to create that restaurant on the Front Street side. We felt that we wanted to bring a little bit more life to that side of the theater, and the building really is designed to sort of, you know, give a relationship, scale to the corner in relation to the big brick wall that is the theater. We were looking at a lot of different options, but we felt a cornice three-story with nice built up corners would probably be the most aesthetically pleasing.

A little bit of detail going into the lobby. You can see how the retail space really fronts Third Street, it's very secondary.

Are you pushing me along?

MEMBER CORWIN: I was looking for the elevations.

MS. WINGATE: Got it.

MR. PEDRAZZI: I mean, it's very typical of the Village, double-hung
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window, six over one, very residential, very soft, nothing modern.

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

You can turn it.

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

It's a very tight and very centered layout, allowing the open views of the Village off into the
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street.

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

Let's go one more.

Actually, let's go to the end.

So this is the way we envision that corner as for the entry to the Village and in relationship to the theater. Softened corner and, I believe, the Board walked the site, and they saw how we really tried to kind of soften that corner with a nice recessed entryway, we are not jamming anybody up on that corner, and how that trellis really welcomes you into the retail
area and how we are stepping up off of the main street into a little dining plateau with a trellis that sort of mimics the scale of the trellis on Third.

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

So if anybody has any questions.

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

CHAIRMAN SALADINO: Sure.

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

This is a very useful piece to see the impact of the setback variances that we're looking for, both along Front Street and along Third Street.
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So along Front Street the building facade is set back and works with the Zoning Code, and really what is in the setback area is the raised seating area and the trellis above it. Likewise, on Third Street, the building facade is set back in accordance with the Zoning Code and what is in the setback is the trellis area.

Also on the height, there are a number of buildings -- the way the Zoning Code reads is, the building must be two stories or 35 feet. There are a number of circumstances of three-story buildings. It's important to note that the top of the parapet wall, the building does comply with the 35-foot height restriction and the variances that we're looking for to exceed that height restriction are only for certain aspects. Those being some of the mechanical units that are set back against the theater, the bulkhead which carries the elevator and the stairwell.
up to the roof-deck area, as well as the trellis, and it's more, particularly set forth in the public notice.

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

Thank you.

CHAIRMAN SALADINO: Thank you.

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

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

CHAIRMAN SALADINO: Sure.

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

MR. PENNESSI: Absolutely.

Because of, particularly the restrictions on the parking and the size of the site, we're proposing that
the roof deck be restricted to hotel
guests only. If it was to be opened up
to, for example, restaurant guests or
other members of the public, the
parking requirements would be pretty
excessive. We would have to add in
seating or square footage of the roof
deck, and we would be seeking a much
greater variance than we're seeking.

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

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

MR. PENNESSI: Sure.

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

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

MR. PEDRAZZI: The roof is
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probably going to be Ipe or some sort of wood.

MEMBER CORWIN: A hardwood?

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

MEMBER CORWIN: Thank you.

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

Right?

MR. PROKOP: Yes.

CHAIRMAN SALADINO: So, maybe we'll let the public -- and you guys
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will come back and perhaps answer any questions they may have.

Chatty.

MS. ALLEN: Chatty Allen, Fifth Avenue.

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

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

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

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

To me this is the most unsafe thing to put on that corner. How are trucks going to get in? You have a
restaurant, you have a hotel, you need big trucks coming in with supplies. Even if they're small trucks, all of us see the congestion even when they go through Adam Street and in the back, they take up the roads. I don't see anywhere on that site plan where a truck can pull in there for deliveries, so now you're going to be backing up Third Street and/or Front Street with deliveries.

To me, this boggles the mind how this has even gotten this far. I mean when you need seven variances, I can see one or two, okay. The height isn't a factor for me, it's the danger of where it's being put. The danger to young kids that are walking into town to come to Mitchell Park, to the carousel, just to walk in, you know. Especially in the summer, we have major traffic to begin with. To me, this is -- it should have been no from the get-go, and a different lot found for
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it, not something that is going to be -- I mean, it's gorgeous, don't get me wrong, this -- I love the concept, just not for that tiny parcel of land.

My other concern is, I couldn't really see the drawings, the back end of the movie theater, there is a fire exit there. How much space is going to be there if that door has to be used? I couldn't see it on the site plans because of the angle, I guess, I was sitting at. I looked at it online, I couldn't tell where it was going to be. There is a lot of things with this that I think if you approve this, it's going to be on you when there is a major catastrophe at that intersection. I really feel something else could go in there, and this design could go on another property, that's the worst place for Greenport and the worst place for anyone that's in town coming off the ferry, going on the ferry and just walking. It scares the crap out of me.
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and I really hope you consider putting an end to this.

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

CHAIRMAN SALADINO: I was just going to --

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

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

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

MEMBER CORWIN: That's not what the easement is for. There's an
easement for the Village of Greenport for two transformers and a switch, so it's an easement for electrical equipment.

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

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

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

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

MR. PENNESSI: There is nothing proposed, there is no fencing proposed, there is no easement granted for that egress. The easement that the Board is referring to is an easement to the Village for this area here. The property line is, in fact, further south from -- in terms of these parking spaces, so there is plenty of room should this door be required to get.
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between the parking lot and the American Legion. I mean, the door, there is no, there is no barriers here, there is no building going down here.

CHAIRMAN SALADINO: Thank you.

Is there anybody else?

MS. HUGHES: My name is Jillian Hughes and I live at 137 Third Street which is right across from the corner of this proposed project.

I agree with Chatty, I think it's beautiful. I, however, living there, and there's two apartments on the corner there already and it is very hard for me to find a parking spot, so especially during the summer, it's impossible. I don't think that variance should be granted. They're repairing a Meson Ole now and that guy plans to put apartments above restaurants there. That's already going to cause more traffic, more need for parking there, and it's going to be impossible for them -- they have, what,
you said 16 rooms? And they want to put 12 parking spots. That is not even a parking spot for each room.

I think it is ridiculous. There is nowhere for anything to spill over that's not already taken by the deli, the pizza place, the apartments above the pizza place, the apartments behind in Sterlington Commons, the apartments that are going to be above Meson Ole, the busy deli on the corner, the eye doctor, the tax office behind the eye doctor, people that go to cast are already parking where I should be able to park. It's just impossible already, and the variance should not be granted if you ask me for that, that's my big concern with this, it's parking.

That's all I have to say.

CHAIRMAN SALADINO: Thank you.

MR. OSINSKI: Mike Osinski, 307 Flint Street, Greenport.

I'm in favor of the project, and I would urge the Board to work with the
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developer. I don't know these people, but that -- I've lived here 20 years, that corner has been an eyesore for 20 years.

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

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

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

And also the congestion, we allow -- we don't -- the ferry, we give them a free ride. What for? Why does the ferry seem to control what happens in our village? They pay the Village nothing, zero. We allow this traffic to course through our village without any recompense. Here is someone that owns property, that's paying taxes, that wants to beautify the village, that wants to make -- these people that are going to come here are going to shop in our stores, they're going to go to our restaurants, they're going to spend money here. These people that go through our Village from Shelter Island pay us nothing, they clog up the
streets, we get nothing, ruins our roads, backs up traffic, so let's think about what's causing the congestion here and attack that source, not go after people who are trying to invest and improve the community.

CHAIRMAN SALADINO: Thank you.

Is there anybody else that would like to speak?

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

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

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

As my daughter, Jillian, I know she stated the parking is ludicrous.
It's no longer even just a nuisance, I think it's now a liability and a safety issue, and if this is allowed to go, and I agree with Mike, the Shelter Island people should be taken to task; however, we need to address the parking issue prior to even contemplating allowing such a project to go through.

We have had a parking issue for a long time, it needs to be addressed, and adding to the problem is not the solution in my opinion. We need to get on board with a solution.

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

And that's a lot of variances. I feel that, are they doing anything to code, are they conforming to anything, you know, when you have to go so far out of the conforming to code, I don't think it should be entertained and as you said, due process, I respect that,
they do have a right to appeal, but I hope that you guys will stay on board with the denial that was granted first in the process of the application and stay with the denial.

Thank you.

CHAIRMAN SALADINO: Thank you.

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

Do we have any letters?

MS. WINGATE: No.

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

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

CHAIRMAN SALADINO: Sure.

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

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

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

Now, the notice of disapproval from the Building Department identified that according to the code and the uses, hotel use, restaurant use, and retail use that is being proposed for the site, there are 36 spaces required; however, the applicant is proposing that those two sections of the Zoning Code, specifically 150-12C and 150-16A 1. This property was improved as of January 1, 1991 and there is precedent in the Village, primarily the Harborfront Inn where the ZBA had
granted on March 20, 2002 an
interpretation that there were no
off-street parking spaces required for
the Harborfront Inn.

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

In light of the comments and in
light of the application, it's
important to look to what's been done
in the Village before and what exists
in the Village. We did strive to
design the building in conformance with
other structures in the Village, and,
you know, we have used the word to shoehorn this building into the property in compliance with the code, and yes, technically speaking, if the interpretations are not determined in our favor, there are seven variances, but if you look, they're really five categories. We're forced to seek a variance for height against two stories and 35 feet, that's really a single-height variance in my opinion, so, yes, there are seven variances if the interpretations don't go our way. There is precedent and other circumstances in the Village that support the application that we have submitted.

We do look forward to investing in the Village. We do look forward to building this project. It's taken a lot of effort and time to make sure it's right, in our opinion. Certainly the public comments that are received both here and that will be received.
during the site-plan process with the Planning Board are welcome. You know, you don't always get it right on the first try. We went through three pre-submission hearings with the Planning Board because certain aspects of the project don't comply to Zoning Code, the Building Department did issue the notice of disapproval which landed us here in front of the Zoning Board to start that process.

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

Thank you.

CHAIRMAN SALADINO: I have one question and perhaps I should hold it until we get into the application
including interpretations, but I heard
you say the property was improved.


CHAIRMAN SALADINO: Your
contention is once improved, always
improved.

MR. PENNESSI: Yeah.

This is an infill project. This
isn't a greenfield in our opinion.
It's not an application for a
subdivision on a previously undisturbed
parcel as was commented before. The
property was a service station, parking
lot, carousel over time, more recently
a vacant lot. It's improved with
fencing, with a foundation asphalt.
It's improved with the Village's
utilities taking up the southern end of
it which does honestly further
constrain the property and what can
actually be built there and the number
of parking spaces that can be built
there. That is something that we're
taking the property subject to, and
trying to make it work.

CHAIRMAN SALADINO: Thank you.

MS. ALLEN: May I?

CHAIRMAN SALADINO: Sure.

MS. ALLEN: Chatty Allen, Fifth Avenue.

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

I'm not sure --

CHAIRMAN SALADINO: May I stop you for a second?

MS. ALLEN: Yeah.

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

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

CHAIRMAN SALADINO: I'm not --

MS. ALLEN: But I'm saying though,
when that was built, they were required to have parking spaces per rooms.

CHAIRMAN SALADINO: Yes.

MS. ALLEN: What would make the difference with this one having two floors of hotel rooms?

I can see the 12 parking spaces if there were only 16 rooms and that was all that building was, but you're adding in -- I don't know, I head between a 50- to 90-seat restaurant and retail, you're adding, that adds more parking spaces than, you know, they want a third of the parking spaces there and now he is starting to say no, he doesn't have to have any parking spaces.

I'm confused with all of it.

CHAIRMAN SALADINO: Just to explain.

Under normal circumstances, it would need one parking space for each room and for the hotel one parking space for each employee, and for the...
restaurant, it's one parking space for five tables, so it's an 80-seat restaurant --

MEMBER CORWIN: Five seats.

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

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

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

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

MS. ALLEN: Right.

CHAIRMAN SALADINO: We're certainly going to talk about that.
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MS. ALLEN: Okay.

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

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

CHAIRMAN SALADINO: Thank you.

MS. CLARKE: May I?

CHAIRMAN SALADINO: Sure.

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

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

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

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

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

MS. CLARKE: Just because something has been done in the past, it's not working. I hope that we reconsider what possibly has been done in the past that has brought us to where we are today, and not repeat that mistake. I believe that to be a fatal 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
truck-loading area within the premises,
that corner, to the best of my
knowledge, there is no parking
permitted on the east side of Third
Street at that corner and certainly not
on Front Street in front of that
building, so the ability to even stop
to unload, to stop to let off people
who are going to go into the
restaurant, to stop to let off people
who are going to check-in, carry their
bags across the street and unload in
front of the building, the compounding
effect of parking and traffic and
conflict with the rest of the uses that
are carried on in that area is going to
be overwhelming for the area, and I
would suggest that a very close look be
taken at anything that might be granted
to them as far as variances are
concerned.

Thank you.

CHAIRMAN SALADINO: Thank you.

Just state your name again.
MR. PEDRAZZI: Tom Pedrazzi, architect.

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

MR. TASKER: Everybody.

MR. PEDRAZZI: Everybody.

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

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

AUDIENCE MEMBER: You can't --
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CHAIRMAN SALADINO: Guys. We're not going to do that. We're going to let him talk and then you can talk.

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

CHAIRMAN SALADINO: Address the Board.

MR. PEDRAZZI: Really, what I'm trying to do is I'm just trying to address all these 12 parking spots, you drive in, you park, you turn around and you pull out. That's what this site allows for, and as far as where we are, 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
parking lot behind the building, or they can rearrange the building so they have a loading zone and a handicapped access and a drop-off zone that's off the street. Cars can come in, drop off people and come back out and it doesn't mess up the intersection, which is a problem for all of us, but the bigger picture is that unless Greenport addresses the concerns of the citizens, and there is this huge area that's just giveaway, you don't charge the ferry anything.

CHAIRMAN SALADINO: If you could just respond.

ISABEL: Yes.

CHAIRMAN SALADINO: David, do you want to respond?

MEMBER CORWIN: I would just note that Trustee Roberts brought this whole idea of doing something with the MTA parking lot up at the last work session. Mr. Saladino who worked for the Long Island Rail Road, said, I'm
not so sure you're going to get the Long Island Rail Road or the MTA to do anything, so that's way down the road from what we're talking about right now.

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

ISABEL: But the ferry --

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

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

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

ISABEL: Okay.

Thank you.

CHAIRMAN SALADINO: Anyone else?
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(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.
the same scale that was in the sheets that were revolving, each of us has a copy of this, and I certainly benefit from having a copy, but if we could post these on foam board around the location of our next meeting, namely the firehouse, that people could look at them, you know, carefully. That might help, and also I'm sure they could, if they want to come to Village Hall, examine them at their leisure, that is also a possibility.

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

MEMBER NEFF: I have one other comment.

CHAIRMAN SALADINO: Sure.

MEMBER NEFF: I think that in the time that I've lived in the Village, I think that things that have changed like you can't park on both sides of Front Street seemed shocking and impossible, but we, in fact, got used to it and it made a lot of things better. Safety engineering for the way people circulate around a place like Greenport which has its peak times and its low times. It's an interesting, if you think about how it's evolved, I just spent a little time traveling, and I'm sure you all, we have all visited places that are more congested at certain times than Greenport is, on the other hand, I live in the north end of Second Street, people didn't used to park near my house to visit the Village.
restaurants or whatever they came --
and I don't mean just for the big
weekends, and we're living in a time of
evolved, a lot of evolution about what
goes on in Greenport and who is the
voice or what committee, is there a
safety committee of the Village that
thinks about, like I remember one, long
time, the way you got to the ferry was
going down Third Street, but you don't
go there anymore that way, you enter
from a different area, and the flow to
the ferry is somewhat improved by that,
the way people leave unfortunately
seems to be entirely using Third Street
and that light. The timing of that
light, I've been in places where how
long a light is red and how long is
green are very different from that
light. People don't like waiting for
the light to turn green. On the other
hand, you know, I think we do need to
think in terms of safety engineering,
not that any safety engineering will

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

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

MR. PROKOP: Yes, we can.

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

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

MS. HUGHES: Can I say something, sorry, just really quick about --
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CHAIRMAN SALADINO: Sure. Come up.

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

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

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

CHAIRMAN SALADINO: The ferry question is one of those eternal questions that is always going to come up here. Again, that's not legislated here.
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MS. HUGHES: No. I just wanted to say, just in case anybody was thinking about it, I just want -- that just came into my head, so I just wanted to --

CHAIRMAN SALADINO: Thank you for sharing that.

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

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

CHAIRMAN SALADINO: You can certainly suggest that to them.

MR. KEHL: But it's still shorter than the -- right now it's shorter than the movie house. I mean, you get a better view off the top, and get a lot 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
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at some point having the Planning Board weigh in on SEQRA, but we're the first board to have this now to potentially take action on it, so we should really adopt -- it would be my recommendation that we adopt lead agency status for purposes of SEQRA and determine that it's an Unlisted action. I think the potential impacts are unclear at this time, but I think there is enough that has been indicated in the long form that there is a possibility of impact.

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

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

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

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

CHAIRMAN SALADINO: As far as the
coordinated review, if that was the case and since it's not, this application is not, the property is not contiguous to the Historic District, so it's only, they're only an interested party, but the Planning Board would be an involved party.

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

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

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

CHAIRMAN SALADINO: Would someone like to make a motion?

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

The ferries go down to Main
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Street, so it moves around.

MEMBER NEFF: Yes.

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

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

MR. PROKOP: Yes, they are. The Village now has an established, pre-established list of agencies that receive notification under coordinated reviews, and the State is one of those agencies, so it would go to the DOT.
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MEMBER CORWIN: And how about the
County now, we have some agreement with
the County but --

MR. PROKOP: The County also.

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

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

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

CHAIRMAN SALADINO: Has it been
the 45 days?

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

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

CHAIRMAN SALADINO: Okay.
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Before we determine SEQRA -- did we make that motion? Is somebody going to make that motion?

MEMBER CORWIN: We probably should --

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

MEMBER CORWIN: -- then do the SEQRA thing.

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

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

CHAIRMAN SALADINO: Second?

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

CHAIRMAN SALADINO: Right.

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.
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The last time we had an application on this property, we did request the applicant to do a review on, I think it was traffic. I don't think we did parking. I think parking came from a different study at the time, but I know that we at least did a traffic review, and knowing Mr. Pennessi, he may have it done already.

MR. PENNESSI: I didn't, but there was a traffic and parking study several applications ago. There was subsequently a traffic study done by Dunn Engineering in Westhampton Beach.

I should have received today in my e-mail a quote to update that traffic study. We're happy to get that done and have it delivered for the next public hearing.

CHAIRMAN SALADINO: That would be great. Thank you.

My concern is with the property itself. With the history of the property, you know, it was a gas
station, we might be -- we do have City water, City sewers, so the impact is not that great, but that might be something you want to think about also. A few of the things in your long form, one of the questions is the project site located in a community with an LWRP program, and you said no. I'm curious about that.

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

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

MR. PENNESSI: It was adopted?

MR. PROKOP: Yes.

MR. PENNESSI: I can update that insurance.

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

MR. PENNESSI: Okay.

CHAIRMAN SALADINO: So that might
MR. PENNESSI: As to the environmental, we did include the information that is publically available from the DEC's website with respect to the property.

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

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

CHAIRMAN SALADINO: Does anybody else have anything?

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

No?

MR. PENNESSI: For the Harborfront application, the Fire Department did weigh in on accessibility and we can certainly speak with them to make sure. They have the plans and have reviewed
accessibility for this building.

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

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

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

MR. PENNESSI: The property is in Zone X, and the structure has been designed to be raised, I think eighteen inches is our finished floor to take into consideration, Zone X does not have a determined flood elevation, it's not one of the zones that FEMA has gone ahead and said that the flood elevation for this property is six feet, seven feet, it's in Flood Zone X, so there isn't a specific elevation above what you need to be, but as a precautionary measure, we did raise the finished floor to eighteen inches above current grade.
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CHAIRMAN SALADINO: Okay. One of the other ones that I have here is, is the project within five miles of an official and you said to be determined.

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

CHAIRMAN SALADINO: You have that.

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

CHAIRMAN SALADINO: Thank you.

And I guess we'll see you next month.

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

Is there any discussion on this?
MR. PROKOP: This is Moore? We went back to Moore?

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

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

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

MEMBER NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MEMBER CORWIN: Aye.

CHAIRMAN SALADINO: Aye.
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,
right behind this application with a
six-foot fence, so I certainly
understand the proximity of the house
to the park. No one wants to be in the
backyard with 500 people watching them
eat.

MS. MOORE: And more.

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

MS. MOORE: I could write a book.

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

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

I'm in the quandary here as to
what to do, you know. As far as the
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dec, I think there's some latitude
with that, as far as the fence, I just
see a thousand -- how many -- Eileen,
do you know?

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

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

MS. WINGATE: Many.

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

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

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speak for everybody because two of the
members aren't here, but we made the
interpretation and perhaps we didn't
look at the second sentence. We made
the interpretation. We decided what we
thought was right. We voted on it, and
it passed. If we would have perhaps a
little more due diligence, we could
have foreseen problems like this.

We're at the point now where we're in a
position that we either say no or grant
the variance to the 30 or 40 properties
that are in a similar situation.

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

CHAIRMAN SALADINO: Potentially.

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

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

MEMBER NEFF: That's why there is
a Zoning Board of Appeals.
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MEMBER CORWIN: There is no precedence.

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

MEMBER NEFF: It's individual.

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

MEMBER NEFF: Um-hum.

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

MEMBER NEFF: May I just say it depends, that's my thought. To what you're saying, all I can say is it depends, and what it depends on are what are the particulars of the case in front of us, and that's why we have to look at this as the case in front of us plus our interpretation and how it weighs.
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CHAIRMAN SALADINO: Well, how would our interpretation --

MEMBER NEFF: We have all these things to weigh.

MEMBER CORWIN: I'd like to say a couple of things.

First off, I went to school with Mr. Moore, so it's not particularly easy for me to say no, and Mrs. Moore was a year behind in school; but that doesn't mean I won't say no. I can tell you that much.

As far as lot coverage, I don't think that's a problem. The setback for the deck, the idea of setback is for fire problems, and for a space buffer, so in this particular application, I didn't see a space problem or fire, possible fire problem because the neighbor is a road. So I don't have a problem with the setback on the deck. I don't have a problem with the lot coverage. I do have a problem with the fence because when we
made our inspection, Ms. Gordon said, well, the idea of the fence being four-foot high is for sight distance. In other words, a car going around the corner, but the Village Code specifically addresses sight distance and it says on the corner that you can only have a fence, I believe it's 30 inches above the curb of the road, so that is a problem there. The reason that the code says these side yards can't have six-foot-high fences is so that we don't have every corner with six-foot-high fences all around, a gated community that every time you come to the corner and you look, you don't see the architecture of the house or the yard or landscaping or whatever, which I have to say is big deal for me. So the other thing is interpretation didn't say that, it said that rule was a side yard at a corner had to be four feet, it didn't say you
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couldn't come in and ask for a variance, which is what they have done.

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

MEMBER NEFF: Next door, meaning where?

MEMBER CORWIN: As you're traveling from the garage and going north up Fifth Street, that guy has a fence in his backyard that's five feet high and he has some plantings inside.
of the fence that to me, this looked, it didn't give the appearance of this
gated community or walls everyplace, so my thinking was that maybe a five-foot
fence would be appropriate here because it would give the owner some privacy
from what's going on across the street, a five-foot fence, hopefully, with some
landscaping like the fellow next door which softens the fence a little more, so that's where my thinking is on this application at this point in time.

CHAIRMAN SALADINO: I have a problem with a five-foot fence. I think we either give the variance for a six-foot fence or enforce the four-foot fence. You know, to go through the time and expense to cut it down a foot, I kind of think is half stepping, you know, either we enforce the interpretation and deny the variance, the building inspector would do what the building inspector does unless there is a four-foot fence there or we
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give them the variance for the six-foot fence. I don't think five foot is the viable option.

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

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

CHAIRMAN SALADINO: Forty years.

MEMBER NEFF: Yes.

I mean, they have nothing to do with the current zoning that we have about front yards and three sides and 30 feet and all the rest of it and so we accept as is. The fence, the fact that it has been there and for the reasons various people put out the fact that a park that is frequently used
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during five or six months of the year does not seem to me to be, given where it is, something that is problematic about granting the variance. I have no problem saying that this fence in its current place is something we can give a variance to based on the history of the property in question and the fact that there is no other place like this in the entire village.

CHAIRMAN SALADINO: Is that, in fact, true?

MS. WINGATE: Yes.

MR. PROKOP: Can I make a suggestion to move it?

CHAIRMAN SALADINO: Sure.

MR. PROKOP: Maybe what the Board could do at this time is to go through the criteria.

CHAIRMAN SALADINO: Yeah, we could.

The other thing I was thinking is, you know, we have 62 days to make this decision --
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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
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the other four chairs, so if it's not, if you're not under a really big time constraint.

MR. MOORE: We're not.

MS. MOORE: We're not.

CHAIRMAN SALADINO: And if it's -- MR. MOORE: Other than it hangs over our head for another two months.

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

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

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

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

MS. MOORE: Oh, hi. Nice to meet

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you.

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

CHAIRMAN SALADINO: I certainly understand that.

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

CHAIRMAN SALADINO: I certainly understand that --

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

CHAIRMAN SALADINO: -- and I truly, truly sympathize with your position, and if I lived in that house, I'd be fighting tooth and nail for an eight-foot fence. My problem is we made this interpretation and for me personally, obviously not the rest of the Board, for me personally, I think
every time we say, well, we're going to put it aside for now or that application is different, I think, I personally think the solution is that an interested party ask this Board for another interpretation.

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

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

MS. MOORE: We understand --

MR. MOORE: I think the big thing what Ms. Wingate said over there, it's the only piece of property like that in the village and there are extenuating circumstances in that piece of property, and it is the park across the street, not you know, I mean, I'd be the first one to admit when I did the deck, I mean, I didn't even, the deck was originally built in the 1970s okay, when I put the addition on the deck, I
should have gotten a permit, I just never thought of that.

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

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

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

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

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

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

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

MR. MOORE: I mean, they had to
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replace the whole hedge across the
street from us.

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

I make a motion we close the
meeting.

MEMBER NEFF: Second.

CHAIRMAN SALADINO: Second.

Wow, wow, wait a second.

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

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

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

MR. MOORE: There's not time
constraint.

CHAIRMAN SALADINO: I think you
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would be better off waiting until next month for the decision. We have 62 days to make the decision. I'm positive it won't take that long.

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

MEMBER NEFF: I'll be here.

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

MS. WINGATE: -- close the meeting.

CHAIRMAN SALADINO: We did everything on the agenda?

MEMBER NEFF: We did it.

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

MEMBER NEFF: And I second.

CHAIRMAN SALADINO: All in favor?

MEMBER NEFF: Aye.

MEMBER CORWIN: Aye.

CHAIRMAN SALADINO: Aye.

Meeting adjourned.

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

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CERTIFICATE

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

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

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

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

____________________________

STEPHANIE O'KEEFFE