VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

ZONING BOARD OF APPEALS
REGULAR MEETING

October 17, 2017
6:00 P.M.

Third Street Fire Station
Greenport, New York

BEFORE:

JOHN SALADINO - Chairman
DAVID CORWIN - Member
DINNI GORDON - Member
ELLEN NEFF - Member
ARTHUR TASKER - Member

JOSEPH PROKOP - Village Attorney
EILEEN WINGATE - Village Building Inspector
(The Meeting was Called to Order at 6:05 p.m.)

CHAIRMAN SALADINO: This is the October meeting, October 17th, 2017 meeting of the Village Zoning Board of Appeals.

Item No. 1 -- I'm breaking in new glasses, so. (Laughter)

CHAIRMAN SALADINO: Item No. 1 is a motion to accept the minutes of the December -- of the September 19th, 2017 ZBA meeting. So moved.

MS. NEFF: Second.

MR. TASKER: Before we vote, I have some corrections I'd like to note, Mr. Chairman.

CHAIRMAN SALADINO: Sure.

MR. TASKER: Excuse me. First of all, on the subsequent -- the page heading is incorrect on all of the pages, except the first, it has an incorrect date. But, more particularly, a couple of things.

On Page 10, Line 8, I either misspoke or I was misquoted. The sentence, it says, "It doesn't become nonconforming." I meant to say, "It doesn't become conforming," as I said a couple of lines ahead.

Then on Page 60 and 61, on Page 60, Line 25, I speak with regard to the Monsell Place
application, when it is the Manor Place application.

Similarly, on Page 61, Line 7, I refer to the Monsell Place project. It should be the Manor Place project.

And on Page 169, after I had recused myself from the hearing, I was in the audience, on Page 169, there was a motion in which I am shown as voting on Line 12. I did not vote, because I was not sitting at the -- in the meeting at that point.

Similarly, on Page 172, Line 4, it also shows me as having voted to adjourn and I was no longer present. So my vote, I did not vote there. Thank you.

CHAIRMAN SALADINO: Was this seconded?

MR. TASKER: It was seconded.

MS. NEFF: Yes, I seconded.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: Aye.

Any opposed?

MR. TASKER: As amended, aye.

MR. CORWIN: I abstain.
CHAIRMAN SALADINO: Item No. 2, motion to approve the minutes of the August 15th, 2017 ZBA meeting. So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

MS. GORDON: Aye.

CHAIRMAN SALADINO: Any abstentions?

MR. CORWIN: I abstain.

CHAIRMAN SALADINO: And one abstention.

Item No. 3 is motion to schedule the next ZBA meeting for November 21st, 2017, at 6 p.m., at the Third Street Fire Station, Greenport, New York 11944. So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

MS. GORDON: Question. The minutes of the last meeting say we're going to do our site visit.
at 4, which is correct. I just want to be sure.

CHAIRMAN SALADINO: For next month?

MS. GORDON: Uh-huh.

CHAIRMAN SALADINO: I think we decided 4 o'clock.

MS. GORDON: Okay.

CHAIRMAN SALADINO: Is that -- is that everyone?

MS. NEFF: We decided what?

CHAIRMAN SALADINO: Four o'clock, 4 p.m.

MS. NEFF: So it would be light, yes.

MR. TASKER: And that's my recollection.

MS. NEFF: Yeah.

MS. GORDON: Okay.

CHAIRMAN SALADINO: How about the Attorney, is that your recollection?

MR. PROKOP: Yes.

MS. GORDON: Well, that's what it says in the minutes. I just want --

CHAIRMAN SALADINO: Okay. Item No. 4, Continuation of the public hearing of the Landmark Group for a property located at 222 Manor Place, Greenport, NY 11944. SCTM #1001-2.-2-41.1.

MR. TASKER: Mr. Chairman, as I noted at
the previous meeting, I'm going to recuse myself
from consideration of this and join the public.

CHAIRMAN SALADINO: Okay, Arthur. This
public hearing is still open. Anyone from the
public like to comment?

MR. SOLOMON: I have, John. I'd like to
make some -- just a statement on behalf of the
applicant, if I can.

CHAIRMAN SALADINO: Sure.

MR. SOLOMON: It's Michael Solomon, 2950
Hempstead Turnpike, Levittown, New York, on
behalf of the applicant.

As a -- by virtue of the postponement or
keeping the hearing open, I was requested or the
applicant was requested to provide some
additional information to the Board. I trust
that all Board Members have received a copy of my
letter of October 12th, 2017, in which I believe
I addressed all of the open issues that the Board
had requested information on.

I would -- I would move that a copy of my
letter be made part of the record. I don't want
to have to read through the whole -- excuse me,
October 5th. I'm sorry. And I want to make it
part of the record. I don't want to have to read
the whole thing. I'm hoping that everybody took
the time to read it.

I just wanted to basically, in a brief
fashion, indicate that there was a request made.
There was some concern about, well, have doctors
really used this building over the years. We
went back as far as we could do in research and
we've listed two, four, six, and probably more
than a dozen medical, related medical uses of the
building, and to today. And the building is
still occupied by one doctor, who is a -- a
representative from his office is here today.

The building has been continued to be used
in its nonconforming status throughout this
period of time. It's never been legally
abandoned. I know there was an issue raised at
the last meeting, well, because there aren't five
doctors in there, what's the effect of that? I
would submit to the Board, what the law basically
says, as long the building is still being used as
a medical office, even with just one office being
occupied, that would be sufficient to continue
the clock on the running of the -- of a
nonconforming use.

Now the interesting part of this
application, because there's been discussion, is it a use -- is it a use variance, is it an area variance? The fact of the matter is it's not a use variance, because we've already established the fact that there's a nonconforming certificate issued by the Village which qualifies this building as an office building with one -- with one apartment. In theory, it really isn't an area variance in many respects, because we're reducing the size of the building, which has been noted by roughly -- I think it was about 800 square feet, or thereabout.

The only other issue, we were here basically seeking variances with respect to parking, but we've already agreed on the record that we're accepting the recommendations of the Planning Department. We're paying the money in lieu.

So when you look at those three factors, the only thing we're really here asking for is that what the code says in 150-20(A)(1) is that we can't make any improvements to the building. And the only thing we're asking to do, and I don't want to, you know, bore us with this again, is we want to make this building ADA compliant,
an elevator, accessway for wheelchairs, ways to get in and out of the building, improve the building. And I don't want to belabor the record with going through a second presentation, which is really all we're asking to do. We're asking permission of this Board under that statute to say it's okay to make the improvement, that's it. That's really all that's here. It's not a question of use, it's not a question of area, it really isn't. And once we agree to the parking requirement, the parking's out of it. And even your notice basically says it's a -- it's an issue regarding the nonconforming improvement and parking. Well, as I said, the parking's removed, so it's only the nonconforming.

What's really interesting when you dissect your own -- your own code, and if I actually call the Board's attention to 150.23, 150.23 is a very interesting paragraph. It's in the nonconforming section.

CHAIRMAN SALADINO: Can we follow along?

MR. SOLOMON: That's fine.

CHAIRMAN SALADINO: Since David's the only one that has that portion of the code memorized, the rest of us are going to have to follow along.
(Laughter)

MR. SOLOMON: Well, it comes with experience. What 150.23 says, it's under Repairs and Maintenance, "Notwithstanding any of the above regulations," and that would be the whole section on nonconforming uses, "nothing in this article shall be deemed to prevent normal maintenance and repair of any use of the building, nor the carrying out upon the issuance of a building permit of major structural alterations or demolitions necessary in the interest of public safety. In granting such a building permit, the Building Inspector shall state the precise reasons why such alterations are deemed necessary."

Now, for the purposes of this hearing, it's apparent that our Building Inspector didn't issue the permit. However, that section of the code specifically makes reference to the interest of public safety. ADA compliance is a public safety issue. It's having people with disabilities having the ability to enter ingress and egress of the -- out of the building.

So what I'm submitting to the Board is in the certain theory, the Building Inspector could
have made that determination, but she didn't, so
the Board has the right to make that
determination. So what we're looking to do is
very simple. We just want to make the building
ADA compliant. The parking's been resolved.
There's really -- there's really nothing else in
this application at this point in time.

I do know that the Board may or may not
have received some opposition that's been filed
today by counsel at -- I received some papers
from who's here today, from the neighbors, and
what I would -- what I'd like to ask the Board is
to recall that we took extensive testimony in
this case from all of the neighbors. And while
the Board, of course, in its discretion has the
right to hear whatever you want to hear, I would
sort of warn the Board that I'm really not
looking to relitigate this thing or reopen this
hearing from the beginning of an issue when the
bulk of this case has already been discussed and
presented by neighbors. And I'll reserve the
right to respond when Mr. Grossman gets up and
makes his statement. Thank you.

CHAIRMAN SALADINO: Is there anyone else
from the public that would like --
MR. GROSSMAN: Yes, yes. Good evening, Chairman, Members of the Board. Before I get started, I just wanted to make sure, I actually had emailed copies of a Memo of Law to --

MR. CORWIN: Could you give your --

MS. GORDON: Identify yourself.

MR. GROSSMAN: I'm sorry, I'll identify myself first. I'm Adam Grossman. I'm an attorney. My office is located at 120 Court Street in Riverhead, New York. And I am here on behalf of some of the neighbors, the neighbors who are adjacent neighbors to the west and to the east. I'm currently retained by Objectants Michael Collins and John Quinlan, who own the residence directly to the west, and Karen Franck and Tony Holmes, who own the adjacent parcel off of Manor Place directly to the east.

So I have just for submission copies of the Memo of Law that I had emailed to Mr. Prokop earlier today. I'm not sure whether you've already received them or not, so I wanted to make sure you had them. Should I give them to you, Mr. Chairman?

CHAIRMAN SALADINO: We've received it.

We've received -- we have copies.
MR. GROSSMAN: Okay.

CHAIRMAN SALADINO: But it's --

MR. GROSSMAN: Mine just has color photos.

CHAIRMAN SALADINO: Okay.

MR. GROSSMAN: Okay. So I have one, two, three, four, five -- I have six, an original and five copies. I wasn't sure how many you needed. And I also have a copy for Mr. Solomon as well. Okay. So I don't mean to overwhelm you with paperwork, but this is a document that I prepared.

So I had an opportunity to review the public hearing record to date, and I was asked by my clients to be here tonight and to prepare a written submission in advance of the hearing tonight, just to go over my clients' concerns as it relates to the application.

While, Mr. Solomon's position is on behalf of the applicant, I understand he's looking to get the property to be ADA compliant. He's looking to have improvement at -- improvement of the property.

I think there are a couple of threshold issues here. And, yes, I'm coming in later in the public hearing process. I wasn't here at the
last public hearing, but I listened -- I read
through the transcript and I did have some
concerns. I indicated some of that in my Memo of
Law, but I just want to briefly go over it with
all of you.

I also just want to mention at the outset,
besides being a Lawyer in Riverhead, I also am
the Chairman of the Southampton Town Zoning Board
of Appeals, so I do what all of you do two nights
a month. And so I appreciate the difficulty of
the role of a ZBA member, because it's something
I do as well. So, I --

MS. NEFF: Mr. Chairman, excuse me.

MR. GROSSMAN: Sure.

MS. NEFF: Since I haven't had an
opportunity to completely read this, could we
take a 10-minute break?

CHAIRMAN SALADINO: I think -- I think we
should let --

MS. NEFF: Without -- I mean, it's easier
for me to listen to that which I know something
about.

CHAIRMAN SALADINO: I'm not sure if this is
an appropriate time to take a 10-minute break and
digest all of this in 10 minutes. My suggestion
would be to let Mr. Grossman continue, and then
we can --

MR. CORWIN: Do it at our own leisure, read
it at our leisure. I can't read something in 10
minutes.

MR. GROSSMAN: Okay.

CHAIRMAN SALADINO: So if that's okay with
everyone else, I think that's what we'll continue
to do.

MR. GROSSMAN: Okay. I'll do whatever the
Board's wish is.

So I start out the Memo of Law talking
about the issue of the use. And I know that
there was a vote at the last meeting on the use,
and it may be that all of you may consider that
this issue is in the past. But I just want to
put on the record, and I, you know, spelled out
in the early parts of my memorandum the concerns
that I had, and the concerns that I had go like
this:

For a building to be a preexisting
nonconforming structure, if there isn't a
variance, and the only entity that can -- that
has the authority to be able to make a use exist
that doesn't conform to the Zoning Code, either
it's one of two things. Either it is preexisting nonconforming, that is it predates enactment of zoning in the Village of Greenport, or it was granted a variance at some point subsequently by the Zoning Board of Appeals.

My review of all the documents that I was able to get my hands on prior to this is that, and it seems to be -- my perspective was that it was the understanding of this Board that no prior specific variance, use variance was granted to this property by the Zoning Board. There was some discussion of a determination in 1969, but it didn't appear to be anything akin to a determination granting the use, that is the medical office use. If that is the case and this is a preexisting nonconforming structure, whether it has a preexisting CO or not, in my view, the burden is on the applicant if there's a question as to whether, in fact, there -- about the status of the preexisting nonconforming use.

It would seem to me that rather than getting testimony from an attorney who does not have firsthand experience as to what transpired on the property, while Mr. Solomon's, you know, doing what he can on behalf of his client, it
would seem to me that what would make much more sense is to get an affidavit or basically proof that it continuously was used from prior to the enactment of zoning in the Village of Greenport as a medical office to the present without interruption that would necessitate abandonment of the use. That's to me, you know, legally the way which, you know, I see it in terms of how it should be handled.

Instead, what we have is we had a discussion that there were -- there's different records in the Village of Greenport that the Village acknowledged the use. There is the preexisting certificate that was issued, but none of those documents give this property that preexisting status. The only thing that gives preexisting status is a determination of this Board, you know, in my view, that it, in fact, predated zoning in the Village of Greenport and that that -- and that that use was continuous.

And I'm not going to dispute what Mr. Solomon said, that it could be one doctor, it could be five doctors, it could be three doctors that had that use, but it has to be a continuous use. It's just not a small thing to have a
nonconforming use established, and I really don't think that the applicant met their burden here. So I'm -- I know that a determination was made at the last hearing on this. I'm bringing it up because I think that the applicant didn't do as much as they should have been required to do in order to establish the status.

Okay. As to what the outcome of that process would be, maybe they have someone who actually can put -- can give you sworn testimony in an affidavit that there was continuous use. Maybe they could find somebody and maybe they can't. Maybe there was a continuous use and maybe there wasn't. You know, I -- you know, goes quite a long ways back. But it would seem to me that that's what would be necessary to resolve the issue of the status of the property. Okay. So that was the first issue.

And then the second issue, and really, you know, the issue that my clients hired me, you know, for is that this is an extraordinary -- extraordinarily difficult application, in my view, okay, because what we have is we have a medical office use literally surrounded by residences, and these residences aren't, you
know, 50 feet away or 100 feet away, or further. You know, one of my client's dining room is less than a foot from where the proposed driveway is going to be. The neighbor to the -- my other clients on the east side of the property, there is -- I don't know. You know, it's shown in the pictures just, you know, a bunch of bricks, you know, less than a foot between their driveway and the entranceway to the rear of the property. And although I haven't been retained by the property owners that are in the rear of the property behind where this driveway is going to be, it's going to impact them, too.

So the fact that everything is so close, and I understand that this is a village and a lot of the properties are very close to one another, when there are these kinds of circumstances where properties are so close to one another, it's all the more impactful if you have a commercial use next to a residential use.

As to the use itself and what they're looking to propose, I will acknowledge that they're not looking to make the building larger, okay? They're making -- I think they're taking off a little section of the building where the
entranceway is. Actually, it's in one of the pictures. But other than that, the building in terms of its size would remain the same. However, the -- what's looking to be done with the property, Mr. Solomon indicates that he doesn't think that there's going to be an increase -- an increase in the use of the building. That is a little bit confusing to me, because the plans that were submitted with the application show several different exam rooms and doctor's offices, what appears to be a whole lot more activity than what currently exists.

While the applicants -- while the neighbors bought their property, it is true, next to this building, I think this -- the history of this building, at least for a very long time, has been a relatively, you know, minor medical use -- medical building in terms of the amount of people who are going in and out of the building, the amount of use of the building, so that they could be in harmony with the residential neighbors. What's being proposed is something that my clients fear, and that's why they're here tonight, that it's going to dramatically impact their ability to use their residential
properties.

My clients, you know, Michael Collins and John Quinlan, will have an exit driveway for all -- whoever's going to be coming in and out of the building, cars driving by all day long within a foot of where their dining room is. The neighbors to the east, my other clients, Tony Holmes and -- I'm sorry -- Karen Franck, will have their driveway literally right next to the entrance driveway going from Manor Place to the rear of the property. There is so little room there. I went -- and I went to the property, I know all of you did as well. There's so little room there that if you open a car door on Mr. Franck and -- I'm sorry -- Ms. Franck and Mr. Holmes' property, you would actually -- your car door would be in the driveway of the applicant. That's how little space there is here.

And so it's really hard for me not to -- reviewing this application and picking it through, it's hard for me not so see how this is all going to have a significant impact on my clients and the clients -- and the property owners to the rear.
So while the applicant wants to have a use of their property, they want to make improvements, they want to make the property ADA compliant, and they want to, you know, make some other changes, I know handicapped access, you know, in the rear, we think it's going to be a much bigger use. We think that as a Board, dealing with what they're asking for, which is alteration of this building, is going to result in a much more active use than what currently exists in terms of the amount of activity between doctors and staff, and that it's going to really negatively impact them.

So, in any case, that's why they've asked me to be here tonight. I've -- you know, my clients also asked me to put in some particular information as to their concerns related to the application and what minimal things could be done to alleviate their concerns. What I did was I highlighted those items on Pages 13 and 14 of my memo. And I'll just read them briefly, because it's not that long.

So they indicated that they would ask of this Board if you were inclined to grant the proposed variance relief in its entirety, to
require a perimeter landscape buffer area of 4 feet, including trees that will be very large when grown to provide maximum screening along the perimeter of the sides and rear of the property per the Southold Town Code, instead of the proposed 3-foot buffer.

They also would ask that the heating and central air conditioning unit, which is currently in the west of the property, be moved away from the side yard adjacent to their property, which is currently on the west.

They're also concerned about the construction that would take place damaging the foundation of their homes, and that stormwater runoff from the proposed parking area and entrance and exit driveways be fully addressed by the applicant, so the neighbors do not have flooding issues on their properties and in the basement of or elsewhere in their homes or on their property.

They, lastly, would like to see the mature trees in the front of the property along Manor Place to remain as they presently exist.

However, the objectants would prefer that this Board deny the application outright, or, in
the alternative, that this Board ask the applicant to significantly scale back what is being proposed, so that the objectants and all other adjacent residential property owners are not so negatively impacted by the proposed expanded use of the subject property in the future.

So that's kind of where we are. I also go through in my Memo of Law the area variance and use variance standards. The use variance standards are only there as it relates to the preexisting nonconforming status of the property. The area variance standards are related to the proposed alteration of the building.

So I know this is -- I'm giving you a lot of information in a short time. I also just want to, you know, make sure I'm not -- I know that you received the Memo of Law in advance of the meeting. I tried to get that to Mr. Prokop so that you'd be able to review what I submitted in advance. And I'm hoping that this Board will weigh carefully the impact of this application on the neighbors, and that, you know, maybe we can talk about what can be done to alleviate their concerns, or at least address their concerns.
Last thing I'm just going to mention is that I did speak with Mr. Solomon this afternoon, and my office is and will continue to be open to, you know, discussions of any ways in which the concerns of my clients can be addressed. And I'm not sure if you have any questions of me.

MR. CORWIN: Not at this time.

MR. GROSSMAN: Okay.

MS. GORDON: It's a little hard when we didn't get this --

MS. NEFF: Right.

MS. GORDON: -- memo until just now. I mean, I went yesterday to pick up the materials for the meeting and it did not -- they did not include this memo. And I guess, you know, these are all concerns that we -- that have been raised in the past and that I think we would take seriously the list that you read from, Page 14. But I'm feeling as though if there isn't something new in this memorandum, I sort of feel as though we should not -- I don't mean not take it into consideration, but something that -- it doesn't seem to me it should have a significant impact, given that we haven't seen it until now.

CHAIRMAN SALADINO: Well, I don't think --
the fact that we're seeing it now shouldn't mean
that the neighbors shouldn't have a chance --

MS. GORDON: Right.

CHAIRMAN SALADINO: -- to respond. The
applicant's attorney, Mr. Solomon, if I'm kind of
reading Mike right, is saying that perhaps the
neighbors should have responded sooner. I'm not
sure I agree with that. I think the neighbors
have a right to respond. I think they have a
right to have legal counsel. And I think they
also have the right, albeit that it came to us
late, they have the right for us to consider this
document.

MR. GROSSMAN: And, Ms. Gordon, just so you
know --

MS. GORDON: I just want to know what is
new in this that we would not have heard? You
said you looked at the minutes from the last
meeting, so you know that we did discuss some of
these issues. And we would discuss them again,
especially if we were going to approve,
basically, but wanted to add conditions, which is
always possible.

MR. GROSSMAN: Right. What is new? Well,
I know that the neighbors spoke at the last
public hearing.

    MS. GORDON: And sent letters.
    MR. GROSSMAN: And they sent letters. They did not have an attorney at that time. I addressed the legal issues in the memo. So just so you know, I always try to do everything as in advance of a meeting as possible. I was retained about a week ago, so I had to do a fair amount of work in a short period of time. So I got it to Mr. Prokop, you know, around -- I think it was shortly after noon today. That was when I had the document ready to go.

    So I don't mean to put the Board in the position of having to review something with very little notice, but I had to take the time to prepare the document as well.

    I also went to the property. I also met with my clients and went over all of this and kind of, well, reviewed what is a pretty extensive public hearing record.

    But, in any case, what is new? I think what I've tried to do is I've tried to narrow the issues in terms of the concerns of the neighbors, okay? I have tried as best as I can to go over I think the issues in terms of the impacts on them,
with photographic evidence attached, how close
the properties are to one another. I know that
you're already aware that that is the case.

I don't -- I didn't get anything out of the
public hearing record that there really had been
a lot of dialogue. There was a meeting, I know,
but that there was really a lot of dialogue
between the applicant's attorney and the
neighbors, I know that. All I know is that they
met. I did not really get any sense that there
was any negotiation or really agreement on much
-- on much of anything in terms of what was being
proposed.

A lot of the last public hearing was about
-- was the, you know, issue of the use fully
addressed. That was, you know, a chunk of the
public hearing. And then I think the neighbors
spoke about the impacts on them, and they spoke
about it from their personal perspective, and
whether it's in -- whether it was in writing or
in the public hearing record. I tried to refine
their concerns in a -- you know, a legal document
to be able to say this is what we want, and so
that's -- I would say, what is different? I
would say that you have a concrete proposal here
in terms of what they're looking to do in terms of their concerns.

MS. GORDON: Thank you.

MR. GROSSMAN: Okay.

CHAIRMAN SALADINO: Anyone else?

MS. NEFF: Well, again, without having read this thoroughly, I feel like I'm literally skating on thin ice. But having -- I mean, I thought the idea of skimming it made sense, because most of it we know something about. I'm glad you highlighted a certain section.

One of the things you raised, I remember certainly that we talked about, perhaps not at great length, but that stormwater produced by this building and its impact would not be off of the property line. I'm certain --

CHAIRMAN SALADINO: That's a requirement.

MS. NEFF: -- that -- well, right, it is, and that certainly David raised the issue. Okay. I think a relatively minor point is moving the -- oh, what do you call it? Infrastructure is not the right -- the heating and air conditioning units to the rear of the building doesn't sound like something that couldn't be negotiated.

Some of the other things that you talk
about, like the history of use, and whether or not the intensity of use, if that is the correct word, speculating about whether it was at a low point in -- you know, two thou -- whatever, and what it will be in the future is difficult. And I think we have rather thoroughly gone through it, and any new information that you're requesting perhaps could be supplied as best that it can be with the files not being perhaps what we would like them to be of this Board.

What else? I guess -- and what attention have we given to the buffer? The two -- using two driveways instead of, as it has been historically, a one driveway is a change, but there's also a rather large space in the rear of the building for people to navigate. I doubt that anyone would ever open a car door in one of those driveways.

I think I have rambled, but that's my point of view about -- perhaps what we want to do is we keep this public hearing open, that maybe there would be more dialogue between your office and -- I'm sorry, but I can't remember your name right this minute.

MR. SOLOMON: Mr. Solomon.
MS. NEFF: Mr. Solomon, excuse me.

MR. SOLOMON: You can call me Michael.

MS. NEFF: Hi, Michael. Anyway, that's my comment.

CHAIRMAN SALADINO: Well, my comment is, is that I'm not willing to accept a summation of opinion. I have to read this, to everyone. I'm going to have to read this and there's always something that you learn from reading. Maybe, maybe it will tell me something new, perhaps it won't. Again, I know it came late, but I don't think -- everyone agrees it's an important decision, perhaps everyone agrees it's an important decision. I don't think the neighbors should be penalized. But that's the only comment I have for the -- for the attorney. If anybody else has a comment, we're going to let him sit down, and perhaps some of the neighbors have --

MR. SOLOMON: I just want to respond. I just want an opportunity to respond.

CHAIRMAN SALADINO: Can we just let some of the neighbors who haven't spoke speak first, perhaps?

MR. GROSSMAN: Okay.

CHAIRMAN SALADINO: Before you sit --
MR. GROSSMAN: Yes.

CHAIRMAN SALADINO: -- everyone's addressed their concerns with this attorney? David, yes?

MR. CORWIN: It's a public hearing and it's still open, so anybody can come and bring it forth.

CHAIRMAN SALADINO: No, no, before he sits down. Why bring him up again?

MR. GROSSMAN: Okay.

CHAIRMAN SALADINO: Thank you.

MR. GROSSMAN: Thank you very much.

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

CHAIRMAN SALADINO: Whoever. You guys work it out between you. At the podium, please.

MS. STAKER: Good evening. My name is Nancy Staker, and I'm a resident of Greenport, 200 Manor and Atlantic Avenue. And because I am right across from the hospital on the water, I see the ambulance, ambulances 24 hours a day.

And my concern is, I am familiar with the doctors and psychiatrists that have been occupying this building, and I think one doctor left and went into another group. But there were -- I was always taking clients -- I'm a
nurse -- always taking clients to this building, and people were parking in the front, opening the door, wheelchairs. We have an exit coming out of the hospital and an entrance coming out of the hospital, also very large trucks going down to the emergency room area where they make deliveries, and then ambulances, so it is a very -- at times, a very busy road.

   My concern is having the two entrances there. And I know this has been established and so I'm late, I'm late with speaking about this, I hadn't heard about it. I just -- I have sometimes gotten hit by people just coming out of the hospital right by that mailbox, not paying attention, then the other -- there's actually three entrances, plus the emergency room, and then having an ambulance go by. So that's just my thought. I think I'm a little late in saying this, because I think it might be an established fact already that this building is going to go up. But I do really have a sense that it's going to be with doctors today, and office buildings, medical buildings, is going to be quite increased activity. And so being that I live on that block for 15 years, that does concern me.
And, also, now that we went to Stony Brook, ELI Hospital, that parking lot's never been the same. And I have people in front of my house parking right next to the fire hydrant, which they never get a ticket, and across the street, and just a lot of activity.

So that's my two cents, and have a good evening. Thank you.

CHAIRMAN SALADINO: Thank you. Peter. We're going to let Mr. Clarke speak first.

MR. CLARKE: Good evening, everyone. My name is Peter Clarke, and I live at 806 Main Street, one house up from the intersection of Manor and Main.

I have been to see this Board before, a year ago, on the matter of the Holy Trinity Church Rectory's request to rezone into a two-family, which was a change to the zoning of the one-family that had been standing for many years. The Board voted to approve that variance.

I came because my concern, like my neighbor who just spoke, is that that particular stretch is an extremely active and busy part of the Village, and that I thought increased congestion and changing that zoning was not a good idea.
Just as a footnote, that zoning was -- that zoning variance was approved. However, the Diocese has gone forward and found a priest, and it is remaining at this time, though the variance was -- as provided, it is staying a single family home with a priest in residence and will not be used as a two-family.

When I bought my home in 1998, I was aware that we had an active hospital a block-and-a-half away. So, obviously, you can expect that there will be traffic, emergency room, and ambulances. I am a volunteer for the hospital, so -- and help them to raise money, so I support the hospital, and certainly appreciate that we have a medical facility in Greenport. So my comments are qualified by those statements.

My support of my neighbors is that anything that will continue to increase congestion beyond what we already have, and the appearance of what will be more intense use of this property, and the request to add additional driveways for traffic by neighbors' property lines in such close adjacency concerns me, and the increase in traffic on that block concerns me.

That particular intersection, if you were
to access at even just Main and Manor, if you were to access police records over the past 10 or 20 years of how many traffic accidents and collisions have occurred there, you will see that that particular block has been the scene of quite a bit of vehicular accident.

    And, obviously, this building has been in use with -- from me walking around, it's a relatively passive use of social workers, and psychiatrists, and one or two internists, and an apartment where, you know, one car came and went each day, and people came and went for the use of a psychiatrist. But it kind of looked like a sleepy country medical building, not a particularly active one that you would expect maybe in a strip center or in another more densely zoned area.

    And I believe that our particular area of the R-1 has been put under enough intensification. And I would urge the Board, as I did last year, to please consider respecting the zoning of the area, while also trying to be respectful of the rights of the property owners who are seeking this application, and to find a way to mitigate the application to the satisfaction of the
neighbors on the east and west, and to try and help us keep the amount of activity and traffic to the current levels, rather than allowing them to increase any further.

I thank you for your service, and thank you for your time to listen to my comments.

CHAIRMAN SALADINO: Thank you. Is there anyone else? We're going to let this guy go first?

MR. SCHWARTZ: Good evening, everybody. I'm Benjamin Schwartz. I do work in the building, the subject building.

CHAIRMAN SALADINO: Could you give your address for the stenographer?


I am -- I am a representative of the Doctor who is still seeing patients in the building, but I'm not here representing the Doctor or her business, I'm here representing myself. The Doctor is and always has been very concerned with the neighbors' peace and quiet and interests, and she did not ask me to come here or give me permission to speak for her, or anything like
that.

So I just -- a couple of points that I think that I haven't heard yet that might be relevant. The advantage of having a doctor's office right next to a hospital just makes sense to me. Every time a patient calls and says, "Where are you?" "Right across the street from the hospital." "Okay, I understand that." Instead of like going to see a doctor in the middle of a vineyard or something, it just -- I don't know.

People are saying this building is surrounded by residences, but there's a hospital across the street. And I just -- on behalf of my patients, and from my own personal experience, you know, we've gotten a lot of people that are very sorry that we're going to have to consolidate this office for the time being, at least, if renovations are going to occur there, in Riverhead, where there are a lot of doctors. But a lot of people who live out here don't want to or cannot travel to Riverhead. They are able to drive around the local area here, but to go to Riverhead, they need to have -- make arrangements for someone to transport them. It's just not
even possible for some of the elderly patients, 
let alone the patients that just don't prefer to 
see their specialists out here. 

I really came here to listen to everybody, 
and if there are any questions, if the Board has 
any questions, I mean, I don't have -- while I 
don't have -- I wasn't there 20 years ago, I've 
only been there for five years, the doctor I work 
for has been there approximately 15. She's had 
an office, a second office in Riverhead for over 
10 years now, but her -- this was her first 
office. And we hope to remain here, if the 
building is -- you know, the building is an old 
building. I mean, I love old buildings, but this 
building was put together from two old buildings, 
and it does need some work. So I hope that it's 
possible to do that and not to make the use 
bigger and more disturbing to the neighborhood. 

Are there any questions any of the Board 
members have that I might be able to answer, 
someone who works in the building? 

(No Response) 

MR. SCHWARTZ: No? Okay. Well, thanks. 
CHAIRMAN SALADINO: I'll ask my colleagues. 

Does anyone have a question of Benjamin?
(No Response)

MR. SCHWARTZ: Thank you for hearing my position, appreciate it.

CHAIRMAN SALADINO: Sure. Thank you.

Anyone else from the public?

MR. HOLMES: My name is Tony Holmes. I live in the house on the east of the property. And I would like to refute your statement about the -- my door to my car, I cannot get out of the door unless I open the door into the other driveway. There's not room in the driveway that I have to open both car doors. So that's -- that's it. It's not that simple. You know, the driveway is -- my driveway is less than 10 feet. That's the property line. So if I pull in my driveway with enough room to let my wife out, I have to open the door into the other driveway. That's how it is. That's all I have to say.

CHAIRMAN SALADINO: Okay. Thank you.

MR. HOLMES: Excuse me. I have one more thing. It's being talked about as we're just upgrading the building to conform with ADA. That's a good idea, I don't dispute that that's a good idea. However, they never talk about the increased use of the building.
When I bought our house in 1999, there was a small driveway, the backyard was a car. People parked in front, went to the doctors' offices, very, very minimal use. When Joe bought the building and put in the apartment and was -- had to put in a parking lot, the only people that parked in the parking lot were the doctors, very rarely, Susan, his sister. No patients ever used that backyard, none, zero. They all parked in front, went in the front door. Minimal use, that's what the situation has been since I've been here since 1999.

Now we're looking at what I call a doctors' strip mall in a residential neighborhood, because you're going to have people coming in one side. Whether or not they're able to park or not and going out the other, right past our houses, would you want to live next to that? That's my question.

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

MS. CROWLEY: My name is Sheila Crowley. I live at 2 -- I own a home at 2 Monsell -- 219 Monsell Place with my husband, Tom Knowlton.
And I had no anticipation of standing up here tonight, but, you know, I love my neighbors, and I have neighbors on every side here. And everything I've heard so far about the people who want to purchase it, I'm looking at -- you know, have the best intentions, and I know the people on the other side have the best intentions. And if only we could just, you know, come together in an informal way, it would work out well.

But my -- the one thing that comes to mind for me, because it's happened to me in an apartment in New York City, is the longer term. So, for example, what I've heard is that the owners want to do everything they can to make this right for the community, and I believe that, like I honestly believe that. But I think the trouble I see is, you know, four or five years down the line, if this property gets sold again, and then it has this sort of, you know, main highway advantage in terms of parking and such, and understanding that, you know, we don't know what the hospital is going to do. We don't know what the expansion -- obviously, it's growing with the new merger.

So I just think that I look at the longer
term, you know, because I think all the best intentions are happening here mostly, so to think about that. And to also think about maybe the use of the building and whether there's an opportunity to -- maybe the conversations with hospital to say half the time -- you know, half the building is H.R., so, therefore, you don't -- and I heard H.R. might be part of this conversation, but, you know, that you don't have five doctors with patients coming every 15 minutes and creating, you now, kind of a highway of hospital, you know, or a second highway of hospital.

That's all I had to say. I think probably the best outcome will come of this, but I'm thinking of the long term, that that can do it.

MR. CORWIN: Question.

MS. CROWLEY: Yeah.

MR. CORWIN: What is H.R.?

CHAIRMAN SALADINO: Human Resources.

MS. CROWLEY: Oh, sorry, Human Resources. Human Resources, so for -- so for the hospital --

MR. CORWIN: Half the building is H.R., you said?

MS. CROWLEY: So if half the building is
not being used for doctors, whereby there's a
lots of traffic being created with patients
coming and going, right? So if you're -- H.R.
is just an example, so administrative.

MR. CORWIN: I'm not following you. What
building are you saying? I took it to be you
were saying Long Island Hospital, Eastern Long
Island Hospital. You're talking about the --

MS. CROWLEY: Yes.

MR. CORWIN: -- proposed building on Manor
Place, half of it is going to be for Human
Resources?

MS. CROWLEY: I don't know. But I heard a
rumor that perhaps, you know, half -- part of the
building will be for H.R., which sounds good,
right? That's sort of where it's been before,
where you don't have a lot of traffic because of
that, right? So if it's more administrative in
nature, then you don't have the swirl of traffic,
and more congestion, and more traffic accidents,
you know what I mean? That's sort of what I was
talking about. So I don't know. I know nothing
about the ability to influence the hospital on
that, but -- or influence the owners, you know,
how they -- how they can choose to use the
building. Thanks.

MR. CORWIN: Thank you.

CHAIRMAN SALADINO: Chatty.

MS. ALLEN: Chatty Allen, Third Street.

I've had mixed feelings on this property, and it seemed when Mr. Solomon got up, a lot of what's been brought up in the past few hearings to me kind of was resolved.

I understand the concern with neighbors with their driveway being so close to another. I live on the corner up here. My -- where I park my car is literally a door's open away. My door opens into the small driveway that goes into Sterlington. I don't, you know -- you know, you got to look before you open your door. Everyone has issues as far as that goes. There's a lot of places that are like that.

The one thing that bothered me tonight that was said is, well, this is what they say they want, but we know they're not going to do it, so they want you to deny, and I really would -- my hope is this Board looks at everything and does not project what this building may be. I saw this a few years ago where someone was denied because people got up and said, "No, you cannot
build on that lot because you're going to turn it into a rooming house." The person was trying to build a two-family home. I don't feel that should be brought in saying -- they're saying that this is what this building is going to be.

I'm 100% for bringing buildings up to code, especially in a medical facility. You know, there's times I have a hard time climbing stairs. So for a lot of patients, elevators are very good when -- even if it's only going one floor.

Safety for everyone, this building should be brought up to code.

I was in there with my doctor back in the '60s, so that's -- like I said at the last hearing, I know this building has been used since the '60s for doctors' offices. In the mid '70s, I was in the doctors, and he said, "If I had been across the street, you would be in and getting your tonsils out." You know, so at least since the '60s I have personal history with this building.

CHAIRMAN SALADINO: Chatty, 1961, 1969?

MS. ALLEN: Well, I was born in '61 --

MS. NEFF: So it's not then.

MS. ALLEN: -- so it was mid '60's. It was
mid '60's, I would say.

CHAIRMAN SALADINO: Okay.

MS. ALLEN: I mean, I don't remember the exact year, but being born in '61, my pediatrician was in there. You know, so I understand neighbors' concerns, but I don't feel we should be projecting. I mean, I have an extensive medical history. I go to doctors anywhere from Greenport to beyond Stony Brook. I have never, in any place I've gone, seen the traffic that's being what they're saying it's going to be. It's not going to be a loop constantly all day long. I've been to specialists all over from between here and the City. I've never seen that kind of traffic. So to me, I just -- I can't picture that.

But I really hope you look at the entirety of this, the benefit for our community, so that -- like the gentleman said -- I'm one that needs every specialist under the sun. If there are specialists right in Greenport, so that I don't have to find someone to take me to Riverhead or beyond, where I don't have to lose work, I would rather stay locally to be able to
see the specialists that I need. To me, I feel
this is a bonus for our community and this is
something that's been lacking. Thank you.

MR. HARTE: Hi. Gary Harte, Sterling
Street, Greenport -- Sterling Place, I'm sorry.

I guess I have a question for the Board.
The -- I know, talking about the parking and how
there's going to be a payment made to resolve the
parking issue. I know that there was an issue on
Third Street, I think, and Front Street, that
property that was -- a number of proposals of
what to build there and there was always --

MS. NEFF: Hotel.

MR. HARTE: -- an issue that there wasn't
effective parking, and a similar issue is here with
this property. And I can understand like in
Front Street, if the owner of that property paid
the Town some kind of money to resolve the issue,
that the Town could then use that money to
improve the parking downtown. You know, it kind
of makes sense.

CHAIRMAN SALADINO: If it had happened.

MR. HARTE: If it ever happened. But, I
mean, I think that's the logic of this, you know,
how the owner can compensate the Town. I guess
my question is if they're missing nine parking
spaces, or something like that --

CHAIRMAN SALADINO: Twelve.

MR. HARTE: Twelve. So whatever that
payment the owner makes to the Town to resolve
that issue, how does that help the people who
live near that building? And, actually, it
doesn't help them at all. Even if the Town
builds more spaces, you know, downtown with the
-- it doesn't help us who live there when people
are going to be parking in our driveways, or
whatever happens with this increased use.

CHAIRMAN SALADINO: There's a provision in
our code that the Planning Board has the right to
take a payment in lieu of parking. The issue
went before the Planning Board, they considered
it, and they decided that they would, in fact,
sell the 12 parking spaces. Sell is --

MS. NEFF: No, it's a payment in lieu of,

it's not sell, in my view.

MS. GORDON: It's ten times three.

CHAIRMAN SALADINO: Sell -- what I was
going to say is "sell" is probably not the right
word. They decided to accept the payment in lieu
of parking for the 12 spaces. We can't speak for
the Planning Board. I'm sure they took into
consideration the area, the neighbors, the --
where those 12 cars would park. We can't speak
-- they're a statutory board, they're antonymous,
we can't speak for them.

As far as the money, also part of the code
says that it would be used, any monies collected
would be used to acquire more parking in the
Village. So it wouldn't be -- it's not money
that would go into the General Fund, it would go
into a fund that's specific to acquiring more
parking for the entire Village.

Will it -- will it impact the neighbors
more than it will someone like Diana and myself,
we live on the other side of town? Perhaps. But
there's a tenet in Zoning and Planning that's --
is the benefit to the Village greater than the
detriment to the neighbor, and perhaps the
Planning Board -- we can't speak for the Planning
Board.

MS. GORDON: I'd like to just add one.
This isn't directly relevant to your question,
but the representative of the hospital who was
here last time said that their intention is to
request that the people who are working, the
hospital employers who are working in a section
of the building park at the little -- at the
smaller parking lot that's just to the east in
the same block, and he made it sound as though
that was a requirement. Now that doesn't
necessarily mean it will happen perfectly, but it
seemed to me that it will relieve a little bit of
the pressure.

But, of course, your answer -- I mean, your
question is an appropriate one and it doesn't --
that agreement with the Planning Board does not
include a benefit to the immediate neighbors.

MR. HARTE: Right. Of course, to your
point, I was aware the hospital did make that
accommodation. But, I mean, so far as we know,
they're not a tenant, they're a prospective
tenant.

MS. GORDON: Everyone is -- there are no
tenants at the moment there, everybody is --

MR. HARTE: Right. So the hospital can
say -- can say that they -- you know, if somebody
else is a tenant, they're not going to open up
their parking lot to people that don't work for
the hospital.

MS. GORDON: But there is a logic if the --
if the hospital needs more office space and is intending --

MR. HARTE: No. I would be very happy if the hospital took over the whole building, but, you know, we don't know.

CHAIRMAN SALADINO: We don't -- we're not privy.

MR. HARTE: No, we can't.

CHAIRMAN SALADINO: We're not privy to the agreement between the neighbor and the hospital --

MR. HARTE: Right. You know, we don't know that.

CHAIRMAN SALADINO: The applicant and the hospital, we honestly don't know. Mr. Eble? The vice president of the Hospital, Eble?

MS. GORDON: Eble, Eeble (phonetic)

TRUSTEE ROBINS: Eble.

CHAIRMAN SALADINO: Eble?

MS. GORDON: How do you pronounce his name?

TRUSTEE ROBINS: Eble.

MS. GORDON: Eble.

CHAIRMAN SALADINO: Eble, he spoke, and, you know, he kind of gave us an indication of what they may or may not do.

MR. HARTE: Right.
CHAIRMAN SALADINO: But we haven't -- we don't know.

MR. HARTE: Okay.

CHAIRMAN SALADINO: So did I answer your question --

MR. HARTE: Sure.

CHAIRMAN SALADINO: -- about the parking?

MR. HARTE: Yes, you did.

CHAIRMAN SALADINO: Okay

MR. HARTE: Thank you.

CHAIRMAN SALADINO: Sure. Anybody else that would like to speak?

MR. COLLINS: My name is Michael Collins. I live at 232 Manor Place. I am the homeowner immediately to the west of the property. I have something prepared here that I'd like to read. It's short, I won't keep you, because I've been up here several times from the last meeting.

But, you know, the thing is I would like to say, I'm not trying to be a bad neighbor. I would really like to work out something with this project. The ADAs, bringing it up to standard, remodeling, it's all beautiful, that's great, but there are certain things. You cannot squeeze in
this intense use just because you want to. Yes, it's super, it's right across the street from the hospital, it's ideal, but it's also right across the street in a residential area. So I'm not trying to be a bad neighbor.

And I apologize for bringing in Mr. Grossman sort of last minute here. That was not our intent for it to be last minute. But I realized at the meeting last month that this is incredibly important, and I wanted all the support I could possibly get, because this is not -- my home is not a second home, I'm not a second homeowner. That is my entire life savings investment in that home. So all of this is extremely important to me, and I am not trying to be a bad neighbor. But I am trying to do -- just like the new owners, I'm trying to protect my investment. I have the same rights as the new owners of this property. So that is something very heartfelt, and I hope you understand where I'm coming from, because I do not -- like I said, my goal is not to be a bad neighbor.

There's one thing I would like to address from the last meeting. There was a question raised about the occupancy of the building, and
I'd like to make a few points, and this pertains directly to the increased use of the building. Again, we kind of talk about how great it's going to look and how great it's going to be accessible, and there's going to be medical offices in there. No one has ever questioned the use of the building. As far as I know, it's -- you know, since it was even before the buildings were joined, it was a medical building. Nobody's questioning it was medical offices, it was a professional building. What I'm questioning is taking it from a professional, medical professional building to a medical center in a residential area. You just -- there's no room there, you can't do that.

Again, at the meeting in September, there was a question about the occupancy. Last month I went with my partner for his eye doctor appointment on the North Fork. We arrived at 8:30 a.m. for an 8:45 appointment. There were 10 people in the waiting room. There was one doctor and six support staff members. That's 17 people just with one doctor. If you're looking at four doctors in the proposed plan, that's four doctors times 17, that's 68 people in the medical
building for services. Plus, there are three offices on the second floor with one person per office minimum, for a total of 71 people in the building.

Now you add in a three bedroom apartment on the second floor with, I'm guessing, maybe four adults in the apartment, that's a total of 75 people that could potentially be in that building at any given time.

So where are all these people going to park? How does this building function with so many people in and out, and with really totally inadequate parking?

There have been comments that there will only be maybe two doctors providing care at any given time. Well, once you sign a lease, you have no control over the activities and the schedules of your doctors. There will also be -- there was also comments about this being a nine-to-five, Monday-through-Friday operation. Again, you will have no control over that either. Doctors could see patients on Saturdays and evenings. Office staff could also work additional hours on Sundays and evenings. But, regardless, you have a 24/7 operation, because
you have an apartment in the building.

My primary care doctor is in a large practice with three medical -- three other medical providers. They have a support staff of five, and my doctor sees approximately 15 to 18 patients per day. With the proposed four medical providers in the plan, the proposed plan, times 15 patients a day, that's a total of 60 people per day, plus support staff. Where are all these people going to park? How is this going to function?

I -- you know, I totally understand maximizing your profit, you know, we would all want to did that, there's nothing unusual about that, but you can only make this work if you have the space to do it. There is not enough space in that building or on the property for the proposed plan to work. There is no way you can provide adequate parking and a functional system. Thank you.

CHAIRMAN SALADINO: Yes.

MS. KOUGENTAKIS: My name is Dimitra Kougentakis, and I'm the owner of the building. And I hear all the calculations of the doctors. They're going to come and it's going to be
enormous traffic, and this and that. And I'm
telling them, Dr. Saul, Bruce Saul is going to
come back to the building. It's one doctor, and
has arranged his patients, because he's a
psychiatrist -- a psychologist, and one by one.
So it's not five cars, he doesn't need, he needs
his car and the patient's car, that's two cars.
And he's going to stay. He has two times a week
an office in the building. So the other three
days the office is going to be locked, nobody's
going to be there.

We go now to Dr. Jay, which is -- she's
willing to come back to the building. Dr. Jay
has an office twice a week, Tuesday and Thursday.
Benjamin's here, he has his own car, doctor has
his own car. And she sees, the time I was there,
about seven patients, the most eight, during the
day, so that's two times a week, Thursday and
Friday. She sees patients from 12 o'clock in the
afternoon to 5 o'clock in the afternoon. Only 10
hours a week she sees patients there. So I don't
know how the traffic is going to be enormous.

I already propose you for two doctors, so
then we're having another three doctors. So we
can calculate these doctors can see 10 patients,
15 patients a day? What is the increase? What is the enormous thing we're going to do?

We bought a building there, it's close from the hospital. We thought the Village is going to support us to stay and to be a good thing for the Village. We don't want disturb anybody. We don't -- I talked to John, I talked to Mike and I told them -- I promised them, whenever it's an issue and if they have with my tenants, I can go and straighten up everything, and straighten up to feel it's a residential, to stay as residential, like to be quiet. I didn't try to make an enormous -- a factory or something.

So that's all I -- I promised them from the first day, and I keep my promise, whatever I say. So I don't know why they tried to do that to us, and it's very disappointing. Thank you.

CHAIRMAN SALADINO: Thank you.

MR. COLLINS: Michael Collins again. You know, I understand that. I mean, that's great to explain it. You know, I would like to have heard that earlier, too. But you have to look at the plans submitted. There are three exam rooms downstairs, or four exam rooms downstairs and four upstairs. There are five doctors' offices,
or four doctors' offices, I'm not sure the exact count. So, you know, you can say what it -- you know, all the regular people are going to come back and it will be all home sweet home, but you've got to look at the plans submitted, and they don't -- they don't describe what we just heard. So that's my comment.

CHAIRMAN SALADINO: Thank you. John.

MR. QUINLAN: John Quinlan, 232 Manor Place.

I think what's happened is there has been a disconnect. There has been one effort to make the approach and make the effort seem like it's this razzle dazzle, over-the-top, state-of-the-art, just going to knock your socks off. There's been that idea, and that's to appeal to the hospital, perhaps. It's appeal -- it's to appeal to funders or bringing in new doctors. But, meanwhile, there is the kind of grassroots. And, yes, we would like Dr. Jay to stay and Dr. Saul to come back.

And when we try to paint the picture of it was kind of limited use, and Charles Ihlenfeld was there three hours a week for 25 years, or whatever, that was to show we didn't need 20
parking spaces, or our new neighbors didn't need
to provide that. And listen to us, you won't
need it.

So I'm sorry for this disconnect, I'm very
sorry. We had every intention of reaching out
and being friends, and hoping this would work,
and this still can happen, I believe. I mean, I
have given credit to Dimitra for being up there
ripping out plaster. I mean, she's not just
sitting back. And it's a project they believe in
and I believe they have their hearts in it, and
we have our hearts in our neighborhood, too.

So there has to be a way that we will not
leave here as enemies, and I entrust that to you,
and that's a big deal to us. So it's not going
to be giant, it's not going to be tiny. It's
going to serve the needs of the community,
whatever that's determined to be. Who had a --
did anybody have a focus group about what we
need? I don't think so. I mean, that would be a
way to do it.

We also know that the hospital is a fickle
lover. They're going to shut down that thing,
that -- in the barge --

MS. NEFF: They're what?
MR. QUINLAN: -- up on Atlantic. That's shutting down, and they're going to come here, and then when that plays out --

MS. NEFF: I didn't understand what you just said. What's shutting down?

MS. GORDON: Yeah, what do you mean?

MR. QUINLAN: The Gladys Brooks facility.

MS. NEFF: Okay.

MR. QUINLAN: On Atlantic. I was told that will be phased out there, involvement there will be phased out, because they'll be coming here. That might last three years, five years, and then we don't know.

So for everybody to get in an uproar, and, you know, and they may turn around and say, "We don't even want to do that." So, I mean, to be doing this at this time with the healthcare system so up in the air, I mean, it just -- I'm glad someone else is doing that, because I'm beyond anything like that myself.

Anyway, I do hope to turn this around in some way. I'll do whatever I can in talking to people or exploring ways to do things differently, or how we could speak to each other differently, and I hope that would be a beginning.
for that. Thank you very much.

CHAIRMAN SALADINO: Thank you.

MR. SOLOMON: Well, I found the statements made to be pretty interesting, because, apparently, the statements all support my application. You've heard person after person after person come up here and talk about how many doctors' offices have been in this building.

One thing I just -- I have to go back and remind us is we keep looking at this use argument. What I think is a failure of recognition is that we are legally permitted right now to operate the way we're operating. If for some reason theoretically we didn't have an application granted, we can go back there and rent out to five doctors and be in operation without an elevator, without ADA compliance, with less parking in the back, with the -- with the ramps in the front, with no improvement to the property.

So, on a certain level, when my client comes up here upset, I understand why she comes upset. They're willing to change -- improve the building, and the neighbors say that they're very happy with the change. I don't think any
neighbors are going to object to moving ramps into the backyard.

We're reducing the size of the building. And, quite honestly, we hear an issue about, "Well, I can't open," or there's a concern about our driveway. Well, if this was a single family residence, there would be a driveway there anyway. And people who are using the building the way it's set up, they're not opening doors in the driveway, they're going to come to the back of the building and they're going to park in the back.

Now understand, by virtue of this application, we're putting more parking in the back than exists now to take cars off the street. We're paying roughly 25 or $30,000 to the Village. Now where does all this come, all these parking spots? This is -- the Village wants the spots on the property. The Village is asking for the spots on the property. That's why the application was referred here at one point in time, before we negotiated and Planning approved this. The Village wanted the parking. But parking is really no longer an issue here.

From my perspective, we're having a lot of
discussion tonight about use. And I tried to be forthright with the neighbors and the Board right from the beginning. Focusing on the current tenants, who's coming, who's leaving, what the current state of affairs may or may not be is really not the concept here. The concept is we are an office building, we are permitted to use it. People -- I can't guarantee who's going to be a tenant in five years, or three years, or two years, or 10 years, no owner can guarantee that. So when we get caught up in this conversation about what doctor -- look, my client stood up in front of you trying to say, "Listen, I have one doctor who barely uses it, and another doctor coming back who barely uses it." God bless them, forever, those are the two tenants who are there. But am I going to represent to you that these tenants are going to be there forever? And I don't believe the Board has any ability to tell me what, or me -- tell my client or any future owner effectively who is going to be your tenants. As long as they are office tenants, they're permitted to come into the place and to rent. But this question about intensity is -- to me, it's -- on a certain level, it's
just a creation of somebody's mind. There is no guarantee of any intensity. If we end up with the right tenants, theoretically, that the neighbors may like, five -- if we theoretically have five psychiatrists, everybody would be happy. Five doctors, a patient comes in once an hour, and that's the way it is. But that's not what we're dealing with. And I say that to be candid, because I think when the Board makes a decision and the Board is making a decision for the Village, of which I'm a resident, it's -- conceptually, we're agreeing that we need medical offices in a building that's been a medical office building for 50 some-odd years.

Now, when the neighbors come in today with Mr. Grossman, I have -- there's no bone about Mr. Grossman showing up, but we have to look at the history. On August 24th, I sent a letter to all the neighbors, saying, "Okay, we would like to meet with you on September 8th. And at that place, my office, my clients and the architect involved would like to exhibit the plans to the property to you, and open discussion to any issues that you believe are appropriate, which can be reasonably addressed." We had a meeting,
we met with the neighbors. We come to a hearing, we come to a hearing here, the neighbors get up and speak again. I'm requested on behalf of the applicants to provide additional information directed to neighbors' concerns. And now at 11 o'clock, 12 o'clock, whatever time, Mr. Grossman, you know, delivered this package to me --

    MR. PROKOP: One-fifty-one.

    MR. SOLOMON: Thank you, 1:51. Now I'm confronted with a 30-page document, my greatest fear being, oh, my God, I hope the Board is not going to tell me they're going to continue this hearing when all of a sudden somebody comes at the last minute. And it's not that they didn't have the -- they weren't afforded the right to do it. I went out of my way to speak to the neighbors. When we were here last time, I went over to the neighbors.

    I know what Mr. Grossman's saying, "Well, let's have a meeting and work it out." But, quite honestly, if you look at the list on the workout, what he's basically asking for, if you go to Page 14 of what he's submitted to you, he says they want a buffer area around the property.
We know there's going to be a buffer area around the property, that's not a surprise, it's part of our plan, so it's not -- it's not even an issue. I mean, it's on the plans that you have, so that's not even something for discussion.

And I want to poke him a little bit, because we all make the mistake. You said per the Southold Town Code. You meant the Code of the Village.


MR. SOLOMON: That's okay. I do, we all make those mistakes.

They're talking about heating and air conditioning and relocation. In the letter that I submitted to the Village on -- to the Board on October 5th, we went out of our way to discuss noise pollution, so to speak, and that was on Page 3 of my letter, point B. It says, "Noise pollution: There are existing air conditioning window units and condensing units outside the building, some located adjacent to the existing office," sticking out of the window next to their properties. Those -- as you know, anybody who listens to those air conditioners you stick in the window, they're very noisy and loud. The new
mini split systems have sound decibels of 50 DBAs. It's much lower than the existing units. A DBA of 60 is the level of a normal conversation. So we're already addressing that concern. We know that they want no noise where they are. So that -- that point has been addressed.

That they raise an issue about construction damaging the foundation of their homes. Well, to me, I mean, I don't even know what that really means. We're not coming in, we're not demolishing, we're not doing excavating, we're not bringing any extraordinary equipment. So while it's being raised as a potential issue, I don't think it's a realistic issue to even be considered.

CHAIRMAN SALADINO: No horizontal directional drilling?

MR. SOLOMON: Excuse me?

CHAIRMAN SALADINO: No horizontal directional drilling?

MR. SOLOMON: No. No, we're not fracking.

(Laughter)

MR. SOLOMON: Then it talks about stormwater runoff. We already represented to
you, all the stormwater is staying on our
property, that's part of our plan. So we've
already been through that, and we've resolved
that issue.

The entrance and exit driveways, I mean,
the fact is for a normal proper flow -- and look,
I understand when Mr. Collins gets up here, and
his partner, and they indicate, well, it's a
tight spot. But when he bought his house, he
bought his house with -- it's like six inches
from the property line. I mean, the fact that
that's what he bought shouldn't be somehow a
punishment to the people who bought the property
next door. We're going to give a buffer, we're
going to put a fence. I can't help that his
property is six inches. And you should only
know, his runoff from his own house runs off onto
my client's property. That's the way it operates
right now, his water runs off onto our property,
but -- so now we take care of the stormwater
issue.

The next thing they raise is mature trees
in front of the property. I've told the Board
every time we're here, if they wanted trees, I'd
put trees, but it's not even within our
jurisdiction. We had that discussion. It's the Village's trees, so whatever the Village wants. My client would plant the most beautiful weeping willow if it made them happy. We can sing Kumbaya up there on weekends together, together, you know, together and enjoy it.

On a certain level it's very sad, because my clients are very warmhearted. They're really trying to do what's right by the neighbors. And they feel like, on a certain level, that there's a tremendous pushback. But when you follow my letter, we discussed environmental considerations, we discussed air pollution, about what would -- what we're taking out, and removing chimneys, removing oil tanks, removing oil burners to get rid of all those issues. We talked about noise pollution, and what we're doing. We talked about light pollution and what we're doing. We talked about sanitary pollution and what we're doing. We talked about energy uses and what we're doing.

All of their concerns that Mr. Grossman is raising now, and this is my concern about not delaying anymore, it's addressed. His only other issue is the use question. We've already
resolved the use, it's not a question anymore.
It's a -- it's a legal use. We already resolved
that the last time we were there.

And the witnesses that have all testified
basically have even said to you, "We don't have a
problem with the building being ADA compliant."
Why would we? Why would anybody? And that's
really what we're here for. Their objection is
not to what we're here for. There is no
objection to making this building ADA compliant.
There is no objection to any of these related
issues, quite honestly, as far as what we're
doing. Minor issues about buffer, yeah, okay,
3-foot buffers, 4-foot buffers. Unfortunately, a
4-foot buffer I don't believe will work here.
It's going to have to be a 3-foot buffer to get the
driveway where it needs to be. Theoretically, if
we probably put a 4-foot buffer, the driveway
would then become, you know, too narrow, we
wouldn't able to do that.

But all these accommodations that
Mr. Grossman would ask for in a meeting has
really already been resolved. And if
Mr. Grossman had been here in September and
October, or whatever, there may have been a
resolution.

And I know, Mr. Chairman, you hate when I say that my client is going to take another financial beating every time we delay, because you've already spanked me a couple of times about that. I think on a certain level, okay, we went from September, we adjourned it another month to resolve issues. I don't think -- there's a certain point where you have to have what I call equitable fairness. We have gone on about -- out of our way to make sure that we addressed the issues of the neighbors.

What we're asking for in the big picture is really minimal, but once you take the parking out of it, and not -- there's nothing -- I don't believe that we can do, or that you can do as a Board -- I'm not -- I don't think the Board has the right to limit the amount of hours that a building can be -- can be open. I mean, maybe Planning can talk about something. I don't believe it's within your jurisdiction.

Mr. Prokop could probably answer that, but I don't want to step out -- you know, step out of tune, but I believe that's -- you may be able to make a recommendation, but I don't think it's
within your province to say, "Okay, you can only
rent to a tenant, and if it's a doctor, it has to
be there from nine to five," it's just not
practical. Not that --

MR. PROKOP: Well, there's an issue. There
is an issue, though, that it came up, because one
of the things -- one of the things about the
application is that I think the -- at last
month's hearing, you produced a -- you produced a
1969 C of O which did -- which had authorized
this as a preexisting nonconforming use. As
compared to a legal use, it's a preexisting
nonconforming use. One of the things about a
preexisting nonconforming use is that it cannot
be intensified or expanded, but it also cannot be
changed.

So, in effect, I haven't heard this from
the Board yet, but one of the things which, of
course, I will be required to advise the Board is
that the use cannot be -- as I said, there cannot
be another use substituted for this use. The
preexisting nonconforming use is whatever the
testimony is as far as a medical use.

MR. SOLOMON: Okay. I got it, I
understand. Okay.
But what I'm really begging is I'm looking to move this matter to where the Board takes it into full consideration and gets it to a point of, you know, making its motion and making a determination. I think it would be unfair to leave this hearing open for another month. I mean, what's the purpose of the other month? And, theoretically, if it's to read their document, I think that would be totally unfair where a document is dropped on the Board of Zoning Appeals, Mr. Prokop said, almost 2 o'clock in the afternoon on a 6 o'clock hearing and then to take that -- and we had his testimony. It's not that he didn't tell you his position, you've heard his position, and that's -- I would most respectfully ask that this hearing get closed and we move -- and we move on to a determination of the application. Thanks for your time.

CHAIRMAN SALADINO: I have a letter from a neighbor. If it's okay with my colleagues, I'll read this, and then come to a consensus about the public hearing, I think, if no one else, after I read this, wishes to speak.

Is this neighbor here? Is Andy Grover or Dan Mazzarini here that would like to perhaps
read this for themselves?

(No Response)

CHAIRMAN SALADINO: Okay. "To whom it may concern: We are delighted to be part of the Greenport community, and as new neighbors to the Stirling neighborhood, we are writing to share our concerns and requests for the upcoming construction at 222 Manor Place.

As neighbors, we have had the chance to meet with the new landlord, review their plans, and understand their intent for its use. We sincerely appreciate the opportunity to meeting the landlord's team and dig deeper into the plan as we understand it: Gut renovate the interior to further accommodate medical office use on the first and second floor; bring the entire building up to code, ADA, etcetera; significantly increase the number of parking spots to accommodate future tenants, namely Eastern Long Island Hospital; renovate the upstairs apartment into a two-bedroom apartment, and relandscape the exterior around the entire property.

While we understand that the neighbors and neighborhoods change, and the new landlords at 222 Manor Place want to invest considerable
capital in the property to attract tenants and bring new life to the building, we ask the Village to take into account current and future neighbors of the project.

As with any project in the community, we hope the end goal is to maintain and enhance the character and intent of our neighborhood, and as such would highlight the following:

Number 1 is current natural look, acoustic, etcetera, and landscaping for all parts of the building fit into the existing community, rather than dominate and change its character, including parking, make sure our neighbors' property lines, landscape and input are considered. Because of lot lines and current construction, many of our neighbors will be living in extremely close proximity to the finished product, and we do not want their everyday quality of life to suffer.

Sound: Limited time of day uses to be respectful of early mornings and evening uses, and to limit occupancy of both parking and housing quarters.

Number 2 is limiting types of use. While we understand that medical use is long established at the property and will continue
under new ownership, we want to ensure that they" -- "that they type" -- that, I guess, "the type of medical use remains consistent, namely noninvasive primary care. To that end, we would request that there be limitations to types of use, and expressly prohibit uses that could negatively affect the neighborhood: X-rays or other investing testing, drug treatment, Methadone, dispensing medical marijuana, surgeries, and any other use that do not meet the established community standards for the Village or the Stirling neighborhood.

It is our hope that our new neighbor will respect and help to foster the character of our neighborhood, and become a natural fit to the fabric of Greenport that we all call home.

Thank you. Andy Grover and Dan Mazzarini, 236 Manor Place, Greenport, New York."

Is there anyone else that would like to speak before we --

MR. COLLINS: I would just like to address Mr. Solomon's comments about addressing all of our concerns. And with all due respect, concerns have been addressed, but nothing has been changed. You know, the driveways are still the
same place they were initially proposed, the air conditioning staying on the side of the -- next to my home. I don't care about the decibel levels. If I want to sit in my backyard and have a glass of wine with my family, there's going to be -- there's going to be air conditioning noise, because it's right up against my home.

The air conditioning that's currently there, yes, it's been there all this time. For 25 years we've dealt with this with previous owners. We have asked for fencing, we have asked for buffer planting as well. We have been totally ignored for 25 years. So it's a very touchy subject for me about the air conditioning.

I'm sure the technology is just wonderful now, but 53 decibels, or whatever, means nothing to me. Unless it's totally silent, I don't want them on my -- on -- next to my home.

So I -- you know, I feel like you can say things have been addressed, but nothing has changed. Nothing has been discussed to alter the driveway, to alter the traffic pattern, to move the air conditioning to the inside of the perimeter of the building. Nothing has been -- nothing's changed. So I can't really say that my
needs have been addressed, or my concerns or
issues have been discussed or addressed. So
thank you.

MR. GROSSMAN: I just want to make a couple
of very brief comments, if I could.

I appreciate all of you listening to the
testimony tonight. I understand that this is a
difficult application, as I indicated initially.
And I also just want to mention again, I didn't
mean to put the Board in an awkward position in
terms of receiving my submission this afternoon
for tonight's hearing and not being able to get a
chance to read it.

But the people who have given testimony who
are the neighbors, they're going to have to live
with this for a very long time. They're going to
have to live with this, the outcome of this
application for as long as they continue to own
their properties. And I think you've heard a lot
of testimony about their concerns.

I know at the last public hearing it was
asked of the applicant to give more specific
information about exactly what was going to be
going on in the renovated building. I know that
was one of the things that was -- that was
requested. And I know the owner gave some
testimony tonight, but the plans are the plans,
that the neighbors didn't create these plans.
The plans show a lot of use of this -- of this
space. And I think that that's something that is
of real concern to the members of the audience
who are the neighbors that we're looking for an
increased operation. Now, I don't know. It
could be that many of these areas, indicating
doctor's office and doctor's assistants, might
be -- not end up being used. But there
apparently are contract negotiations with the
hospital to use -- to use this space.

And so there's no reason, you know, in my
view, for this Board to presume that it's not
going to be used exactly the way the plans spell
it out. And if that's the case, there are going
to be increased -- there's going to be increased
use in the property that will be -- result in
increased traffic, and an impact on all these
people who are practically on the property line.

When they bought their properties, from the
testimony that I heard tonight, and from what
I've read from the prior public hearings, it was
a less -- it was, you know, a modest amount of
use of this site. And what I'm seeing in the
plans is a much more active operation. And I
can't imagine how this is not going to have a
significant impact on all of the surrounding
residences. And so I ask this Board to take that
into consideration.

You know, Mr. Solomon is doing, you know,
what he can on behalf of the applicant, as he's
supposed to be doing. And I'm hoping that you'll
all consider what you've heard tonight and what
you heard previously in the public hearing from
the neighbors, because there's no dialogue going
on here about -- about the concerns of the
neighbors, there just isn't. Mr. Solomon comes
up to the podium and he says, "Oh, don't worry
about it, it's already been addressed." It
hasn't been, it really hasn't been. So I -- and
I think that's unfortunate, because it could be
that there could be constructive dialogue that
would make -- that the neighbors and the
applicant communicate much better in terms of
their concerns, so that -- so that maybe the end
result here will not be so harmful on the
neighbors.

And that's all I have to say. And thank
you all for your patience tonight in listening to me and all of us who are here.

CHAIRMAN SALADINO: Thank you.

MR. GROSSMAN: Thank you.

MR. SOLOMON: Well, you forced me to come back.

CHAIRMAN SALADINO: Well, we were going to bring you back anyway, because Diana has a question for you.

MR. SOLOMON: Okay, that's fine. But let me -- let me just address this. We keep going back on this issue about increased, you know, occupancy. This is so speculative. I mean, this is -- nothing is definitive by the neighbors objecting, other than saying about their going to their own doctors, and how many people are in the doctor's waiting room. Well, you know, I go to a doctor in Manhattan, I'm the only one in the waiting room. I mean, I don't know how we're going to deal with how many people are in the waiting room.

But I wanted to call your attention, it's in the letter that I sent. The current building at 4,750 square feet, with occupancy of one -- one person per 100 square feet of office permits
47 occupants, and an 890 foot of residence space of 1 to 200 permits four occupants. That's the State Code. What we're doing by reducing it, it actually comes down, instead of being a total of 51, it comes down to a total of 50. This is under the office building computation of how many people could be in the building. Now nobody says this is how many people are going in, but that's what the State Law permits.

So when I'm listening to there's 17 people in waiting rooms, and three -- I mean, you can't -- you can't do that. You've got to look at what the code -- and we're actually reducing. By reducing the size of the building, we're reducing the legal occupancy. So we're not intensifying use. So when somebody looks at plan and says, "Oh, you've got boxes here and offices here and that means more use," that's really not a -- it's not a proper argument, it's just not.

So, I mean, that's what I really wanted to bring up. If somebody has questions for me, I'll be more than happy to entertain them all.

MR. PROKOP: Let me just speak to that.

MS. GORDON: The density --

MR. PROKOP: I'm sorry.
MS. GORDON: Excuse me. But the density you've just described is probably much more likely to be acceptable in a nonresidential neighborhood. That isn't the question, so --

MR. SOLOMON: Okay.

MS. GORDON: I mean, this is --
MR. SOLOMON: No, I understand what you're saying.

MS. GORDON: But that's not the question I wanted to ask. You've dealt with a number of these issues that were brought up --

MR. SOLOMON: Correct

MS. GORDON: -- on page 14.
MR. SOLOMON: Right.

MS. GORDON: But you haven't dealt at all with the issue of the driveways. And I do -- I do see how very, very crowded the two houses on the two sides are. Is there anything that could be done? Is this a question we should be asking the architect? Can you speak to it? I mean, it seems that, you know, the building is a sort of immovable object, but --

MR. SOUTHARD: Charles W. Southard, Jr., 435 Bay Home Road in Southold. Good evening.

How are you?
The whole issue of parking that everybody keeps bring up, more parking, more -- is required by the Village. It's not our desire. We would be happy not to put anymore parking places in there. It would save us money.

MS. GORDON: I was asking about the driveways. I'm asking about the driveways.

CHAIRMAN SALADINO: This is not about parking, it's about access.

MR. SOUTHARD: The driveways are required to be 10 foot wide, that's Village Code, all right, and that's what they are. And we've got -- given a buffer area against the adjacent property of three foot, which is what the Planning Code requires. We've provided for landscaping, we've provided for fencing. We've provided for drain, we've provided everything.

These are issues of the Planning Board. When we get to the Planning Board, I'm sure that they will review the site plan, and if they want to make any changes, that's going to be their purview. But this really -- all of these issues of parking and site has nothing to do here, it's got to do with the Planning consideration, and we're merely trying to follow the Village Code.
and provide what the code requires us to do.

MS. GORDON: Okay. I have a related question on the specifics of the renovation. I have a relatively new house and my HVAC is silent. Can you guarantee a quality, a level of quality that will mean that HVAC is basically silent? I mean, this idea --

MR. SOUTHARD: Well, I don't know what you mean by silent, but there's 60 decibels that's quoted that was stated in the thing.

MS. GORDON: Okay.

MR. SOUTHARD: Sixty decibels is about the sound level of normal conversation. All equipment makes noise, they all have motors, they're going to make some sort of noise, you're going to have air noise. These are the latest. They are called split units. They're mini split systems. Instead of having one great big system which makes a lot of noise, there are a few small ones. They are the latest state-of-the-art. They are the most quiet units that are available.

MR. KOUGENTAKIS: They're very quiet.

MS. GORDON: Okay. Thank you.

MR. SOUTHARD: As far as the occupancy, just let me clarify. You can ask your Code
Official, who is here, and they will confirm the fact that the occupancy numbers that have been given to you are stated in the New York State Building Code, which is what we all must comply with.

Now the Fire Marshal in the Village, all right, will set an occupancy limit on this building, and it will be calculated in exactly the way that I made the calculation. You can ask your Code Official about that, but that's something that's determined.

Now whether the building is continued to be used as it's permitted under -- as a legal preexisting use, all right, it's got the same occupancy as on the new plans. There's no change in the occupancy, because it's based on square foot of the building.

MS. GORDON: Thank you.

MS. NEFF: May I ask a question about lighting to the rear parking lot?

MR. SOUTHARD: Right.

MS. NEFF: Is it based on the number of hours the building is in use? Does it stay on at night?

MR. SOUTHARD: No, it won't stay on at
night. There will be timers on the lights. The lights are -- all of them we're specifying are LED lights. They're all Dark Skies compliant, which is the Village Code, and they will be on timers, and they'll go off at a certain time at night, probably around 9 o'clock, whenever the facilities in the building cease to operate, which I guess is somewhere 8, 9 o'clock at night. It won't go on until dark, 4 or 5 o'clock, whatever time, whatever season it is. They'll be on for a few short hours.

CHAIRMAN SALADINO: And I had a question for the -- about the buffer. Eileen, 3 feet is the buffer, or 5 feet, I thought, for parking lot in a residential?

MS. WINGATE: We don't have a buffer section of our code. And we also don't have a Dark Sky compliance section of our code. Driveways in the Village Code can be on the parking lot.

The New York State Code, however, states that a parking lot -- a driveway needs to be, I think, 3 foot away from a combustible building. So we can't push the driveways closer to the building, because we need a section of
noncombustible material on a commercial building.

MR. CORWIN: Is this building going to have sprinklers?

MS. WINGATE: No, there -- it's not required, David.

CHAIRMAN SALADINO: The question for us now is --

MR. SOUTHARD: Thank you.

CHAIRMAN SALADINO: I'm sorry.

MR. PROKOP: I just wanted to make --

CHAIRMAN SALADINO: I'm sorry.

MR. PROKOP: Can I make one other comment about what was said? The calculation for occupancy I don't think -- I think is a calculation that is applied for the space -- if the use was legal -- a legal use as compared to a preexisting nonconforming use. I don't know that that -- calculating the actual occupancy of the building I don't think is merely a factor of the application of the per square foot amounts that are calculated under the International Code. I think that you would also need to take into account the fact that the building is a preexisting nonconforming use.

MR. SOUTHARD: You want me to address that?
CHAIRMAN SALADINO: Could you expand on that a little?

MR. PROKOP: Yeah.

CHAIRMAN SALADINO: I'm not sure I understood that.

MR. PROKOP: There's --

MR. SOUTHARD: There is -- there is no stipulation in the -- in the --

CHAIRMAN SALADINO: We're going to let the Attorney talk one second.

MR. SOUTHARD: Okay, go ahead.

MR. PROKOP: At the last meeting we determined that the use in the property, because -- is a preexisting nonconforming use. A preexisting nonconforming use cannot be enlarged or intensified. It's not merely a factor of calculating based on the square footage of how many people can be working in the building or occupying the building.

MR. SOUTHARD: With all due respect, that's totally incorrect. Any building is determined by the International Building Code for New York State, it's determined on a square foot basis. Whether it's existing, whether it's new, whether it's proposed, whether it's renovated, everything
is calculated in exactly the same manner. It's calculated for purpose of egress, it's calculated for purpose of the door width, the stair widths. It's all -- it's all based on the New York State Building Code, no difference.

MS. WINGATE: Especially with a renovation to this extent. A down-to-stud renovation absolutely --

MS. GORDON: Louder, please.

MS. WINGATE: A down-to-stud renovation as proposed would absolutely be calculated by square footage of the building.

MR. SOUTHDARD: Thank you.

CHAIRMAN SALADINO: The question in front of us tonight is -- well, not tonight, but here and now, is what's the Board's pleasure with this public hearing? Before we -- before we get into it, I'm not sure how my colleagues feel, but I can understand the neighbors going to a public hearing, listen to the testimony, present testimony, offer their concerns, listen to the reasonable responses, listening to the responses from the applicant, and going home and pondering those responses for two or three weeks, and then deciding they weren't satisfied and hire an
attorney. I can understand that.

I can also understand that when you hire an attorney, and I've heard from more than a couple of people in this room tonight, that this was a complicated -- not from the applicant so much, but from some of the other people, that this was kind of complicated. And I can understand it taking more than a day or two to come up with a document for this Board. We heard from the -- from the neighbors' attorney a summary of what was in this document. I would just like a couple of more minutes to consider it and think about it. And I'm not sure how my colleagues feel, but we're going to hear from them now, I think.

MR. CORWIN: I would like to adjourn the public hearing and have an opportunity to read the document. I'd like to make some comments one way or another after the public hearing is adjourned or closed.

CHAIRMAN SALADINO: Ellen? Diana?

MS. NEFF: I'd like to hear from Dinni first. I do have a point of view about this.

CHAIRMAN SALADINO: Dinni goes first?

MS. NEFF: Yeah.

CHAIRMAN SALADINO: Okay. Diana?
MS. GORDON: Given that we've been given this so late, and I don't think it contains a lot of new information or new argument, I would be in favor of closing the hearing and dispensing with this, but I am also willing to go along with what others -- I understand that needing more time is going to be important for some and not so important for others.

MS. NEFF: I would like --

CHAIRMAN SALADINO: If I could just respond. I don't know what's in here. I haven't been perusing it, I haven't been reading it. So unlike maybe some people in the audience or perhaps some people on this Board, I have -- I don't have a clue what's in this, except for what the attorney offered at the podium. He didn't read it verbatim.

MS. NEFF: My point of view is since I have skimmed part of it, and I appreciate that the attorney highlighted kind of the gist and the heart of it, I would like, as I proposed a long time ago, to take a 15-minute break, and then make a decision about whether we're adjourning or closing and dealing with the matter. I would like 15 minutes. And I'm heading for the
restroom.

CHAIRMAN SALADINO: Before you run away again, I'd be more than glad to adjourn the meeting for 15 minutes. We'll give everybody a chance to relax and stuff. But just so you know, when you come back from that 15-minute break, I don't think 15 minutes is enough for me. I can't speak for David. I kind of think --

MS. NEFF: For me, it's about the repetition therein, that I'm not saying anything 23 pages long I could read in 15 minutes, but this one, I think I can.

CHAIRMAN SALADINO: Well, if there's no objection, I'm going to adjourn.

MR. CORWIN: I also want to note that these people in the audience should have the opportunity to look at this document, and they may have some remarks they want to make at some point in time. I can't read anything in 15 minutes, I can't read this in an hour. Sorry, my reading comprehension isn't that great.

CHAIRMAN SALADINO: Well, we're going to take 15 minutes, and we're going to blame the stenographer. We're going to blame her for the 15-minute break, so she can rest her fingers for
a few minutes, so we're going to do that. So we're going to be adjourned for 15 minutes.

(The meeting was recessed at 8:04 p.m. and resumed at 8:19 p.m.)

CHAIRMAN SALADINO: Folks, we're ready to start again. The question in front of us is what are we going to do with the public hearing? Are we going to keep it open, are we going to keep it closed. I've expressed my opinion. Anybody else? You're going to make a motion?

MR. CORWIN: I make a motion that we adjourn the public hearing, which would continue in a month.

CHAIRMAN SALADINO: Is there a second?

Then I'll make a motion that we close the public hearing. Hearing no second, I'll make a motion that we close the public hearing. So moved. Is there a second?

MR. CORWIN: Second.

CHAIRMAN SALADINO: David?

MR. CORWIN: We're closing the public hearing. I vote no, the public hearing is to be left open.

CHAIRMAN SALADINO: I'm going to vote no. So you want me to go first?
MS. GORDON: Okay, yes.
CHAIRMAN SALADINO: I vote no also.
MS. NEFF: Yes.
MS. GORDON: No.
CHAIRMAN SALADINO: So the public hearing is going to remain open. We'll pick this up again next month, and consider the -- everything in front of us, and then reasonably certain we'll close it next month. The last thing on our agenda is --

MR. CORWIN: Can I just make some remarks?
CHAIRMAN SALADINO: Some comments by Mr. Corwin. Remember, the public hearing is still open.

MR. CORWIN: I understand. I move that we adjourn the public hearing. We haven't -- we haven't adjourned it, so. I think it -- well, I ask the Attorney, is -- do we have to adjourn the public hearing, or leaving it open is the same as adjourning?

MR. PROKOP: I think that leaving it open is the same as adjourning it. I think the affirmative action is to close it. If you don't close it, then I think it stays open. It's a very unusual circumstance, but I think in this
situation, if it's not closed, then it stays open
until the next meeting.

MR. CORWIN: But I can make some remarks
that aren't part of the public hearing at this
point in time?

MR. PROKOP: When we go into meeting.

MR. CORWIN: What?

MR. PROKOP: In -- when we -- when we go
back into the meeting. If we're back in the
meeting now, then you can make those remarks.

MR. CORWIN: So we are back in the meeting,
correct?

CHAIRMAN SALADINO: Yes.

MR. PROKOP: Yes. I would just caution you
not to express an opinion about the application.

CHAIRMAN SALADINO: No testimony.

MR. PROKOP: Right.

MR. CORWIN: All right. I'll have to
scratch a couple of things off my list, then.
But I do want to say that one of the questions we
have to consider is whether a proposed variance
will have an adverse effect or impact on the
physical or environmental conditions in the
neighborhood or district, because some of these
things, I'm being told, "Well, you can't" --
"that's not your consideration, that's the Planning Board's consideration," and I contend, well, they are.

So I asked last month, lighting, I'm concerned about the lighting, and the architect said, "Oh, we submitted a lighting plan." I haven't seen it. Maybe I missed it. I looked through what I have. I want to know where the lighting is located, what the specifications are. That's certainly part of the environmental impact on the neighborhood.

Also the heat pumps. I don't know how many heat pumps are going to be used. I was told at the inspection they were going to be mounted 10 foot in the air to get it out of the snow, whatever. I would like to know how many heat pumps are going to be used. You can say a heat pump is 60 decibels, but I say what are they a year or two down the road when they're dirty? And what is the cumulative effect, how many are you going to have? And how do you even add up 60 decibels, because decibels are on an exponential scale, so if you got four or five. And that's something I'd like an answer to, because that would have an effect. And I'm not making a
judgment at this point in time, I'm asking a question that I hope can be answered by the applicants.

And I heard the applicant say five doctors, then I heard the hospital say, "We're going to have two doctors and administrative staff." So does that add up to five doctors, or does that add up to seven doctors?

I wonder if there could be a new unit besides just how many doctors, but doctors' hours. In other words, its representative, and I'm sure it's true, that some of these doctors will be in Stony Brook for two days and Greenport for two days. So rather than just doctors, could you make up a new unit that are --

MR. SOLOMON: I just want to just interrupt for one minute. I've made it -- I'm sort of trying to make it clear politely. You're asking me to identify doctors. I don't have a tenant. I don't have a tenant yet.

MR. CORWIN: Of course I opened my mouth.

MR. SOLOMON: I don't have a tenant.

MR. CORWIN: Sorry I opened my mouth. You helped me. Thank you.

MR. SOLOMON: I didn't say -- you give me
whatever -- I'm just telling you, I don't have a
tenant. How am I going to give you doctors?

MR. CORWIN: I'm sorry I opened my mouth.
CHAIRMAN SALADINO: Then the comment --
MR. CORWIN: I was mistaken.
CHAIRMAN SALADINO: Mike, then -- the
comment should have been at that time, when it
came time to address Mr. Corwin's questions -- I
was just going to enumerate them, so the
questions are about LED, about LEDs.

MR. SOLOMON: I'm willing to take them.
I'm just -- instead of asking -- I can't ask a
question? I'm asking a question. I mean, wait,
I'm being asked --

CHAIRMAN SALADINO: Well, why don't we let
him finish first.

MR. SOLOMON: I'm just -- I'm asking a
question. I don't know why he gets so offended.
I'm just asking a question. I mean, you were
asking me to identify doctors. You're right, we
had -- the hospital said they're going to have to
two doctors. We know that. And we know we have
one doctor in there now, and potentially another
doctor. You know, we have a limit of five
doctors.
CHAIRMAN SALADINO: So that was the answer.

MR. SOLOMON: Okay.

MR. CORWIN: I don't want to go on any longer. It's my turn to speak. We adjourned, we effectively adjourned the public hearing. This is between the Board. This is so you can come back next month and say, "Here's an answer to your question, Mr. Corwin." I don't want to debate it anymore tonight. I've been here enough, I've heard enough. I'm just trying to help you guys out with an answer, and those guys out with an answer. But if you're going to get up and challenge me, fine.

MR. SOLOMON: It wasn't a challenge.

MR. CORWIN: I'll save it for when it's time to vote.

MR. SOLOMON: It wasn't a challenge.

CHAIRMAN SALADINO: David, David, David.

MR. CORWIN: Well, I take it that way.

MR. SOLOMON: Well, then I apologize.

MR. CORWIN: Then why don't you just sit down?

MR. SOLOMON: I'm not here -- I'm not here to challenge. Then I will sit down.

CHAIRMAN SALADINO: All right. David,
continue with your question and --

MR. CORWIN: No, that's it.

MS. GORDON: But you have something valuable to add, and you have taken --

MR. CORWIN: I don't want to step over the line and have somebody say, "Oh, it's Article 78 time, Corwin opened his mouth." I've got other things that I'd like to bring up, bring them up next month.

MS. GORDON: We'd like to hear them, not just this audience, we'd like to hear them.

CHAIRMAN SALADINO: They couldn't, they couldn't --

MR. CORWIN: Is that okay with the applicant?

CHAIRMAN SALADINO: It's not up to the applicant, it's up to you.

MR. CORWIN: So back to the doctors. Was it five or seven doctors? Would it be possible to have a new unit to say doctors' hours? In other words, because you know the doctors are going to be split, to say, "We're going to have a doctor that's there 16 hours a week, we're going to have a doctor that's there 40 hours a week."

And I think that kind of includes staff hours,
I have a couple of other questions, but I think, rather than get into it with anybody, I better save them for a later date.

MS. GORDON: I have one little question for next time, also, which is the light pollution. I mean, does what you've put down in your letter constitute the lighting plan, or is there something that can be more -- more informative for the neighbors? But I think you can talk about that next time.

CHAIRMAN SALADINO: Ellen?

MS. NEFF: No.

CHAIRMAN SALADINO: No? So tonight we heard from this Board for the applicant for next month a question about the lights, if it's possible to just -- to put Mike on the spot, if it's possible just to expand, or after further conversation with the applicant, perhaps with the neighbors, to give this Board a better sense of -- we know you don't have a tenant yet, we know you don't have an agreement yet, we know all that. So maybe next month we could have a better sense of the hours of operation, or the amount of staff that's going to be on site at any one
particular time. Even -- we know you don't have
the answer to that now, we've heard Mike say
that. We don't know, you don't have a tenant.
Perhaps next month you will. And what was the --
the lighting, staff, doctors?

MR. SOLOMON: John, I didn't pick up the
first thing that Mr. Corwin was talking before.
Before the lighting plan, I think he raised
something else. I didn't pick it up. I just
want to --

MR. SOUTHARD: Dealing with the decibels of
the HVAC.

CHAIRMAN SALADINO: Oh, the mechanical
plant, the amount of --

MR. SOLOMON: Okay. Thank you.

CHAIRMAN SALADINO: The cumulative effect
of all the plants, if they ran together, because
we know sound goes up exponentially. I'm a big
fan of those units, by the way. But I think it's
a fair question that David will have for you --
has for you guys, and it will just make the
process a little bit easier next month, if the
architect can get up and say this is the amount
of noise they can expect from -- how many units
are there?
MR. CORWIN: Well, that's another question.

MR. KOUGENTAKIS: Four.

CHAIRMAN SALADINO: Four units?

MR. KOUGENTAKIS: I believe four of mine.

CHAIRMAN SALADINO: So if each unit -- you kind of understand what Mr. Corwin's asking. If there's going to be --

MR. SOUTHARD: Decibels are not cumulative. You don't add decibels together to get -- you know, don't work -- they don't work -- it doesn't work that way.

CHAIRMAN SALADINO: Well, actually it does in a setting, especially if they are -- I don't want to get into the -- if that's your answer, that's fine.

MR. SOUTHARD: Yeah.

CHAIRMAN SALADINO: That's fine. If no one else has anything, I'm going to make a motion to adjourn. Are we done? Is that -- is that what's on the agenda? So Item No. --

MR. PROKOP: What about approving the decision making -- approving the decision --

CHAIRMAN SALADINO: Oh, the Findings and Determinations?

MS. WINGATE: Yeah.
CHAIRMAN SALADINO: We have them?

MS. NEFF: We don't have any.

MS. WINGATE: I got them late, so I distributed them electronically. I'll make sure --

MR. PROKOP: I sent in the --

CHAIRMAN SALADINO: The Findings and Determine --

MR. PROKOP: The Findings and Determinations.

CHAIRMAN SALADINO: For Sixth Street?

MR. PROKOP: Please look at it and let me know if you have any comments.

CHAIRMAN SALADINO: All right. We could do that. We could do that next time.

MS. NEFF: For -- oh, I see.

MS. WINGATE: The Sixth Street project.

MS. NEFF: Sixth Street, yes.

CHAIRMAN SALADINO: Sixth Street project?

MS. WINGATE: My apologies. I will make sure they -- I think I did them electronically late in the afternoon. I will make sure you have them tomorrow.

CHAIRMAN SALADINO: Okay. You'll put them out to the members for comment, and if there are
no comments, I could come up in and --

MS. WINGATE: Actually, yeah.

CHAIRMAN SALADINO: Okay. All right. Item No. -- what's the last Item No.? Item No. --

MS. GORDON: Six. We're skipping 5.

MS. NEFF: No, that's adjourn.

CHAIRMAN SALADINO: Item No. 6 is a motion to adjourn.

MS. NEFF: Yes.

CHAIRMAN SALADINO: So moved.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

CHAIRMAN SALADINO: Aye. We're adjourned.

Thank you, folks.

(The Meeting Was Adjourned at 8:34 p.m.)
CERTIFICATION

STATE OF NEW YORK )

) SS:

COUNTY OF SUFFOLK )

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on October 17, 2017.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 25th of October, 2017.

[Signature]

Lucia Braaten

Lucia Braaten
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