VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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ZONING BOARD OF APPEALS
REGULAR MEETING

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Third Street Firehouse
Greenport, New York

January 20, 2016
5:00 P.M.

BEFORE:

ELLEN NEFF - MEMBER
DAVID CORWIN - MEMBER
JOHN SALADINO - MEMBER
DINNI GORDON - MEMBER
DOUG MOORE - MEMBER (EXCUSED)

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR
JOSEPH PROKOP - VILLAGE ATTORNEY
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* There were no Public Hearings for this Meeting.

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CHAIRPERSON NEFF: This is the January meeting of the Village of Greenport Zoning Board of Appeals. I am Ellen Neff. The agenda is available if anyone wants one. And our chairman is present. So I am ask your considerations since this is -- I am not highly experienced in doing this.

The first item of business is to create a motion to approve the Findings and Determination decision document for the variance requested by the warden of Holy Trinity Church, Lydia Wells, at 718 Main Street. The property is in the Historic District, R-1. The variance was voted on our December 16, 2015 meeting. Property is at Section 1001-2-3-5. I am going to ask if I need to read the findings and determination.

MR. PROKOP: No, you don't. There is one thing that I would like to bring to your attention. There is a January 20th version. And the January 20th version, the only change was to take out the word instant, if I am not
mistaken.

CHAIRPERSON NEFF: What page would you be talking about? I am looking at the January 18th version. I apologize.

MR. PROKOP: That’s okay. That is what was circulated. On the top of Page 2, on January 18th version contains the word, “Instant.” It was suggested that I take that out, which I did do. And sent it back, and that is now a January 20th version.

CHAIRPERSON NEFF: The draft that is corrected is Zoning Board of Appeals accepted the application at a public meeting of the Zoning Board of Appeals that was held on July 15, 2015. Okay. Thank you.

MR. PROKOP: This is now the version without the word instant in it. It says January 20th on top.

CHAIRPERSON NEFF: Okay. So could I have a motion for us to approve the findings and determination?

MEMBER GORDON: So moved.
CHAIRPERSON NEFF: A vote -- a second, please?

MEMBER SALADINO: Second.

CHAIRPERSON NEFF: Okay. I will record the votes.

CHAIRPERSON NEFF: Mr. Corwin?

MEMBER CORWIN: No.

CHAIRPERSON NEFF: Mr. Saladino?

MEMBER SALADINO: I disagree with the decision, but I certainly agree that this is what happened. So I am going to vote, yes.

CHAIRPERSON NEFF: Okay.

Ms. Moore?

MEMBER GORDON: Gordon.

CHAIRPERSON NEFF: Sorry.

Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRPERSON NEFF: And I, Ellen Neff, will vote yes.

So the motion carries, 3-1 and we have adopted these findings and determinations.

MR. PROKOP: I would like to say that some of these decisions, I go back
and I print out every agenda and every
minute -- page minute that the
application was discussed. So I did this
for this decision and what I want to do
is turn it over to the Board. So you can
have this for your record.

CHAIRPERSON NEFF: Thank you. I
am assuming we will file it?

MS. WINGATE: Yes.

CHAIRPERSON NEFF: Thanks,
Mr. Prokop.

Okay. The second item on our
agenda is, discussion on the notice of
coordinated review that was circulated by
the Board of Trustees regarding a
Wetlands Permit application for Scott
Gonzalez, applicant, on behalf of the
Townsend Manor. Located at 714 Main
Street. The Board of Trustees adopted
Lead Agency status and initiated a
coordinated review for purposes of SEQRA.
Determining that this action is a Type I.
The property is located within the
Historic District and is in the
commercial retain zone. Comments
regarding this application should be
received by the Village Board of Trustees
by February 5th. Any discussion? We
have -- Members of the Board? I will
just read a little bit more. The
applicant wants to remove and replace
some areas of the bulkhead with vinyl
sheet pile and hauled in place, and with
10 feet area in front of the new wall
restored to the -- I am not -- can you
explain to me --

MEMBER SALADINO: Four feet below
average --

CHAIRPERSON NEFF: Okay. And 65
to 70 feet of cubic yards of soil will be
used to backfill behind the new wall.
And all surrounding surfaces will be
replaced in kind. And there will be no
seaward extension of the existing
bulkhead. So we're -- as you can see on
this notice, it looks like 8 or 9
organizations or boards have been asked
to weigh in.

MEMBER SALADINO: Question for
the attorney. Joe, are we an involved
agency or interested agency?

MR. PROKOP: If there is no variance or interpretation that we're involved in, then we're not involved. We're an interested agency.

CHAIRPERSON NEFF: In which is why we received notice and we don't have to respond? In other words, saying nothing, we don't want to weigh in. Does any of the members want to make comment?

MEMBER CORWIN: The conservation advisory committee is going to meet there at 2:30 tomorrow and look at the project. As a member of the Zoning Board of Appeals, I have no comments. So I don't think I will make any for any future date. I said, committee. It's council. They're going to meet. They will make a recombination and it's not binding with the Village Board.

CHAIRPERSON NEFF: Okay. All right. Thank you. And so do I need a motion to say that we chose not to respond officially or we can just not
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1 respond?

MEMBER CORWIN: It would be

3 better to have a motion.

4 MR. PROKOP: A motion that we

5 communicate that there is no response

6 from the Zoning Board of Appeals. No

7 comment from the Zoning Board of

8 Appeals.

9 CHAIRPERSON NEFF: May I have a

10 motion?

11 MEMBER SALADINO: So moved.

12 CHAIRPERSON NEFF: Second?

13 MEMBER CORWIN: I second it.

14 CHAIRPERSON NEFF: To call the

15 roll, Mr. Corwin?

16 MEMBER CORWIN: Yes.

17 CHAIRPERSON NEFF: Mr. Saladino?

18 MEMBER SALADINO: Yes.

19 CHAIRPERSON NEFF: Ms. Gordon?

20 MEMBER GORDON: Yes.

21 CHAIRPERSON NEFF: Ms. Neff?

22 Yes. Okay.

23 So the vote is 4 in favor and

24 non opposed.

25 So we will not respond to this
request. Moving on to the third item on our agenda.

I am going to do another item before we get to 3. 2A, is going to be -- we were going to schedule a public hearing -- we did schedule it however it was not properly noticed to have a public hearing about the property on Fifth Street. And since it wasn't properly noticed, we're unable to do that. It will become part of our agenda for next -- our next meeting. Is anybody here to have something to say about that?

MR. SWISKEY: I just have one question. Are you scheduling a public hearing tonight?

CHAIRPERSON NEFF: We expected to have it because we did our site visit. However, when we reviewed, the date was wrong. It was correct in three places and it was wrong in one place. So we're going to put it off till our next meeting.

MR. SWISKEY: Thank you.

MEMBER CORWIN: We should have a
motion tonight to schedule a new public
hearing for February for whatever that
date is.

CHAIRPERSON NEFF: I would like
to wait till the point of when we get to
our next meeting to do that because
whether or not we have sufficient members
here, the third Wednesday in February is
the question. But I hear you, we will
schedule a public hearing at that time.

MEMBER SALADINO: I have a
question. Has the new public hearing
been noticed?

MS. WINGATE: No. I have plenty
of time. We're at the 17th.

CHAIRPERSON NEFF: So I would
like to put that off until we handle
No. 3. No. 3,

Motion to accept an appeal for
area variance. And to public notice and
schedule a public hearing and a site
visit for (prospective owner) Daniel
Pennessi, president of SAKD Holdings,
LLC. The applicant proposes to construct
a new mixed use commercial building on
the vacant lot at the southeast corner of Third and and Front Street. Section, Lot and Block No. 1001-5-4-5. The property is not in the Historic District and it is located in the waterfront Commercial District. The proposed building is to contain a 16-room hotel, 80 seat restaurant and 570 square feet of retail space. The numbers about the lot coverage and percentages of area construction are as follows.

Lot coverage of 4,123 square feet representing 46% of the site, requiring an area variance of 590 square feet or 6% of the total area of the lot. Which is 8,834.2. Section 150-12A of the Village Code requires maximum lot coverage of 40% or 3,533 square feet in the Waterfront Commercial or the WC District.

The proposed overhead wood trellises, front steps and raised outdoor dining area are within the front yard setback in the Waterfront Commercial District, requiring an area variance of 6
feet. In the Section 150-12(B),
requires 6 feet front yard setbacks on
both Front and Third Street.
The mixed use building prosed 12
parking spaced. Section 150-16A (1)
requires 36 parking spaces based on
square footage calculations and
requirements for hotel occupancy
requiring a variance of 24 parking
spaces.

The proposed building does not
provide for an off-street loading berth.
Section 150-16B(e) requires one berth for
each 25,000 square feet of floor area.
The proposed building height is
47’0”, based on the height of the
elevated bulkhead located on the roof,
requiring a height variance 12’0”.
Section 150-12B limits the height of the
building to 2 stories or 35 feet.
Discussion or is there a
presentation?

MEMBER CORWIN: I am not sure we
need a discussion.

CHAIRPERSON NEFF: Right. We’re
accepting this application and there is
also -- it has to go before the Planning
Board.

MEMBER CORWIN: It has been
before the Planning Board.

CHAIRPERSON NEFF: I think they
defered --

MEMBER CORWIN: The applicant
made an application to the Building
Inspector. That was denied. That led
them to the Zoning Board of Appeals. Now
we're trying to schedule the hearing. I
think before we even schedule a hearing
they ask in the application, I counted
three interpretations.

CHAIRPERSON NEFF: Excuse me, can
you go back about ten words? I missed
what you said.

MEMBER CORWIN: I said, they in
their application they ask for three
interpretations of the Village Code,
which is part of our duties. Before we
accept an application for variances, I
would contend that we have to settle
those three interpretation questions.
CHAIRPERSON NEFF: And the three interpretation questions are about parking?

MEMBER CORWIN: I would have to go through here and tell you what they are. Before I do that, let’s make sure that is the proper way to proceed. Maybe the attorney can help us. I say we have to settle those interpretation questions first with a public hearing and then we have a public hearing for the variance request. So in other words it’s a couple of months worth of hearings. It’s about after the second yellow page, you go one more page. Title page and letter. Next page is the lot coverage. Then it says applicant respectively request or an interpretation of Section 150-12B of the Village Code to determine the project requires a variance from the bulk regulations set forth.

CHAIRPERSON NEFF: Could you stop just for a second and help us find the rest of that section of the application.
MEMBER SALADINO: I have a suggestion while I am showing the chairperson. Perhaps the applicant would chose instead to reword the application as opposed to asking for an interpretation, I kind of agree with David that it would require a public hearing for interpretation. And this way to move things along.

MEMBER CORWIN: This is the application that we have before us.

MEMBER SALADINO: I understand that, David, but we didn't accept it.

MEMBER CORWIN: Then we go another month and get a new application.

MEMBER SALADINO: Joe?

MR. PROKOP: So I think that -- there is no rule that would require that interpretation be determine before a variance however it does amend the application -- in consideration of the application -- the interpretation is basically -- what the applicant is asking you to do is to determine that the Building Inspector was incorrect in the
decision that was made. The decision that a variance was necessary. I think they could be considered at the same hearing. They would have to be considered -- as I said, to say it another way. The interpretations are requesting an interpretation that the Building Inspector was incorrect and that no variance is required. So you would have to make those decisions before you rule on variances because you determination might in fact be a variance was required. I think that could move ahead as part of the same consideration. As far as accepting the application, if there is going to be any changes, we can't accept it. I don't know if there are going to be changes or not. We should accept it in its formal format.

MEMBER CORWIN: Well my position is that we do the interpretations first with a public hearing and then we settle them and then we have a public hearing on the
variances. If we try and do everything at one meeting, I think we're going to have a very long meeting and we're just run around.

    MEMBER SALADINO: David, you understand this is never going to happen in one meeting.

    MEMBER CORWIN: Well, if the applicant accepts that and acknowledges that it will be more than 62 days from when the hearing is closed --

    CHAIRPERSON NEFF: We can leave the hearing open.

    MEMBER CORWIN: Yes, we can. You're correct.

    MEMBER SALADINO: Let the applicant state -- this right is just to accept this application. If the applicant is content with the application after what the attorney said, then let him make his statement and we will vote yes or no to accept it.

    MR. PROKOP: When we do accept -- if we accept it and move ahead, the next agenda and public notice has to reflect
what is applied for. So we do --

CHAIRPERSON NEFF: Pardon? What you just said?

MR. PROKOP: The public notice and agenda should reflect what is requested in this December 31, 2015 letter. So in our records we have this letter which does not have page numbers.

CHAIRPERSON NEFF: We can remedy that and number them 1 through 6 at the bottom. I just did that so I could find something. It’s a six page letter.

MR. PROKOP: I was just saying that when somebody looks back at the minutes they know what we're talking about and looking at. It’s a combination of variances and determinations.

MEMBER SALADINO: So the public notice would be written and the agenda would be created and that wouldn't happen tonight. That would happen somewhere down the road. Would that prevent us -- if we will agree to what we just said, Joe, that wouldn't prevent us from approving or denying tonight, would it?
MR. PROKOP: Excuse me, I didn't mean to interrupt.

CHAIRPERSON NEFF: Accepting or requesting some other action. And if I understand you correctly, Joe, you said we could create a public hearing in which we notice specifying the interpretations requested as well as the variance requested?

MR. PROKOP: Yes.

CHAIRPERSON NEFF: What is the pleasure of the Board?

MEMBER SALADINO: I think we should hear the applicant and have him decide on what he wants to do.

MEMBER GORDON: I have a question. The standard that we apply to the application as it's presented to us for acceptance -- I am not sure which page it is. The application form itself, the second page. There is a section of area variance reasons says, please see cover letter for those questions that we always ask. And many of these issues are discussed by sort of implication in the
letter but there is no direct response.

I am not sure whether that matters or

seems to matter, but seems worth talking

about. If the point is that we're

judging -- not the merits of the

application but whether it’s complete

enough to be accepted for our review.

MEMBER SALADINO: I have a few

problems with this application myself. I

think we should let the application say

his piece and then it’s up for

discussion. He should be able to tell us

what he thinks. That’s part of the

discussion that we have, I think. Then

we can address the application itself.

CHAIRPERSON NEFF: I just want to

respond to what Ms. Gordon had said.

We're talking about the second page of

the application where we talked about the

five reasons, which we use when we vote

after the public hearing. And I think

that one thing we might ask if

specifically to tie -- first of all, I

would like to say please see the cover

letter of December 15th. So we don't
lose track of what letter we're talking about. A couple of lines drawn out of that letter, the stated as the area variance reasons. Certainly, we're not saying that we're not reading the letter. It's tied to it. Anyone else on the Board?

MEMBER SALADINO: I don't want to sound like an advocate for this guy but I just see that those questions are just responded to in a different area. I am not sure if there is a point of law or procedure that says that can't be done. And everything in front of me is still open for discussion and either acceptance or denial. I don't think we're giving up anything on what people have to say about it. Let the guy -- let the applicant make his story and tell his story. Perhaps there is questions that we could ask after we recognize them.

MEMBER CORWIN: Let's ask the questions first. You have some questions and I brought up some questions.

MEMBER GORDON: I have no
problems with putting these reasons in
the area variant list if that is the
way that we want -- the basis of which
we want to review accepting the
application.

MR. PROKOP: The problem is and I
would like to ask Eileen Wingate if she
agrees with me or disagrees with me but
it looks like the letter from December
31st doesn't just a disagree with some of
your interpretations but it also
references some different sections.
In some cases like the lot
coverage --

MS. WINGATE: I do know how I
determined the lot coverage and how the
applicant determined the lot coverage.
It’s obvious and clear-cut.

MR. PROKOP: I agree with you.

MS. WINGATE: They just
calculated it differently and I don't
think it’s up for an interpretation.

MR. PROKOP: That’s fine. It
could go before the Board then. I just
wanted to point out that some of the
sections were different.

CHAIRPERSON NEFF: May I ask

that the sense of the Board is that we

accept the application, perhaps listen

to a brief presentation by the principal

and schedule a public hearing? Is that

where we are?

MEMBER SALADINO: I think perhaps

at that point we're out of order. I

think we should first hear what the

applicant has to say and there be a short

discussion about what he says and what's

in front of us and either decide to

accept or not. David?

MEMBER CORWIN: I have one thing

that I want to bring up, before the

applicant addresses us. On the short

environmental assessment form.

CHAIRPERSON NEFF: Can you just

wait a minute so we can find the short

environmental assessment form. Thank

you.

MEMBER CORWIN: That piece of

property had a gas station on it at one

piece of time. The applicants are
probably aware of that. There is no
mention of that in the short
assessment form of that. There is no
check box or question to mention that but
I think there should be an addition onto
this short environmental assessment form
saying that there was an old gas station
on the property. Just in case it turns
up when they start digging that there
were some tanks that were leaked and
everybody knew about it.

MR. PROKOP: I think there was an
application on this property, we
required a long form. My recommendation
to the Board would be that we require a
long EAF form to be completed by the
applicant and submitted to the Board at
least 10 days prior to the date of the
hearing.

MEMBER SALADINO: I agree with
the attorney. The property itself, the
amount of parking. The fact that
there is going to be a restaurant, a
retail space, a hotel, parking, loading.
It’s adjacent to another district. I
thought a long form was appropriate.

MS. WINGATE: It’s going to need coordinated review anyway's. Going back to Planning. Back and forth.

MEMBER CORWIN: So they probably should have made a long form a long time ago.

MS. WINGATE: It’s usually by Board’s request.

MR. PROKOP: There is two situations where you do a coordinated review. One is where it’s a Type I Action and coordinated review is mandatory if there is more than one agency. On the other hand, if it’s an unlisted action, it looks like this application is going to be and you believe that there will be and not making any conclusions, but possible that there could be a negative impact on one or more aspects of the environment. With an unlisted action, you should also do a coordinated review. It looks like we're going to do a coordinated review with a Type I application.
CHAIRPERSON NEFF: Does that preclude us from accepting the application?

MR. PROKOP: No, I don't --

MS. WINGATE: The Planning Board was intending to take lead agency.

MEMBER SALADINO: Unless we decide?

MS. WINGATE: Yes.

MR. PROKOP: What I would do, I would -- I think the 4,000 square foot criteria -- if it's more, that means that it's unlisted but we would need to check on that.

CHAIRPERSON NEFF: So I am not exactly sure where we are.

MR. PROKOP: Hold on a second.

CHAIRPERSON NEFF: Okay.

MR. PROKOP: Any structure exceeding 100 feet above ground level -- so I think what you're referring to is that it's not a Type II action. I think that it's less than 4,000 square feet and non-residential, I think it's a Type II action. If it's more than 4,000 it goes
to unlisted. We can start the
coordinated review process. Either way
it’s going to need a coordinated review.

MS. WINGATE: Do we have to have
lead agency?

MR. PROKOP: Yes. They can't,
because they're not involved at this
point.

MS. WINGATE: They had had
submission process.

CHAIRPERSON NEFF: Did we ever
deal with both Boards at the same time?

MR. PROKOP: Yes. In an
application like this, it’s highly
recommended. The recent history, if
there was a significant application we
had the Board’s out together. Either at
a joint meeting --

MEMBER SALADINO: Or it’s
possible that this Board can ask the
Planning Board that question.

MR. PROKOP: You can refer the
application to the Planning Board also.

MEMBER SALADINO: Not refer the
application, just ask them if it’s
possible -- we could ask them about lead
agency status if they're going to take
it. Why have a joint session?

CHAIRPERSON NEFF: Because there
are questions that are the purview of the
Planning Board and there are questions
that aren't. They're both there in the
application.

MEMBER SALADINO: I understand
that. Once it’s decided that there is
going to be a coordinated review and once
somebody takes lead agency status this
Board can get on with its work and the
Planning Board can get on with their
work.

CHAIRPERSON NEFF: What I just
heard Mr. Prokop talk about is that there
have been times in the past and perhaps
it’s appropriate in this case, for this
to be done with rather than one versus
the other.

MEMBER SALADINO: The Planning
Board made their decision about this
application.

CHAIRPERSON NEFF: No, they
haven't.

MEMBER SALADINO: They deferred it to us. Now the ZBA is saying, well --

MR. PROKOP: My recommendation might be to refer to the Planning Board for the environmental review and lead agency status by the Planning Board. And then we also at the same time set -- there was a question as to whether we would set the public hearing. We wouldn't take any action on it until the Planning Board concludes their review. The Planning Board meets next week. So that was a good idea. I agree with that. I think one of the ideas you might consider here is vote as a Board to see if the Planning Board wants to take lead agency. And then they can adopt lead agency and start the SEQRA process.

MEMBER SALADINO: I didn't suggest that we pass the application to the Planning Board. It’s within our right to ask them a question. And my
question would be, if they're going to
take lead agency status and if yes, then
they can start the process. I didn't
want to take the entire --

CHAIRPERSON NEFF: It's not the
entire. It's going to involve the Zoning
Board as well.

MEMBER SALADINO: I understand
that. The Planning Board referred this
to the ZBA because what was involved in
the application. Now, he ZBA is going to
send it back to the Planning Board to
have them once again send it back to the
ZBA because there is variances involved?

CHAIRPERSON NEFF: With the long
form and the declaration on their part
that there is lead agency. That is one
of the possibilities.

(Whereupon, the alarm rang at
this time.)

MEMBER SALADINO: What did I say
that was wrong about the process?

MS. WINGATE: The Planning Board
has every opportunity to accept their
application and run simultaneously. The
Planning Board has a 60 day threshold to make a decision. If they act too quickly to accept the application before the Zoning Board comes to their decision, we get into a time crunch. So it has to be very careful orchestrated so that no application is accepted prematurely and that everybody gets to weigh in accordingly. And we don't have a time crunch with the --

CHAIRPERSON NEFF: In other words, if we accept the application and schedule a public hearing, much more information becomes assessable to the Board and public and we can keep the public hearing open for a subsequent meeting, which pulls out the timeframe and we don't run into the 60 days. That's one option.

MEMBER SALADINO: We can keep the public hearing as long as we want.

MS. WINGATE: Whereas the Planning Board doesn't have that option.

CHAIRPERSON NEFF: I see. Okay.

In that case, is there a sense of the
January 20, 2016 Meeting

1 Board to accept the application and
2 schedule a public hearing?
3
   MEMBER SALADINO: I would like to
4 hear what the guy has to say first.
5 Maybe. Maybe not.
6
   CHAIRPERSON NEFF: Okay.
7
   MEMBER SALADINO: I defer to the
8 Chair.
9
   MEMBER GORDON: I would like to
10 hear from the applicants also. I would
11 like to be sure of what we're talking
12 about, whether we should accept the
13 application. The content of the
14 questions about the variances --
15
   MEMBER SALADINO: What?
16
   MEMBER GORDON: I don't think we
17 should be talking about the substance of
18 the variances until we have a hearing but
19 I think a little information justifying
20 this particular application -- for
21 instance, my concern about incorporating
22 these area variances reasons and it’s
23 with that we need to make a decision
24 whether we should accept this
25 application.
MEMBER SALADINO: Dinni, I agree with you. I would just like to stress of letting this guy talk. I don't think that we're under any obligation to either accept or deny. I don't think there is anything that binds us. Right now, all we have in front of us is an application. And regardless of what the applicant says or does, we still have the option -- but I understand your point.

CHAIRPERSON NEFF: Okay. Would you like to make a preliminary statement to the Board.

MR. PENNESSI: That would be great. My name is Dan Pennessi.

MEMBER CORWIN: Would you spell that for the recording secretary, please?

MR. PENNESSI: Sure.
P-E-N-N-E-S-S-I and I am principal of SAKD Holdings, LLC. The contract vending for the property. We have gone ahead and submitted a letter of authorization from the property owner. I have here the architect, Tom Pedrazzi.

MR. PENNESSI: Maybe we will start with a summary as what is set forth in the application, if that’s all right?

CHAIRPERSON NEFF: Yes.

MR. PENNESSI: We're proposing at the corner of Front and Third Streets a mixed used commercial building. On the ground floor there will be a restaurant, 70 seats. Plus 10 seasonal seats. There will also be some retail space on the first floor and two stories of hotel rooms above. There will be 16 hotel rooms. And what’s currently proposed is a rood deck, currently, for the use of the hotel guests. We had initially presented the pre-submission to the Planning Board in accordance with the Zoning Code to determine if this was an application that the Planning Board would be interested in hearing for this property. As a result of the feedback and based on their work sessions of October, November and December, we went ahead and filed a building permit and
received a notice of denial which require
us to come before the Zoning Board of
Appeals because there was some
variances requested. As part of our
application, we did note that there were
certain conditions that needed to be
met and described int the application.
Also we had questions on how the bulk
was calculated and that the bulk section
is for the waterfront commercial district
as opposed to the residential, which is
subsection A. We believe that this letter
does describe why in fact the variances
required should be granted. It addresses
that there are no other alternatives
under the Zoning Code currently to pursue
the project that we would like to build
there. And also how the proposed project
does conform to the character of the
downtown and other improvements in that
area. We would like the ZBA to accept
the application this evening. It would
be great to schedule a public hearing for
next month. Perhaps I would suggest and
maybe ask, I believe what has been done
before, the fact that ZBA accepts lead agency status and then passes it to the Planning Board once that formal site plan application is submitted and the public hearing is commenced for the site plan application, perhaps that's a way to bridge the gap between the two boards. And both myself and Tom are here for any questions that you might have.

CHAIRPERSON NEFF: Thank you.

Any questions?

MEMBER SALADINO: I have a -- I am going to hold my questions.

CHAIRPERSON NEFF: I will entertain a motion to accept the proposal?

MEMBER SALADINO: I am kind of thinking -- I would just ask -- this has nothing to do with your application -- well, it does but not really at this particular moment. This is really an ambitious application. And I am just -- this is more for personal curiosity as a member of the ZBA and this is strictly
for myself. Being such an ambitious
application, I would kind of ask -- you
know, what. This is not the right time
for the questions. I apologize. I
apologize. It’s a question for the
public hearing.

    CHAIRPERSON NEFF: John, I am
afraid you caught my meandering spot,
which is unfortunate for the Board and
the audience.

    MEMBER SALADINO: And I
apologize.

    CHAIRPERSON NEFF: May we have a
motion to accept the application and when
we schedule our next meeting, I am
concerned that it may not be February.
Normally we have monthly meetings. It
will be scheduled for our next meeting
and you will know that tonight.

    (Whereupon, the alarms went off
at this time.)

    MEMBER GORDON: If we accept this
application are we requesting the longer
form prior to this hearing?

    MEMBER CORWIN: Yes, we are.
MEMBER SALADINO: Well, it was always my understanding that the application had to be complete and correct. For us to accept it, we're saying that it's complete.

CHAIRPERSON NEFF: We can also request that the long form be sent ten days prior to the hearing.

MEMBER CORWIN: Three weeks. We need time to look at it.

CHAIRPERSON NEFF: Are we talking about --

MEMBER CORWIN: I will make a motion. I move that we accept the application as it is presented this evening with some additions which will include the long environmental assessment form and that we schedule a public hearing at the next available date for quorum meeting of the Zoning Board of Appeals.

MEMBER GORDON: Second.

CHAIRPERSON NEFF: All those in favor?

MEMBER CORWIN: Before we vote on
that, questions? I ask the attorney
there is a mention of a LLC, Limited
Liability Company. But I see no papers
on that. Should that be included in the
application?

MR. PROKOP: If you're talking
about Marilyn Shannon, LLC, there is a
letter. I will check and see in a
second.

CHAIRPERSON NEFF: I thought we
do have SAKD.

MEMBER CORWIN: My question is
when you file a limited liability company
you have to have some principals and you
have to have an address to serve papers.
The attorney can correct me if I am
wrong. I think things like that should
be included in the application.

CHAIRPERSON NEFF: Mr. Prokop?

MR. PROKOP: What you said about
forming an LLC is not accurate. You
could get -- you do have to give an
address but it could be the attorneys
address. We should have the address of
Marilyn Shannon also.
MEMBER CORWIN: So that’s two things, and long form and more information on the limited liability companies that are involved.

MR. PROKOP: Also another thing, I really think that on a size of this application, the Board should really get full size plans --

MS. WINGATE: I have them. I have them.

MR. PROKOP: I think the Board should get a set of plans to review.

CHAIRPERSON NEFF: Could we make a request that the members consult these complete plans at Village Hall prior to the next -- at least two weeks before the hearing.

MEMBER CORWIN: They are for us. They're ours. We can take them home if we want.

MR. PENNESSI: If more full size sets are requested, please let me know. I think we delivered four.

MEMBER CORWIN: Your willing to submit more if we want?
MR. PENNESSI: Yes.

MEMBER CORWIN: So then that is not a problem. A couple of more full size plans, long assessment form --

CHAIRPERSON NEFF: Okay.

MEMBER CORWIN: And that does not preclude that may come up in the course of our discussion.

MEMBER SALADINO: Second.

MR. PENNESSI: May I add two things?

CHAIRPERSON NEFF: Yes.

MR. PENNESSI: With the certificate of formation for the LLC be sufficient to satisfy that request?

MR. PROKOP: Yes.

MR. PENNESSI: And I just wanted to note that during -- we had appeared at two Planning Board work sessions. The matter was discussed during the November work session. We were not present. And the plans that have been submitted with the application do incorporate several comments from the Building Department, the Village’s Consultant.
CHAIRPERSON NEFF: In other words you have made some changes but they are not reflected in the plans?

MR. PENNESSI: They are. All Planning Board -- all comments to date have been incorporated into the plans that you have.

CHAIRPERSON NEFF: All right. Thank you. Are we ready to vote?

MEMBER CORWIN: Yes, we are.

Let’s have a roll call.

CHAIRPERSON NEFF: Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRPERSON NEFF: Mr. Saladino?

MEMBER SALADINO: Yes.

CHAIRPERSON NEFF: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRPERSON NEFF: And I vote, yes, as well. So the motion carries.

Thank you very much.

Item No. 4, I would like a motion to approve the ZBA minutes for November 18, 2015.

MEMBER SALADINO: So moved.

CHAIRPERSON NEFF: Second?
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1                  MEMBER GORDON:  Second.
2                  CHAIRPERSON NEFF:  All in favor?
3                  MEMBER SALADINO:  Aye.
4                   MEMBER GORDON:  Aye.
5                   CHAIRPERSON NEFF:  Aye.
6                  MEMBER CORWIN:  Opposed or
7                      abstained?
8                  CHAIRPERSON NEFF:  Okay.  Excuse
9                      me.
10                   Anyone opposed or abstained?
11                  MEMBER CORWIN:  I abstain.
12                  CHAIRPERSON NEFF:  Okay.  That
13                     is Mr. Corwin abstaining about the motion
14                     of the minutes from the 18th of
15                     November.
16                  Item No. 5, Motion to accept the
17                     ZBA Minutes for December 17, 2015.
18                  MEMBER SALADINO:  Second.
19                  CHAIRPERSON NEFF:  Mr. Corwin?
20                  MEMBER CORWIN:  Yes.
21                  CHAIRPERSON NEFF:  Mr. Saladino?
22                  MEMBER SALADINO:  Yes.
23                  CHAIRPERSON NEFF:  Ms. Gordon?
24                  MEMBER GORDON:  Yes.
25                  CHAIRPERSON NEFF:  And I vote,
yes, as well.

Motion to schedule. As discussed in our last meeting because of several absences of members of the Board, being strain on having sufficient members present for us to have a quorum and us to operate, we have made a request of the Town Board that members could participate electronically. Maybe there is a better word.

MEMBER CORWIN: Video conference.

CHAIRPERSON NEFF: Where they are present and they can both participate and note vote. And we understand or I understand from my conversations that that item is on discussion for the Board on Thursday. And I would like to know if it’s the sense of our Board whether we all feel that would help us conduct our business on occasions that are necessary. Members that are experience. Particularly, I miss the experience of our chairman who is not here tonight. Anybody else like to weigh in?

MEMBER CORWIN: I am going to be
here in February. So I would like to
have the February meeting. I don't want
to hold Mr. Moore up anymore. I don't
want to hold up these people if we don't
have to. I don't -- as long as Chairman
Moore or Ms. Gordon is not going to vote,
I have no problem with video conferencing
as a tool for them to be aware of
everything that went on. I do have a
problem with people voting in a room
that are not at a public hearing
because when you see 30 people in a room,
it kind of changes your mind about
things.

CHAIRPERSON NEFF: Even though
you can hear them and get some of the
feeling --

MEMBER CORWIN: You don't get the
feeling.

MS. MACKENTI: Can I just ask a
question?

CHAIRPERSON NEFF: Yes.

MS. MACKENTI: This is Joann
MacKenti, Fifth Avenue. My question is
when they do come back, are they allowed
to vote on ones that they were not in
attendance to?

CHAIRPERSON NEFF: No. Because
the vote if taken -- if there are
sufficient members a vote will be taken.
Now there -- what we're asking the
Village Board to approve is having the
expertise of the members weigh in. And
we're a small Village. To draw the
membership of all the Board's of the
Village is hard to do that. We're a five
member Board, so we need three members to
vote.

MEMBER SALADINO: I would --

CHAIRPERSON NEFF: So no, they
would not vote later.

MEMBER SALADINO: I don't agree
with that. If there is a vote when
they're not present and I defer to the
attorney but from my experience if
they're not at the meeting, they have
agreed and we have agreed and I believe
the Village Board will agree that they
can't vote. But if they come back and
the question is in front of the Board,
they have every right to vote.

MS. MACKENTI: Even if they missed prior meetings?

MEMBER SALADINO: Yes.

CHAIRPERSON NEFF: If there is a vote taken. The vote is binding. They don't get to come three weeks later and enter another vote.

MEMBER SALADINO: No. If the vote is carried over to the next meeting.

CHAIRPERSON NEFF: The question is there --

MEMBER SALADINO: If I am understanding Joann right, if they miss a meeting and there is no vote taken at that meeting, and there is a vote taken at a meeting where they're present, even though they physically missed the discussion at the last meeting, would they be entitled to vote?

CHAIRPERSON NEFF: Is that your question, Joann?

MS. MACKENTI: Yes.

CHAIRPERSON NEFF: Okay. Because I misunderstood what you said.
MS. MACKENTI: Maybe Mr. Prokop can help here?

MR. PROKOP: They can participate. They are expecting to educate themselves at what took place at the public hearing.

CHAIRPERSON NEFF: And they would have two instances to do that. They can read the minutes which are available on our website and are complete and also from the video conference. So being gone and they knew nothing, I would totally agree with you. In educating themselves is a good way to do it.

MEMBER SALADINO: There is going to be two upcoming hearings that most people are going to be concerned about. And I think they will be well attended. There will be a lot of public interest. In my mind, there is no way either one of those public hearings are going to be resolved in the time limit that the members are going to be away. There is no doubt in my mind that these discussions will be going on till at
least after the members come back. To see what’s going on, I think can only help. So I think the Zoning Board agreed that there wouldn't be a vote. The people that weren't going to be in attendance agreed that they wouldn't vote. I am just not sure what else to say about it. I think we're looking for an elaborate solution to an non-existent problem.

CHAIRPERSON NEFF: So what I find back to establishing a date for the February meeting which would normally be the third Wednesday. Mr. Corwin will be here. I will be here. What about you Mr. Saladino?

MEMBER SALADINO: God willing.

CHAIRPERSON NEFF: Okay. Same for me. At this time, we expected both Ms. Gordon and Mr. Moore will not. So we will schedule the February meeting.

MEMBER GORDON: I don't know how inconvenient it would be -- but as far as my presence is concerned, I could be here the following week. And we're a very
small group. It seems to me like it
might make sense to do it --

    MEMBER CORWIN: I object to
that. It has been the third week and I
want to stay with the third week.

    MEMBER GORDON: Okay. Just a
suggestion. I feel uncomfortable that if
a vote has to be taken, it has to be
unanimous with three --

    MEMBER CORWIN: Don't leave town.

    CHAIRPERSON NEFF: True.

    MEMBER SALADINO: Well, a vote
that with a quorum that fails, 2 to 1
vote, it would just come up at the next
meeting or reapply.

    CHAIRPERSON NEFF: None of us
expect that we will get to the point of
voting of the matter before us. So I
would to suggest that the ZBA meeting of
February be held on the 24th because to
the best of our knowledge, four members
will physically be present. I would like
to propose that to the Board.

    MEMBER CORWIN: Is this space
free on the 24th? And I am opposed to
that, whether it’s free or not. The
third week in February. That is when we
have our meetings.

CHAIRPERSON NEFF: There is no
motion on the floor.

MEMBER CORWIN: I make a motion
that we hold the February meeting on the
17th, the third week in February at
5:00 o'clock at the firehouse. I note
also that at 7:00 the fire wardens come
in here and we have to be out. So you
got to be brief.

MEMBER SALADINO: I take
exception to that. There is nothing that
says the fire wardens have priority over
the Village business.

MEMBER CORWIN: Well, it’s their
building.

MEMBER SALADINO: No, it’s not.

MEMBER CORWIN: Let’s hold it at
the red schoolhouse.

MEMBER SALADINO: I have no
problem with that. I don't want them not
to be able to have their say because the
fire wardens have to have their meeting.
MEMBER CORWIN: That’s fair enough. I amend my motion to say that we will hold the February meeting on the third Wednesday of February, 2016 at 5:00 at the red school house on Front Street in Greenport. So that we might possibly extend the meeting at 7:00 o'clock.

CHAIRPERSON NEFF: Okay. If we were planning to have a public meeting, that location is a rather small building.

MEMBER CORWIN: I think that it could accommodate the size of crowd.

MEMBER SALADINO: Eileen what is the capacity --

CHAIRPERSON NEFF: I would say 25.

MEMBER CORWIN: More than that.

CHAIRPERSON NEFF: There aren't that many chairs in the building. I was --

MR. PROKOP: You are discussing a motion that doesn't have a second.

You need to have a motion seconded to
1 discuss --
2      CHAIRPERSON NEFF: Thank you. I
3      am concerned about accepting this
4      proposal and having another applicant to
5      vote on --
6      MEMBER GORDON: You need a
7      second.
8      CHAIRPERSON NEFF: No one has
9      seconded the motion.
10     MR. PROKOP: So then it dies.
11     CHAIRPERSON NEFF: Thank you.
12     All right. I am having problems
13     scheduling a meeting with three people.
14     I would like to make a motion
15     that we postpone, not have a meeting in
16     February and schedule our next meeting
17     for the third Wednesday in March.
18     No second. Okay.
19     MEMBER CORWIN: All right. I am
20     making my motion again --
21     MEMBER SALADINO: Before you make
22     the motion so I can ask the attorney a
23     question. Is there a problem with
24     changing the location? Is there
25     something that happened at an
orgnzaitional meeting? Is there something that prevents us from having --

MR. PROKOP: No.

MEMBER CORWIN: I make a motion that the February meeting of the Greenport Zoning Board of Appeals be held on the 17th day of February, third week of February and that rather than the traditional location of the meeting room in the firehouse, that the meeting be held at the red school house on Front Street in Greenport at the south-end of First Street, at 5:00 o'clock.

MEMBER SALADINO: Second it. I would like to look at the calendar to see --

MS. WINGATE: I am trying to look.

MEMBER SALADINO: I second that motion.

CHAIRPERSON NEFF: We're also planning to have a public meeting on the applicant on the hotel and --

MEMBER CORWIN: Let’s square away the date and location of the public
hearings.

CHAIRPERSON NEFF: Let’s vote on the motion.

CHAIRPERSON NEFF: Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRPERSON NEFF: Mr. Saladino?

MEMBER SALADINO: Yes.

CHAIRPERSON NEFF: Ms. Gordon?

MEMBER GORDON: No.

CHAIRPERSON NEFF: Yes. So we will schedule our meeting -- it will be at the schoolhouse on the 17th. Now we have a public hearing to advertise.

MEMBER CORWIN: I make a motion that we advertise the Robert Moore application for fence and deck variance to be published in the Suffolk Times and to have a public hearing at the February 17th meeting of the Zoning Board of Appeals of the Village of Greenport.

MEMBER SALADINO: Second.

MR. PROKOP: There is a question on the motion. What about the site visit?

CHAIRPERSON NEFF: We did that
site visit today. We did it because we were not aware that it wasn't properly noticed.

MR. PROKOP: Okay.

CHAIRPERSON NEFF: Are you suggesting that we should revisit the site?

MR. PROKOP: No.

CHAIRPERSON NEFF: Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRPERSON NEFF: Mr. Saladino?

MEMBER SALADINO: Yes.

CHAIRPERSON NEFF: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRPERSON NEFF: And Ms. Neff, yes.

So the motion carries, we will conduct that meeting on the 17th.

MEMBER CORWIN: I will make a motion that we hold a public hearing on the application SAKD Holdings, LLC to be advertised in the Suffolk Times, the official newspaper of the Village of Greenport for the February meeting of the 17th and that public hearing will be held
January 20, 2016 Meeting

at 5:30 at the red schoolhouse on Front
Street in Greenport and that we will have
an inspection of the site at 4:15. Did I
cover everything? An inspection at
4:15. Public hearing at 5:30. We will
set the Moore public hearing at 5:00
o'clock. So we will do another motion
for that.

    MEMBER SALADINO: I second it.

    CHAIRPERSON NEFF: Mr. Corwin?

    MEMBER CORWIN: Yes.

    CHAIRPERSON NEFF: Mr. Saladino?

    MEMBER SALADINO: Yes.

    CHAIRPERSON NEFF: Ms. Gordon?

    MEMBER GORDON: Yes.

    CHAIRPERSON NEFF: I vote yes.

I don't think that we need
another motion. The first public hearing
will be held at 5:00. The site visit for
the SAKD will be at 4:15. And the public
hearing on that matter will be at 5:30.

    MEMBER CORWIN: So we're
acknowledging that the Moore public
hearing will be at 5:00 -- let me make a
motion --
CHAIRPERSON NEFF: I don't think we need to. That's our regularly scheduled time.

MEMBER CORWIN: I have one more motion to make. I make a motion that we appoint John Saladino as the chairman for the February and March meetings of the Village of Greenport Zoning Board of Appeals.

CHAIRPERSON NEFF: Second please?

MEMBER GORDON: Second.

CHAIRPERSON NEFF: Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRPERSON NEFF: Mr. Saladino?

MEMBER SALADINO: Abstain.

CHAIRPERSON NEFF: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRPERSON NEFF: And I will vote, yes.

Can I have a motion to adjourn.

MEMBER CORWIN: So moved.

CHAIRPERSON NEFF: Second.

All in favor?

MEMBER SALADINO: Aye.

MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.

CHAIRPERSON NEFF: Aye.

(Whereupon, the meeting concluded.)
CERTIFICATION

I, Jessica DiLallo, a Notary Public for and within the State of New York, do hereby certify:

THAT, the witness(es) whose testimony is herein before set forth, was duly sworn by me, and,

THAT, the within transcript is a true record of the testimony given by said witness(es).

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

IN WITNESS WHEREOF, I have hereunto set my hand this day,

December 1, 2015.

Jessica DiLallo
(Jessica DiLallo)

* * *