

1 VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK
2 -----x

3 ZONING BOARD OF APPEALS
REGULAR MEETING
4 -----x

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6
7 Third Street Firehouse
8 Greenport, New York

9 April 22, 2015
10 5:00 P.M.

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13 B E F O R E:

14
15 DOUG MOORE - CHAIRMAN

16 DAVID CORWIN - MEMBER

17 CHARLES BENJAMIN - MEMBER

18 DINNI GORDON - MEMBER

19 EILEEN NEFF - MEMBER

20 EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

21 JOSEPH PROKOP - VILLAGE ATTORNEY

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1 CHAIRMAN MOORE: I think we can get
2 started with the meeting. So this is
3 the April meeting of the Zoning Board of
4 Appeals. It's 5:10. Tonight we have
5 two public hearings. One is for an
6 appeal for an area variance, which I
7 will read in a minute. The other is
8 for an interpretation from the Building
9 Department.

10 The application proposes a
11 combination of manufacturing/processing
12 space and retail space in a space on a
13 property located in the Commercial
14 Retail District. Section 150-9 of the
15 Village of Greenport code provides that
16 manufacturing and processing are
17 permitted in a space in the Retail
18 Commercial District where the goods so
19 produced or processed are to be sold at
20 retail exclusively on the premises and
21 provided that the space that is used
22 for manufacturing and processing is
23 fully concealed from any street and is
24 equal to an area no more than 20% of
25 the square footage devoted to retail

1 sales. The application proposes retail
2 space equaling 619 square feet in area,
3 limiting the size of the manufacturing
4 and processing space to 124 square feet
5 or 20%. The applicant requests the
6 following variance: This application
7 proposes manufacturing and processing
8 area of 643 square feet which is 104
9 percent of the area of the retail. The
10 proposed manufacturing/processing space
11 equals 104 percent of the specified
12 retail space. SCTM: 1001-5-1-14 and
13 the applicant is Phil Karlin for North
14 Fork Smoked Fish. This Notice was
15 properly placed in the Suffolk Times.
16 I will just read very quickly the
17 people that were notified in the mail.
18 It's William Shear and Helen Shear at
19 425 Main Street. Paul and Charles
20 Kuzniski, 423 Main Street, Sweet
21 Liberty Incorporated, PO BOX 616,
22 Shelter Island. I am not sure which
23 property that relates to?

24 MS. PHILLIPS: It's my property.

25 CHAIRMAN MOORE: Okay. Thank you.

1 And Carmen Bissell, 312 Buckingham
2 Road, West Palm Beach. Joseph Henry,
3 421 First Street, Joseph Henry and
4 Elaine Henry 34 South Street and Alice
5 Eyecorn, PO BOX 243, Peconic. The
6 property has also been placarded with
7 the appropriate notice. Before I take
8 any testimony, I just want to give a
9 brief status on where we are on the
10 project. Originally the situation,
11 that this property opened prior to
12 Planning Board review. It was
13 subsequently submitted to the Planning
14 Board and then the Planning Board
15 referred it to the Zoning Board of
16 Appeals because of the non-permitted
17 use. There was also a request for
18 interpretation and a request for a use
19 variance to operate as a nonconforming
20 use. That was subsequently withdrawn.
21 We now have before us for an area
22 variance for allowable space. I will
23 note that the applicant is proposing
24 for retail sales and manufacturing on
25 site. Would the applicant or

1 representative like to make comment or
2 testimony?

3 MS. MARTIN: Good evening, Amy
4 Martin of Fairweather & Brown. We were
5 just at the Planning Board for an
6 interpretation and then was sent to
7 Zoning for an area variance. We
8 submitted that as soon as possible.
9 That was in February. Subsequently, we
10 postponed things. We are asking for --
11 we all know what we are asking for. We
12 are asking for half of the building to
13 be used for retail and half to be used
14 for manufacturing. I am not sure when
15 the zoning in this area had changed.
16 It is now considered retail commercial.
17 We would just like to put before you
18 that this is a very good operation.
19 This is not a detriment to the area.
20 It is a very positive well received
21 business, and we regret that it wasn't
22 done originally to plan. I just ask
23 that you consider the fact that is a
24 very appropriate business for the
25 Village. Some of the waterfront

1 businesses still exist. It's
2 unfortunate that the location is
3 commercial retail. I believe that it's
4 a positive addition to the Village and
5 I just ask that you consider this. And
6 if it's something that has to go with
7 the business, we would not mind such a
8 stated condition. I think that
9 although it's considering
10 manufacturing, I think the Village Code
11 is a little antiquated. And back in
12 time when there were newspapers in
13 Town, they were allowed to publish and
14 create artifacts that we would now have
15 oysterman working in residential areas.
16 We have all things that are happening
17 now, and we would ask that you approve
18 this. Does anyone have any specific
19 questions? The only thing that I did
20 have to revise the application because
21 I was not aware that -- this was not
22 exactly retail or commercial or --
23 behind the office, bathroom and the
24 freezer and the heated lamp, it had to
25 be considered half of those spaces as

1 either commercial retail or
2 manufacturing. We have provided a site
3 plan that shows that there are
4 sufficient parking and single. We hope
5 that you will accept this and remain a
6 positive part of the District.

7 CHAIRMAN MOORE: A quick question
8 and just to help me out, I don't
9 recall, is this still pending before
10 the Planning Board?

11 MS. MARTIN: Yes. It will go back
12 to the Planning Board.

13 CHAIRMAN MOORE: Yes, it will. I
14 just wanted to point out that we did
15 have the advantage not only to review
16 the application, square footage, but we
17 went to the site and looked it over and
18 got an idea of where the production is
19 and what it entails. So we thank you
20 for that.

21 MS. MARTIN: And on the record, I
22 have to say that it's used to be a
23 retail operation in the front before
24 the catering was allowed there, and
25 other things that were manufactured.

1 Thank you.

2 MR. PROKOP: So the last time that
3 this was before the Board, we asked you
4 to come up with the actual square
5 footage of the building -- the last
6 time that we were here, which was a
7 month ago, with this application, there
8 was a discrepancy between the square
9 footage that you were planning and the
10 total square footage?

11 MS. MARTIN: Yes. I had not
12 included each of the non-use areas.
13 What I considering "common areas." The
14 bathroom, the small office, heating
15 lamp and the walk-in freezer as either
16 retail, nor commercial. So we revised
17 it. So each of those spaces are now in
18 the calculations.

19 CHAIRMAN MOORE: Any other
20 questions before we discuss this
21 amongst the Board members?

22 Any members of the public?

23 MR. TASK: Arthur Task, 17 Beach
24 Street, Greenport. While I had the
25 opportunity to visit the site, I am

1 familiar with the operations. This is a
2 horse in the wrong stall. There is
3 really a whole Trifecta of variances
4 that go along with this application.
5 The one is, on the table, at least as
6 far as the application is concerned,
7 referenced, 400, 500, variances that
8 you utilized to reference for
9 manufacturing in conjunction with a
10 retail operation. All of which
11 manufacturing is required to be sole
12 exclusively in retail store. That is
13 not what is supposed to be done as you
14 all well know. It has been stated that
15 most of the sales are off site. Until
16 now, the public wasn't permitted to
17 come in and buy. So all of the
18 dimensions were violated with the
19 present situation and some others were
20 continued to be violated. It now
21 appears that the retail portion has
22 been added to this project. The owners
23 admission, he said, if people really
24 wanted to get real seafood, they would
25 go to Alice's to buy a showcase of

1 samplings, if you will, of fish that
2 could be available. Now I have been
3 aware that there is previous
4 applications for variance -- a use
5 variance for this operation in the CR
6 District and apparently has been
7 withdrawn or "swept underneath the
8 table." The use has not changed.
9 Apparently there is no active variance
10 application. The owners representative
11 just pulled back the corner of rug and
12 indicated that although it was clear
13 that it was not a use permitted, but it
14 has in the past been by previous
15 owners. As I said, it's not permitted
16 to manufacture or process shellfish in
17 a CR District, even if the area
18 requires, which there are not. Fish
19 and Shellfishing and processing plants
20 and retail and wholesale of seafood
21 products, are going to be proposed at
22 the proposed location. There is a
23 doctrine in the ordinances, which says,
24 make a list of things that are
25 permitted and it specifically excludes

1 other things. They are not permitted
2 uses. In other words, the Village
3 Board intentionally included processing
4 in some fishing plants and permitted
5 uses and since the Board could have
6 included those uses also in the CR
7 District and they did not, it's clear
8 that they didn't intend those things to
9 be done in this District. So we come
10 to the conclusion, that approval of
11 this application in any form prior to
12 granting a use variance, either as to
13 allowing a manufacturing operation or
14 allowing a fish processing of retail in
15 the CR District, in either case, a
16 variance would be warranted. Thank
17 you.

18 MR. SALADINO: John Salidino, Sixth
19 Street. I don't think anybody -- or at
20 least anybody that I have spoken with
21 has a problem with this application,
22 tenant or the product. I think
23 everybody, all the people that I have
24 spoken with, people has a problem with
25 the process that people have been

1 talking about this issue. Ann says
2 that the code is antiquated.
3 Unfortunately it's the only one that we
4 have at the moment. If the Village
5 Board doesn't like the code, then they
6 should change it. People are insulted
7 at what has happened with great
8 business that is operating without a
9 permit. It goes back to other
10 perceptions also. You can't run a
11 business like that. You can't run a
12 building like that. Either you are
13 going to do what's right and the ZBA is
14 going to do what they have to do or
15 you're not. What about people that
16 want to do things the right way? That
17 spend the money and the time and go
18 through the Planning Board and go
19 before the ZBA? As far as this
20 business that shouldn't be in this
21 building? I mean, that is kind of
22 something that should have been squared
23 away last time and the fact that it's
24 not, I am kind of embarrassed for that.
25 So do I have a problem with the

1 business? Absolutely not. The tenant?
2 Absolutely not. It's great. Like
3 Arthur said, it's just not right for
4 that building.

5 MR. SWISKEY: William Swiskey, 184
6 Fifth Street. Some of you were not
7 here for the last election campaign,
8 but this was a big issue and every
9 Trustee candidate, including who were
10 elected and the Mayor, said there is
11 going to be no more selective
12 enforcement. I went to the Village
13 Hall and I spoke to -- well, I said,
14 were there any actual violations
15 returnable or issued? They said, yes.
16 And I FOIL'D for them. And the answer
17 from the Foiling Officer was, well,
18 they weren't really issued. So this
19 building has been allowed to basically
20 operate violations of Village Code,
21 almost eight or nine months now. And
22 now we're coming and asking, just let
23 us be there. Well, the code says that
24 you can't be there. You are asking for
25 a variance for something that the code

1 says you can't do in that building.
2 They need to go back to the Planning
3 Board. I am telling you that the
4 selective enforcement was big in the
5 last election and if we're going to be
6 a Village and a Village of honest truth
7 and I don't know why the two Trustees
8 are not here tonight that battled that
9 and they should be here, I feel, this
10 is a biggest example of sticking a
11 stick in the eye in the Village right
12 now. And if you people allow this to
13 go on and then you are sticking that
14 same stick in deeper.

15 CHAIRMAN MOORE: Can I ask you
16 something?

17 MR. SWISKEY: Yes.

18 CHAIRMAN MOORE: You said it has to
19 go back to the Planning Board?

20 MR. SWISKEY: For a use variance is
21 what I said. That is what you said,
22 right?

23 CHAIRMAN MOORE: A use variation.
24 I am sorry. That is what you meant to
25 say.

1 MR. SWISKEY: Like it's time to
2 say, stop.

3 CHAIRMAN MOORE: Is there anyone
4 else that wishes to speak?

5 MR. CYRK: Good evening, Members of
6 the Board of the Zoning Board of
7 Appeals. My name is Cyrk -- at 175
8 Cedar Drive. So it's an honor to
9 appear before this evening. This has
10 been an interesting process for North
11 Fork Smoke Fishing Company. A company
12 that was envisioned by a retired United
13 States Coast Guard in Gulf Of Mexico
14 working on the clean-up. He came back
15 to his home and provided a living for
16 his family and he has a dream, where
17 does he pursue his dream. He decides
18 on a harbor town. Where do you find
19 that place within the harbor town to
20 execute? So you have to go through the
21 process of finding, hopefully the right
22 fit for the horse. There was reference
23 that this might be the wrong stall.
24 Well, I was educated in Greenport High
25 School. Went away, served in the

1 United States Marine Corp. Attended New
2 Paltz College and my first job when I
3 came back to the North Fork, I was a
4 general manager, which a company that
5 is no longer amongst us. It had a
6 variety of things, processing seafood,
7 right here in the Village of Greenport.
8 Entrance into Stirling Harbor. So the
9 zoning which is some concept, which was
10 recognized a way for the Village, was
11 codifying. We had to make adjustments
12 not only to our community but the code
13 in which we live us. So people can say
14 spot zoning, or well, it makes a matter
15 here or a variance there. I do believe
16 that the spirit of zoning is what we
17 intended to do. Your Board can only
18 work with information that is supplied
19 to you. You address the concerns that
20 are brought before by the civil
21 servants of your community. If the
22 civil servants are doing there due
23 diligence, they attempt, I think to
24 work with land owners and business
25 owners to attribute a working Village.

1 They will enable to work on that dream.
2 To fulfill your dream. Does one select
3 one business from the code and say
4 where are you compliant and where are
5 you not? So they can present to the
6 Board. Having grownup here, I have a
7 bit of knowledge, I also like to shop
8 here in the Village. So that brings me
9 to the storefronts. As a patron, do I
10 understand that it's 20/80, not
11 necessarily. Because I am not
12 understand the entire code. I have
13 done a walking tour of this Village
14 after this was brought to my attention
15 and I have been in businesses that are
16 part of this district or zoning area,
17 that are, from my understanding, sticks
18 a bit to the west of the gas station,
19 brings us along Front Street, picks of
20 Main Street and comes up along South
21 Street. Picks up where North Fork Fish
22 is attempting to operate in the most
23 legal format possible. I said, wait a
24 second. Let me redo this walk because
25 what I am being told that we are

1 focusing -- there are some businesses
2 that I have been in don't seem -- have
3 similar store frontage, this 80/20 --
4 like it was a boiler plate that was
5 picked out of State Code and says, this
6 won't work. That is what we do in
7 towns throughout New York. Then we
8 have Zoning Board of Appeals to go
9 through that process. Now, I can name
10 businesses that do not appear to be in
11 same compliance of with what you are
12 asking from North Fork Fish, but I am
13 not ready to. And the reason why I am
14 not ready to is because I am not
15 complete with my research. I have gone
16 through public records which are
17 available on the internet and I have
18 yet to find one hearing that are for
19 these public businesses that exist and
20 no complaints. So I say to myself, is
21 it a lack of oversight or is it a
22 convenience of well, they are not
23 someone that I have a bone to pick
24 with. They are not someone that I feel
25 doesn't bring the vision of Greenport

1 that I like. And no one knows what a
2 civil servant does. We know what an
3 elected official is supposed to do. We
4 know that we have Boards with
5 grievances. Civil servants are the
6 ones that have the time and the energy
7 to bring these things about. They can
8 either work with it or they can
9 constantly find all the grey and a new
10 avenue to through up things. Now, we
11 have an opportunity, the Zoning Board
12 of Appeals, are these in the spirit of
13 the Village, hospitable to tourism,
14 allows people to get a flavor for the
15 region. They want to turn and bring in
16 dollars to the community. Those
17 dollars bring in jobs and also bring in
18 a flavor of the community. So, is
19 everything being done right? Probably
20 not. Are the people that are trying to
21 build a dream going to every effort
22 they can to meet the spirit of the
23 code? So we are moving in a positive
24 direction. It almost seems simple to,
25 you know what, this is a fishing

1 Village. We are talking about salt
2 fish here. Why can't we move forward.
3 Thank you very much.

4 MS. PHILLIPS: Good afternoon. My
5 name is Sarah Phillips. I live at 14
6 Main Street in the Village and I also
7 own First and South, along South
8 Street. I am simply here on behalf of
9 my neighbors to gather knowledge of the
10 law for myself and for the satiation at
11 hand. If there were mistakes that were
12 made, I am obviously not privy to all
13 of them in order in which they have
14 happened, I do know that this has been
15 an ongoing process for some time. I
16 also moved to Greenport five years ago
17 to pursue my dream and my business
18 here, which also happens to be in the
19 same location as this. I did work hand
20 and hand with the Village, very
21 closely, to make sure that I was in a
22 rights of what my business was.
23 Switching over my electric and plumbing
24 and I did my best to adhere to all of
25 those laws. I understand that some of

1 those things did not go as smoothly
2 here. That there is content and
3 issues. I don't necessarily think that
4 throwing it away would be the best way
5 to address it because I do find their
6 business to be very viable and I do
7 think that there is a potential of the
8 retail sales that they are speaking of.
9 The business that was there prior did
10 have a similar outlook, similar floor
11 footprint. I understand that some of
12 their retail spaces have been turned
13 over to more manufacturing. The
14 products that were sold there prior,
15 were more -- had a more retail feel.
16 So here is more concentration to one
17 specific genre as opposed to many
18 different areas. I do think it has an
19 appeal for our guests that are coming
20 to visit and as well as living here. I
21 do serve a lot of my products at my
22 restaurant as well as buy organic
23 products when I go home at night.
24 There are a couple of comments that
25 people made and I do find them viable.

1 The greater knowledge on zoning laws, I
2 think there are some issues that float
3 along between ZBA, the Village and the
4 Planning Board and the BID. I am a
5 member of the BID and we do have a hard
6 time of keeping track of all the
7 businesses coming and we would like to
8 have an understanding to help branch
9 those businesses. Then follow the
10 correct procedures so we can avoid this
11 happening in the future. So if anyone
12 would like to contact me for that in
13 the future. I would love to extend
14 that now. There was speak of a use
15 variance, I would say that since they
16 had a business prior to this location,
17 for them to go through this application
18 process and make these changes and
19 still be bringing in a revenue stream
20 to allow them to go through with it,
21 that is -- I do understand where the
22 business is coming from and I do
23 understand where the Village is coming
24 from and where we have to take a stand
25 on favoring businesses or what seems to

1 be a handshake deals that no one else
2 knows about. I think they have done a
3 great job as being a neighbor. I think
4 they have done a great thing with their
5 product. I think they have done a
6 great job with a reachable and
7 affordable thing. I think they're an
8 additive for year round commerce and
9 planning year round jobs, which I can
10 say is very hard. As I have tried the
11 last three years in keeping my business
12 open year round and just this last year
13 decided to close January, February and
14 March because that is what suits my
15 financial needs for my business. This
16 is something that they are able to do
17 by having those outsource spaces.
18 Perhaps with the difference for the
19 laws and the zoning for the 80/20 is
20 just businesses that were in place
21 versus new businesses and that is why
22 this has become such a struggle.
23 Because there are places operating in a
24 similar matter. I have not looked into
25 it. I am not one to look -- I like to

1 mind my own business. I think as
2 neighbors are a great addition to our
3 district. I support them staying in
4 the Village. Thank you.

5 CHAIRMAN MOORE: Is there anyone
6 else from the public that would like to
7 speak? If not, I will entertain a
8 motion to close the public hearing.

9 MEMBER NEFF: So moved.

10 MEMBER GORDON: Second.

11 CHAIRMAN MOORE: All in favor?

12 MEMBER BENJAMIN: Aye.

13 MEMBER CORWIN: Aye.

14 MEMBER GORDON: Aye.

15 MEMBER NEFF: Aye.

16 CHAIRMAN MOORE: Aye.

17 That hearing is closed. We are
18 going to move this along and keep this
19 going at a good pace so that we don't
20 get in the way of the fire department.
21 We have a second hearing from a request
22 from the Building Inspector for a
23 request of an interpretation of the
24 Village of Greenport Code. The
25 Building Department is requesting the

1 Zoning Board of Appeals to review
2 sections of the codes which address
3 yard requirements and fence locations.
4 Sections 150-13B(1), Section 150-13D
5 and Section 15-13F. Before we take any
6 public comments, the reason why this
7 came up, it has to do with situations
8 of corner lots, where the code
9 specifies there are two front yards.
10 These streets also affects fences
11 because they may be four feet high and
12 effects rear yards. The issue came up
13 because of a property that has a kind
14 of structure but on a front yard and a
15 side street. So this is why we are
16 having this discussion. So if any
17 public would like to way in on this.
18 Is there anyone that would like to make
19 comment on front yards, fences --

20 MEMBER NEFF: Can I make one point
21 of information? I think the 30 foot
22 setback in a Village that most many of
23 the lots are 50 feet wide, okay, and
24 then that most of the houses -- most of
25 the houses are built close enough to

1 the street to -- 12 feet is not
2 unusual. So it's code that was enacted
3 after the houses were built. If I were
4 on a corner, I have a 30 foot setback
5 but that is no where near my house. So
6 we have to think about what does that
7 mean?

8 CHAIRMAN MOORE: Okay, you did make
9 a motion?

10 MEMBER NEFF: No, not on this one.

11 CHAIRMAN MOORE: I was getting
12 there.

13 MEMBER NEFF: I make a motion to
14 close this public hearing on fences.

15 CHAIRMAN MOORE: May I have a
16 second?

17 MEMBER GORDON: Second.

18 CHAIRMAN MOORE: All in favor?

19 MEMBER BENJAMIN: Aye.

20 MEMBER CORWIN: Aye.

21 MEMBER GORDON: Aye.

22 MEMBER NEFF: Aye.

23 CHAIRMAN MOORE: Aye.

24 We will be discussing this a bit
25 further during our deliberations. So

1 we will discuss this as it comes up. I
2 would like to move further with the
3 agenda. We come to the discussion part
4 of our agenda. We come to Item No. 1
5 for an area variance from Philip Karlin
6 regarding the percentage of space and
7 allowable for manufacturing versus
8 retail sales. I should point out that
9 the section of the code that we are
10 referring to is that in the Commercial
11 District that has to do with such. The
12 way that this is configured, as we have
13 discussed, is worded to the sold retail
14 and exclusively on the premises and
15 provided that the space is fully
16 concealed from the street. The code
17 specifies no more than 20% of the
18 square footage for retail sales and not
19 more than two employees engaged in such
20 production. My feeling is that the
21 reason why this was written is that the
22 retail especially at the time that it
23 was written was to preserve retail
24 sales. When this matter first came to
25 our attention, requested for a use

1 variance was exactly that. That use
2 variance was withdrawn.

3 MEMBER NEFF: Can I ask a question?
4 When was this written?

5 CHAIRMAN MOORE: I am not certain.

6 MR. PROKOP: It will say it in the
7 code book.

8 MEMBER CORWIN: 1940's. From the
9 late 1940's. I will check with Mr. Task
10 if I am correct on that.

11 MR. TASK: 1949 was the first
12 zoning from the Village of the
13 Greenport but Section 150-9 regarding
14 commercial/retail district was enacted
15 in 1990.

16 CHAIRMAN MOORE: That's correct.
17 One of the difficulties in the
18 evolution of the code book, once new
19 codes are written, the old ones are no
20 longer. It doesn't give an
21 explanation.

22 MR. TASK: Well, you can find that
23 in the minutes of the Village Board of
24 when it was amended.

25 CHAIRMAN MOORE: And that is true,

1 if you can find those minutes. When
2 you do that search, there are times
3 that the minutes are not available.
4 One of the reasons, I think, is to
5 preserve retail sales. When these
6 codes were written, many of these
7 entities existed. So if there was a
8 printing business in the Town, it was
9 allowed -- the Town Code allowed. This
10 is a little more generic. It's intent,
11 I feel, is to restrict intense
12 manufacturing within the Village. What
13 is before us now is a offer from the
14 applicant that this operation will be a
15 retail sales of seafood products and
16 smoked fish that is also produced on
17 premises. One question --

18 MEMBER CORWIN: Retail and
19 wholesale.

20 CHAIRMAN MOORE: Selling wholesale
21 as well off premises. One of the
22 questions that comes up is the
23 boin-fide -- how much of a retail
24 operation there is going to be. I think
25 it's important to have a dialogue with

1 the applicant. Whether we are going to
2 have full time retail operation? A
3 part time operation? Could you place
4 indicate that to us? Something about
5 your intent for the sales.

6 MR. KARLIN: Sure. I am Philip
7 Karlin. I am the president of the
8 company. We started out doing green
9 markets in Manhattan, which is all
10 retail. Subsequently trying to grow my
11 business, I moved into wholesale on the
12 south shore, Manhattan and Southold and
13 Greenport and Alice's Fish Market.
14 When this came up, and we decided -- we
15 were told that we needed to have a
16 retail operation, we were thrilled
17 because what I sell in wholesale, I
18 couldn't grocery shop for six months.
19 It's not much. My wholesale is more
20 advertising then it is money in my
21 pocket. It's a way to get my name out.
22 I grew up as a commercial fisherman and
23 this Town has been apart of my life.
24 It still is. This retail is going to
25 be my primary focus. The commercial is

1 an advertising gimmick. I mean, if I
2 have to survive on it, I wouldn't
3 survive. I started out on here because
4 I had a decent deal to start. So being
5 able to open up retail would be my
6 primary focus.

7 (Whereupon, the fire alarm tones
8 went off.)

9 MR. KARLIN: The idea still selling
10 wholesale is a way of people who aren't
11 always in Greenport to have some
12 product. So to have retail to be able
13 to provide fresh fish it would be a way
14 for people to get to get some fresh
15 fish and also be able to purchase our
16 product first hand. That is the idea.

17 CHAIRMAN MOORE: Can you tell me
18 about your intended hours of operation?

19 MR. KARLIN: We are thinking about
20 being open seven days a week. And we
21 are thinking anywheres between 10:00
22 and 11:00 in the morning until 6:00 or
23 7:00 at night. This is year round.
24 If we are going to keep some of the
25 wholesale customers that we do have,

1 we have to operate year round. We
2 can't close down. Especially in
3 Manhattan. So if you are in there
4 setting things up for your wholesale
5 customers, we will be open for our
6 retail customers. Come in and have
7 some smoked fish and some coffee.

8 CHAIRMAN MOORE: I think some
9 of the concern was about some
10 part-time.

11 MR. KARLIN: Sure.

12 CHAIRMAN MOORE: So we would
13 perhaps feel more comfortable, if the
14 variance is granted that there would
15 be a stipulation that production would
16 only be in the face of a retail
17 operation and seasonal --

18 MR. KARLIN: Would be more than
19 happy to do it.

20 MEMBER CORWIN: So we could hold
21 you to seven days a week? 10 to 6?

22 MR. KARLIN: Yeah. Somewhere in
23 that area. No doubt about it.

24 MEMBER NEFF: What does somewhere
25 in that area --

1 MR. KARLIN: Well, if I have to
2 close down and catch a ball game.

3 MEMBER CORWIN: We just don't
4 want three days a week and four hours a
5 day.

6 MR. KARLIN: No, we won't do that.
7 The retail will be the primary
8 interest. I am extremely excited about
9 the prospect of a retail operation.
10 It takes my business to a whole new
11 level.

12 MEMBER CORWIN: Can I ask you why
13 your business wasn't a retail in the
14 first place? I assume -- let me say
15 it, I assume it was your landlord
16 didn't want any kind of
17 complication?

18 MR. KARLIN: I can't read my
19 landlord's mind. At this point, my
20 landlord is very willing to see a
21 retail operation there and behind us
22 100%. We are not looking to run a
23 wholesale operation with a sham
24 retail operation. What the Village
25 will see is a full-time retail

1 operation.

2 MEMBER BENJAMIN: Did you
3 understand the code before you
4 started this? Did somebody say that
5 you could do this and this in that
6 building? Or did you just get the
7 place and start smoking fish?

8 MR. KARLIN: That is what I did.
9 I rented the place and started smoking
10 fish. I had to fix it up. We did
11 some work. So I was in there painting
12 some walls. I had the mayor come by
13 and asked if we were smoking fish in
14 there. He said that was great. Nice
15 to see a business coming in. That was
16 my bad. I realize that.

17 MEMBER BENJAMIN: People do that.
18 That is what happens. People run into
19 trouble. I appreciate you coming in
20 and doing -- following the procedure.

21 CHAIRMAN MOORE: I will tell you
22 that I was relieved to see an honest
23 retail operation coming because I was
24 having a great deal of difficulty with
25 the use variance. That was not

1 addressed with you. That is not my job
2 to do that. If that were the case, we
3 probably wouldn't be talking to you
4 tonight.

5 MR. KARLIN: I am sure.

6 CHAIRMAN MOORE: So one of the
7 questions that comes up is the level of
8 retail operation, which I think you
9 have indicated as full-time. The other
10 concern is the closing of a retail
11 operation for manufacturing. The
12 variance would be restriction --

13 MR. KARLIN: It wouldn't make
14 any sense. If we were going to be in
15 there operating for wholesale, we
16 might as well have the retail. If we
17 are in there, it would be for both.
18 When things are slow, there is
19 nothing like retail. Selling retail is
20 great. You are cutting out the
21 middle-man. You are going to the
22 source.

23 MEMBER GORDON: Are you still using
24 your website to sell directly, retail
25 through the internet?

1 MR. KARLIN: Yes, I am.

2 MEMBER GORDON: Is that a
3 substantial part of your business?

4 MR. KARLIN: Not really. I feel
5 that it can grow. I think that will
6 grow with the business.

7 CHAIRMAN MOORE: Does the Board
8 have any other questions about the
9 retail or the scale of the operation?

10 (No Response.)

11 CHAIRMAN MOORE: Would the Board
12 like to move forward with the decision
13 making progress?

14 MEMBER CORWIN: The only thing that
15 I would say is, do we go with the
16 property perpetually or is this just
17 for this one structure?

18 CHAIRMAN MOORE: I would suggest
19 that this be a variance -- we are not
20 talking about a dimensional aspect of
21 the property. We are not talking about
22 setbacks. We are focusing on the
23 business. That we not carry it. This
24 is not finished. They still have to go
25 back to the Planning Board and deal

1 with the use evaluations. So I would
2 suggest that we not carry it.

3 MEMBER GORDON: I am new on the
4 Zoning Board. We are here to
5 interpret and apply code restrictions
6 and I think and although I understand
7 the process and the feelings and the
8 people involved, it seems to me it's
9 not really relevant for the people
10 involved. Our job is not to punish or
11 harm the persons. So I hope that we
12 will act that way and the public will
13 understand that we are just looking at
14 the zoning ordinances.

15 MEMBER BENJAMIN: This is
16 approximately 50/50. There would have
17 to be some math -- I don't see any. If
18 it's 50%.

19 MS. WINGATE: There is math
20 everywhere.

21 MEMBER BENJAMIN: Sorry. Here it
22 is. I don't understand that.

23 CHAIRMAN MOORE: It's kind of an
24 off figure. Coming from the original
25 Notice of Disapproval. That would have

1 limited the manufacturing of the 124 --

2 MEMBER BENJAMIN: That is where it
3 was.

4 CHAIRMAN MOORE: What we are really
5 dealing with is the amount of
6 manufacturing exceeds a significant
7 margin.

8 MEMBER BENJAMIN: So the retail is
9 increased and not quite 80%? It's more
10 like 50%. So they are asking for a
11 variance of like 30%.

12 CHAIRMAN MOORE: It's clearly more
13 than the allowable.

14 MEMBER BENJAMIN: Right.

15 CHAIRMAN MOORE: I think the
16 question before us, because of this
17 appeal for a variance, by running the
18 test on it, if this can be approved or
19 disapproved. So I think we are at that
20 point.

21 MEMBER NEFF: In terms of the spot
22 zoning and red flags, I think we need
23 to think about it. We need to think,
24 can we look at it as a fit? The size
25 of the building. Can it change over

1 time? Is it significant in part.

2 CHAIRMAN MOORE: I think that is
3 what we are asked to do. To give a
4 judgement of this. I think one of the
5 ways that it's viewed, is certain facts
6 don't necessarily apply to everything.
7 We are asked to give an opinion and the
8 perception of the code. Any other
9 discussion?

10 MEMBER CORWIN: Let's move ahead.

11 CHAIRMAN MOORE: Okay. So the
12 first effort hear would declare Zoning
13 Board of Appeals Lead Agency according
14 to SEQRA requirements. At a previous
15 meeting, Mr. Corwin had some
16 discussions about the wording of having
17 a negative impact. To clarify this, I
18 would make the motion that the Zoning
19 Board of Appeals finds that there
20 environmental impact of the fish
21 operation will not have a negative
22 impact on the environment and that
23 little or no impact on the
24 waterfront. Just to clarify --

25 MR. PROKOP: Whatever you just

1 said is not correct.

2 CHAIRMAN MOORE: Okay. Can you
3 correct it?

4 MR. PROKOP: I think what you are
5 attempting to do is to adopt a negative
6 declaration?

7 CHAIRMAN MOORE: Yes. I think
8 people are confused about the fact that
9 it has a negative impact.

10 MR. PROKOP: Can I just caution you
11 on your discussion that you are
12 referring to the ratio of -- a ratio
13 for retail space and manufacturing
14 space?

15 CHAIRMAN MOORE: Yes.

16 MR. PROKOP: I just want to say one
17 other thing. The math, it's not 80/20.
18 If the manufacturing is 1/6 of sixes.
19 20/80 is 25%. Not 20%.

20 CHAIRMAN MOORE: Right. Some
21 people were doing calculations of
22 manufacturing. So I would make that
23 motion as Lead Agency and having a
24 negative environmental impact. So
25 moved. May I have a second?

1 MEMBER BENJAMIN: Second.

2 CHAIRMAN MOORE: All in favor?

3 MEMBER BENJAMIN: Aye.

4 MEMBER CORWIN: Aye.

5 MEMBER GORDON: Aye.

6 MEMBER NEFF: Aye.

7 CHAIRMAN MOORE: Aye.

8 That motion carries. Bear with me
9 for one minute. These are the test
10 questions. So the first question for
11 an area variance is whether an
12 undesirable change will be produced
13 in the character of the neighborhood,
14 or a detriment to nearby properties
15 will be created by the granting of the
16 area variance? And I would ask each
17 for an answer.

18 CHAIRMAN MOORE: Mr. Benjamin?

19 MEMBER BENJAMIN: No.

20 CHAIRMAN MOORE: Mr. Corwin?

21 MEMBER CORWIN: No.

22 CHAIRMAN MOORE: Ms. Gordon?

23 MEMBER GORDON: No.

24 CHAIRMAN MOORE: Ms. Neff?

25 MEMBER NEFF: No.

1 CHAIRMAN MOORE: And I will answer,
2 no.

3 Second is, whether the benefit
4 sought by the applicant can be
5 achieved by some method feasible for
6 the applicant to pursue but would not
7 require a variance;

8 Mr. Benjamin?

9 MEMBER BENJAMIN: No.

10 CHAIRMAN MOORE: Mr. Corwin?

11 MEMBER CORWIN: Yes.

12 CHAIRMAN MOORE: Ms. Gordon?

13 MEMBER GORDON: No.

14 CHAIRMAN MOORE: Ms. Neff?

15 MEMBER NEFF: No.

16 CHAIRMAN MOORE: And I say, no.

17 Whether the requested area variance
18 is substantial?

19 Mr. Benjamin? Want me to come
20 back?

21 MEMBER BENJAMIN: Yes.

22 CHAIRMAN MOORE: Mr. Corwin?

23 MEMBER CORWIN: Yes.

24 CHAIRMAN MOORE: Ms. Gordon?

25 MEMBER GORDON: Yes.

1 CHAIRMAN MOORE: Ms. Neff?

2 MEMBER NEFF: Yes.

3 CHAIRMAN MOORE: Mr. Benjamin?

4 MEMBER BENJAMIN: (No Response.)

5 MEMBER CORWIN: You can always say,

6 "I don't know."

7 MEMBER BENJAMIN: I don't know.

8 CHAIRMAN MOORE: And I would also

9 say, yes.

10 Fourth, whether the proposed
11 variance will have an adverse effect or
12 impact on the physical or environmental
13 conditions in the neighborhood or
14 district?

15 Mr. Benjamin?

16 MEMBER BENJAMIN: No.

17 CHAIRMAN MOORE: Mr. Corwin?

18 MEMBER CORWIN: No.

19 CHAIRMAN MOORE: Ms. Gordon?

20 MEMBER GORDON: No.

21 CHAIRMAN MOORE: Ms. Neff?

22 MEMBER NEFF: No.

23 CHAIRMAN MOORE: And I will say, no.

24 And whether an alleged difficulty

25 is self-created, which consideration

1 shall not be relevant to how the Board
2 feels but not necessarily include the
3 granting of the area variance?

4 CHAIRMAN MOORE: Mr. Benjamin?

5 MEMBER BENJAMIN: Yes.

6 CHAIRMAN MOORE: Mr. Corwin?

7 MEMBER CORWIN: Yes.

8 CHAIRMAN MOORE: Ms. Gordon?

9 MEMBER GORDON: Yes.

10 CHAIRMAN MOORE: Ms. Neff?

11 MEMBER NEFF: Yes.

12 CHAIRMAN MOORE: And I would
13 indicate, no. That it was not self
14 created issue. And the last, we would
15 be making a motion to approve this
16 variance. Mr. Corwin has asked that I
17 read a resolution, then we can then
18 vote on, which indicates the full
19 details that is being requested and
20 also the conditions that will be
21 applied with the variances. Bear with
22 me, I will read this.

23 Whereas, an application was made
24 for an area variance to the Village of
25 Greenport by Phillip Karlin of North

1 Fork Smoked provides the manufacturing
2 and processing of 640 square feet of
3 retail sales space and 620, for a total
4 space of 1260 square feet space of the
5 retail commercial district.

6 Whereas the code limits the
7 manufacturing to 20% of retail space,
8 to 619 square feet and 124 square feet,
9 whereas the variance of an additional
10 619 square feet space is allow the 603
11 square feet of code.

12 Whereas the retail operation will
13 be opened for hours generally from
14 10:00 to 6:00 for seven days a week.
15 Manufacturing of will only occur during
16 the business operations of the retail
17 sales operation.

18 Whereas the proposed retail
19 manufacturing will be submitted to the
20 Planning Board for continuation of the
21 use and reviewed. Any future changes
22 to the spaces of retail space and
23 manufacturing or additional uses of the
24 variances, shall be submitted to the
25 Planning Board for review. I will also

1 add that this variance if approved,
2 will not carry with the property and be
3 restricted to this particular business.

4 Now, therefore, be it resolved with
5 the Zoning Board of Appeals of the
6 Village of Greenport grants the area
7 variance to allow an additional 519
8 square feet of manufacturing/processing
9 space for a total of 643 square feet of
10 manufacturing and processing space, and
11 619 square feet for retail space. The
12 total being 1262 square feet. So moved.

13 MEMBER NEFF: Second.

14 CHAIRMAN MOORE: And I would ask
15 for a vote of the Board.

16 Mr. Benjamin?

17 MR. PROKOP: In order for this to
18 be a valid resolution, in the second to
19 last paragraph, to include, whereas the
20 Zoning Board of Appeals has determined
21 that approving the variance will -
22 whatever the five test questions were,
23 your determination -- that they be part
24 of the resolution.

25 CHAIRMAN MOORE: This is not the --

1 this is just to pass the resolution.
2 That will be in the final
3 determination.

4 MR. PROKOP: Im sorry. That's
5 fine.

6 CHAIRMAN MOORE: Mr. Benjamin?

7 MEMBER BENJAMIN: Yes.

8 CHAIRMAN MOORE: Mr. Corwin?

9 MEMBER CORWIN: Yes.

10 CHAIRMAN MOORE: Ms. Gordon?

11 MEMBER GORDON: Yes.

12 CHAIRMAN MOORE: Ms. Neff?

13 MEMBER NEFF: Yes.

14 CHAIRMAN MOORE: And I will vote,
15 yes. The area variance is granted.

16 MR. KARLIN: Thank you very much.

17 CHAIRMAN MOORE: To move things
18 along, I would like to table our
19 discussion on Item No. 2. It's not a
20 pressing matter. So if the Board
21 agrees, I will make a motion to table
22 the discussion and ask for a second?

23 MEMBER NEFF: Ms. Neff.

24 CHAIRMAN MOORE: All in favor?

25 MEMBER BENJAMIN: Aye.

1 MEMBER CORWIN: Aye.

2 MEMBER GORDON: Aye.

3 MEMBER NEFF: Aye.

4 CHAIRMAN MOORE: Aye.

5 We can move forward. Item No. 3.,
6 discussion and possible decision on the
7 content of the ZBA response to a
8 request from the Village of Greenport
9 Board of Trustees for comments from the
10 ZBA, Planning Board and the HPC
11 regarding Section 150-15D of the
12 Village of Greenport Code regarding
13 regulations of signs. Now, has there
14 been any discussion at any of the
15 meetings.

16 MEMBER CORWIN: We have discussed
17 it in bits and pieces.

18 CHAIRMAN MOORE: What I will do is
19 put together a draft and put together
20 some of the comments. I was not
21 present during that time. I will go
22 through the minutes.

23 MEMBER CORWIN: It's not broken and
24 it doesn't need to be fixed. There was
25 a question that the Building Inspector

1 brought up. The thing that always
2 comes up in signs in different shops
3 from open signs, bear signs, and
4 everything in between. A lot of them
5 are self illuminating signs.

6 CHAIRMAN MOORE: Would another
7 recommendation be that -- still be in
8 the position to talk about matters with
9 the BID and respond back to the Board
10 of Trustees? I am not hearing anything
11 really. So what I will do is look at
12 those minutes and take those comments
13 that were made and make a response. So
14 I will offer to do that.

15 No. 4 is to accept the appeal of an
16 area variance , public noticed and
17 schedule a public hearing for Chuck
18 Kitz, 228 Sixth Street. The applicant
19 proposes to construct new front porch
20 addition, at the premises located at
21 228 Sixth Street, Greenport. The
22 property is located in the R-2
23 District. The proposed addition is
24 10.4 square feet from the west property
25 line requiring a 19.6 front yard

1 variance, where the section 150.12a of
2 the Village of Greenport Code requires
3 a 30 foot front yard setback. The
4 proposed addition is 16.8 feet from the
5 north property line requiring a 13.2
6 foot front yard area variance , where
7 section 150-12a of the Village Code
8 requires a 30 foot front yard setback.
9 So the point here is to accept the
10 application for the area variance. I
11 will make that motion.

12 Do I have a second?

13 MEMBER GORDON: Second.

14 MEMBER CORWIN: I have a question.
15 I am willing to vote yes. On the
16 schedule there is a couple of things
17 wrong on the application. Maybe we can
18 get this corrected before the next
19 hearing.

20 CHAIRMAN MOORE: Just indicate the
21 problem?

22 MEMBER CORWIN: It says Charles
23 Kitz and Ann Marino Solution East, LLC.
24 So I am little confused. Is Solution
25 East, LLC making the application or is

1 Charles Kitz or Ann Marino making the
2 application?

3 MS. WINGATE: Charles Kitz and Ann
4 Marino are making the application and
5 Solutions East are their -- their very
6 own contractual company. So I think
7 Charles Kitz and Ann Marino are the
8 owner applicants.

9 MEMBER CORWIN: Then that it what
10 it should say. The signature is
11 illegible.

12 MEMBER NEFF: Lot's of people's
13 signatures are.

14 MEMBER CORWIN: And one other
15 thing, if you go to Page 2, which is a
16 survey -- I assume that is a survey.
17 Page 2 of the Plan and Drawing,
18 apparently what happened, the architect
19 put the survey and then sign the seal
20 and made a copy of it. You really
21 can't do that.

22 MS. WINGATE: I --

23 MEMBER NEFF: Wait, I don't
24 understand. You're talking about Page
25 2 of the survey?

1 MEMBER CORWIN: Yes.

2 MEMBER NEFF: And what is it that
3 you are saying?

4 MEMBER CORWIN: If you look at the
5 survey, it's stamped. And then it's
6 signed. He put his signature there.
7 And then the architect signed over the
8 seal. At that point in time, what it
9 is?

10 MEMBER NEFF: I don't have that.

11 MEMBER CORWIN: I think he got
12 carried away.

13 MS. WINGATE: That's the surveyor's
14 signature.

15 MEMBER CORWIN: I disagree with
16 you. That is not John Wexler's
17 signature.

18 MS. WINGATE: I don't know what you
19 are looking at. I don't have that.

20 CHAIRMAN MOORE: Mine is different.
21 I don't have that.

22 MS. WINGATE: Nobody else has that.

23 MEMBER CORWIN: Well --

24 CHAIRMAN MOORE: Do you think this
25 can get resolved by the next month?

1 MS. WINGATE: Absolutely.

2 CHAIRMAN MOORE: We have a second.

3 All in favor pending the

4 corrections?

5 MEMBER BENJAMIN: Aye.

6 MEMBER CORWIN: Aye.

7 MEMBER GORDON: Aye.

8 MEMBER NEFF: Aye.

9 CHAIRMAN MOORE: Aye.

10 MR. PROKOP: It looks like Mr.

11 Corwin was given the original.

12 CHAIRMAN MOORE: I think so.

13 I apologize the next part, should

14 be under No. 2. That was my fault on

15 my part.

16 Item No. 7, minutes March 18, 2015.

17 Can I have a second, please?

18 MEMBER NEFF: Second.

19 CHAIRMAN MOORE: All in favor?

20 MEMBER BENJAMIN: Aye.

21 MEMBER CORWIN: Aye.

22 MEMBER GORDON: Aye.

23 MEMBER NEFF: Aye.

24 CHAIRMAN MOORE: I abstain because

25 I was not there.

1 Motion to approve the minutes for
2 January 21, 2015. Can I have a second,
3 please?

4 MEMBER GORDON: Second.

5 CHAIRMAN MOORE: All in favor?

6 MEMBER BENJAMIN: Aye.

7 MEMBER CORWIN: Aye.

8 MEMBER GORDON: Aye.

9 MEMBER NEFF: Aye.

10 CHAIRMAN MOORE: I abstain again. I
11 was not present.

12 Motion to schedule the next ZBA
13 Meeting for May 20, 2015. So we will
14 meet next month.

15 MEMBER CORWIN: And we need to set
16 an inspection date.

17 CHAIRMAN MOORE: Yes. Everyone be
18 there at 4:30 on May 20th. So we are
19 good for that.

20 I don't think that we need to vote
21 on that. We all agree to it.

22 I have to point out that the SCOVA
23 Municipal Training is scheduled for May
24 12, 2015. I need to know by tomorrow
25 who will attend that. It meets the

1 four hour training requirements. If
2 anyone is due for their training, I
3 would suggest they sign up for it.

4 MEMBER GORDON: I will go.

5 CHAIRMAN MOORE: Mr. Corwin?

6 MEMBER CORWIN: Yes.

7 CHAIRMAN MOORE: Ms. Neff?

8 MEMBER NEFF: Yes.

9 MEMBER BENJAMIN: Actually, I am
10 thinking of resigning.

11 CHAIRMAN MOORE: We will talk about
12 it.

13 And lastly before a motion to
14 adjourn, I just want to thank Mr.
15 Corwin for running the meetings for the
16 last couple of months. It appears
17 everything was in order and went well.
18 I am sure the weather we don't thank.
19 Thanks again, David, for doing a great
20 job.

21 MEMBER CORWIN: We have neglected
22 to put the inspections on the agenda.
23 I think it should be put on there and
24 so the public is aware.

25 CHAIRMAN MOORE: Yes. It's also on

1 the sign.

2 So I would like to make a motion to
3 adjourn, Second?

4 MEMBER GORDON: Second.

5 CHAIRMAN MOORE: All in favor?

6 MEMBER BENJAMIN: Aye.

7 MEMBER CORWIN: Aye.

8 MEMBER GORDON: Aye.

9 MEMBER NEFF: Aye.

10 CHAIRMAN MOORE: Aye.

11 Meeting is adjourned.

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C E R T I F I C A T I O N

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, May 4, 2015.

(Jessica DiLallo)

* * * *