VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

ZONING BOARD OF APPEALS
REGULAR MEETING

Third Street Firehouse
Greenport, New York

April 22, 2015
5:00 P.M.

BEFORE:

DOUG MOORE - CHAIRMAN
DAVID CORWIN - MEMBER
CHARLES BENJAMIN - MEMBER
DINNI GORDON - MEMBER
EILEEN NEFF - MEMBER
EILEEN WINGATE - VILLAGE BUILDING INSPECTOR
JOSEPH PROKOP - VILLAGE ATTORNEY
CHAIRMAN MOORE: I think we can get started with the meeting. So this is the April meeting of the Zoning Bord of Appeals. It’s 5:10. Tonight we have two public hearings. One is for an appeal for an area variance, which I will read in a minute. The other is for an interpretation from the Building Department.

The application proposes a combination of manufacturing/processing space and retail space in a space on a property located in the Commercial Retail District. Section 150-9 of the Village of Greenport code provides that manufacturing and processing are permitted in a space in the Retail Commercial District where the goods so produced or processed are to be sold at retail exclusively on the premisses and provided that the space that is used for manufacturing and processing is fully concealed from any street and is equal to an area no more than 20% of the square footage devoted to retail
sales. The application proposes retail
space equaling 619 square feet in area,
limiting the size of the manufacturing
and processing space to 124 square feet
or 20%. The applicant requests the
following variance: This application
proposes manufacturing and processing
area of 643 square feet which is 104
percent of the area of the retail. The
proposed manufacturing/processing space
equals 104 percent of the specified
retail space. SCTM: 1001-5-1-14 and
the applicant is Phil Karlin for North
Fork Smoked Fish. This Notice was
properly placed in the Suffolk Times.
I will just read very quickly the
people that were notified in the mail.
It’s William Shear and Helen Shear at
425 Main Street. Paul and Charles
Kuzniski, 423 Main Street, Sweet
Liberty Incorporated, PO BOX 616,
Shelter Island. I am not sure which
property that relates to?

MS. PHILLIPS: It’s my property.

CHAIRMAN MOORE: Okay. Thank you.
And Carmen Bissell, 312 Buckingham Road, West Palm Beach. Joseph Henry, 421 First Street, Joseph Henry and Elaine Henry 34 South Street and Alice Eyecorn, PO BOX 243, Peconic. The property has also been placarded with the appropriate notice. Before I take any testimony, I just want to give a brief status on where we are on the project. Originally the situation, that this property opened prior to Planning Board review. It was subsequently submitted to the Planning Board and then the Planning Board referred it to the Zoning Board of Appeals because of the non-permitted use. There was also a request for interpretation and a request for a use variance to operate as a nonconforming use. That was subsequently withdrawn. We now have before us for an area variance for allowable space. I will note that the applicant is proposing for retail sales and manufacturing on site. Would the applicant or
representative like to make comment or

testimony?

MS. MARTIN: Good evening, Amy

Martin of Fairweather & Brown. We were

just at the Planning Board for an

interpretation and then was sent to

Zoning for an area variance. We

submitted that as soon as possible.

That was in February. Subsequently, we

postponed things. We are asking for --

we all know what we are asking for. We

are asking for half of the building to

be used for retail and half to be used

for manufacturing. I am not sure when

the zoning in this area had changed.

It is now considered retail commercial.

We would just like to put before you

that this is a very good operation.

This is not a detriment to the area.

It is a very positive well received

business, and we regret that it wasn't

done originally to plan. I just ask

that you consider the fact that is a

very appropriate business for the

Village. Some of the waterfront
businesses still exist. It’s unfortunate that the location is commercial retail. I believe that it’s a positive addition to the Village and I just ask that you consider this. And if it’s something that has to go with the business, we would not mind such a stated condition. I think that although it’s considering manufacturing, I think the Village Code is a little antiquated. And back in time when there were newspapers in Town, they were allowed to publish and create artifacts that we would now have oysterman working in residential areas. We have all things that are happening now, and we would ask that you approve this. Does anyone have any specific questions? The only thing that I did have to revise the application because I was not aware that -- this was not exactly retail or commercial or -- behind the office, bathroom and the freezer and the heated lamp, it had to be considered half of those spaces as
either commercial retail or manufacturing. We have provided a site plan that shows that there are sufficient parking and single. We hope that you will accept this and remain a positive part of the District.

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

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

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

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

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

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

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

Any members of the public?

MR. TASK: Arthur Task, 17 Beach Street, Greenport. While I had the opportunity to visit the site, I am
familiar with the operations. This is a horse in the wrong stall. There is really a whole Trifecta of variances that go along with this application. The one is, on the table, at least as far is the application is concerned, referenced, 400, 500, variances that you utilized to reference for manufacturing in conjunction with a retail operation. All of which manufacturing is required to be sole exclusively in retail store. That is not what is supposed to be done as you all well know. It has been stated that most of the sales are off site. Until now, the public wasn't permitted to come in and buy. So all of the dimensions were violated with the present situation and some others were continued to be violated. It now appears that the retail portion has been added to this project. The owners admission, he said, if people really wanted to get real seafood, they would go to Alice’s to buy a showcase of
samplings, if you will, of fish that
could be available. Now I have been
aware that there is previous
applications for variance -- a use
variance for this operation in the CR
District and apparently has been
withdrawn or "swept underneath the
table." The use has not changed.

Apparently there is no active variance
application. The owners representative
just pulled back the corner of rug and
indicated that although it was clear
that it was not a use permitted, but it
has in the past been by previous
owners. As I said, it’s not permitted
to manufacture or process shellfish in
a CR District, even if the area
requires, which there are not. Fish
and Shellfishing and processing plants
and retail and wholesale of seafood
products, are going to be proposed at
the proposed location. There is a
document in the ordinances, which says,
make a list of things that are
permitted and it specifically excludes
other things. They are not permitted uses. In other words, the Village Board intentionally included processing in some fishing plants and permitted uses and since the Board could have included those uses also in the CR District and they did not, it’s clear that they didn’t intend those things to be done in this District. So we come to the conclusion, that approval of this application in any form prior to granting a use variance, either as to allowing a manufacturing operation or allowing a fish processing of retail in the CR District, in either case, a variance would be warranted. Thank you.

MR. SALADINO: John Salidino, Sixth Street. I don’t think anybody -- or at least anybody that I have spoken with has a problem with this application, tenant or the product. I think everybody, all the people that I have spoken with, people has a problem with the process that people have been
talking about this issue. Ann says that the code is antiquated.
Unfortunately it’s the only one that we have at the moment. If the Village Board doesn't like the code, then they should change it. People are insulted at what has happened with great business that is operating without a permit. It goes back to other perceptions also. You can't run a business like that. You can't run a building like that. Either you are going to do what’s right and the ZBA is going to do what they have to do or you're not. What about people that want to do things the right way? That spend the money and the time and go through the Planning Board and go before the ZBA? As far as this business that shouldn't be in this building? I mean, that is kind of something that should have been squared away last time and the fact that it’s not, I am kind of embarrassed for that. So do I have a problem with the
business? Absolutely not. The tenant?
Absolutely not. It’s great. Like
Arthur said, it’s just not right for
that building.

MR. SWISKEY: William Swiskey, 184
Fifth Street. Some of you were not
here for the last election campaign,
but this was a big issue and every
Trustee candidate, including who were
elected and the Mayor, said there is
going to be no more selective
enforcement. I went to the Village
Hall and I spoke to -- well, I said,
were there any actual violations
returnable or issued? They said, yes.
And I FOIL’D for them. And the answer
from the Foiling Officer was, well,
they weren't really issued. So this
building has been allowed to basically
operate violations of Village Code,
almost eight or nine months now. And
now we're coming and asking, just let
us be there. Well, the code says that
you can't be there. You are asking for
a variance for something that the code
says you can't do in that building. They need to go back to the Planning Board. I am telling you that the selective enforcement was big in the last election and if we're going to be a Village and a Village of honest truth and I don't know why the two Trustees are not here tonight that battled that and they should be here, I feel, this is a biggest example of sticking a stick in the eye in the Village right now. And if you people allow this to go on and then you are sticking that same stick in deeper.

CHAIRMAN MOORE: Can I ask you something?

MR. SWISKEY: Yes.

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

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

CHAIRMAN MOORE: A use variation. I am sorry. That is what you meant to say.
MR. SWISKEY: Like it’s time to say, stop.

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

MR. CYRK: Good evening, Members of the Board of the Zoning Board of Appeals. My name is Cyrk -- at 175 Cedar Drive. So it’s an honor to appear before this evening. This has been an interesting process for North Fork Smoke Fishing Company. A company that was envisioned by a retired United States Coast Guard in Gulf Of Mexico working on the clean-up. He came back to his home and provided a living for his family and he has a dream, where does he pursue his dream. He decides on a harbor town. Where do you find that place within the harbor town to execute? So you have to go through the process of finding, hopefully the right fit for the horse. There was reference that this might be the wrong stall. Well, I was educated in Greenport High School. Went away, served in the
United States Marine Corp. Attended New Paltz College and my first job when I came back to the North Fork, I was a general manager, which a company that is no longer amongst us. It had a variety of things, processing seafood, right here in the Village of Greenport. Entrance into Stirling Harbor. So the zoning which is some concept, which was recognized a way for the Village, was codifying. We had to make adjustments not only to our community but the code in which we live us. So people can say spot zoning, or well, it makes a matter here or a variance there. I do believe that the spirit of zoning is what we intended to do. Your Board can only work with information that is supplied to you. You address the concerns that are brought before by the civil servants of your community. If the civil servants are doing there due diligence, they attempt, I think to work with land owners and business owners to attribute a working Village.
They will enable to work on that dream. To fulfill your dream. Does one select one business from the code and say where are you compliant and where are you not? So they can present to the Board. Having grownup here, I have a bit of knowledge, I also like to shop here in the Village. So that brings me to the storefronts. As a patron, do I understand that it’s 20/80, not necessarily. Because I amy not understand the entire code. I have done a walking tour of this Village after this was brought to my attention and I have been in businesses that are part of this district or zoning area, that are, from my understanding, sticks a bit to the west of the gas station, brings us along Front Street, picks of Main Street and comes up along South Street. Picks up where North Fork Fish is attempting to operate in the ost legal format possible. I said, wait a second. Let me redo this walk because what I am being told that we are
focusing -- there are some businesses
that I have been in don't seem -- have
similar store frontage, this 80/20 --
like it was a boiler plate that was
picked out of State Code and says, this
won't work. That is what we do in
towns throughout New York. Then we
have Zoning Board of Appeals to go
through that process. Now, I can name
businesses that do not appear to be in
same compliance of with what you are
asking from North Fork Fish, but I am
not ready to. And the reason why I am
not ready to is because I am not
complete with my research. I have gone
through public records which are
available on the internet and I have
yet to find one hearing that are for
these public businesses that exist and
no complaints. So I say to myself, is
it a lack of oversight or is it a
convenience of well, they are not
someone that I have a bone to pick
with. They are not someone that I feel
doesn't bring the vision of Greenport
that I like. And no one knows what a
civil servant does. We know what an
elected official is supposed to do. We
know that we have Boards with
grievances. Civil servants are the
ones that have the time and the energy
to bring these things about. They can
either work with it or they can
constantly find all the grey and a new
avenue to through up things. Now, we
have an opportunity, the Zoning Board
of Appeals, are these in the spirit of
the Village, hospitable to tourism,
allows people to get a flavor for the
region. They want to turn and bring in
dollars to the community. Those
dollars bring in jobs and also bring in
a flavor of the community. So, is
everything being done right? Probably
not. Are the people that are trying to
build a dream going to every effort
they can to meet the spirit of the
code? So we are moving in a positive
direction. It almost seems simple to,
you know what, this is a fishing
Village. We are talking about salt fish here. Why can't we move forward.

Thank you very much.

MS. PHILLIPS: Good afternoon. My name is Sarah Phillips. I live at 14 Main Street in the Village and I also own First and South, along South Street. I am simply here on behalf of my neighbors to gather knowledge of the law for myself and for the satiation at hand. If there were mistakes that were made, I am obviously not privy to all of them in order in which they have happened, I do know that this has been an ongoing process for some time. I also moved to Greenport five years ago to pursue my dream and my business here, which also happens to be in the same location as this. I did work hand and hand with the Village, very closely, to make sure that I was in a rights of what my business was. Switching over my electric and plumbing and I did my best to adhere to all of those laws. I understand that some of
those things did not go as smoothly here. That there is content and issues. I don't necessarily think that throwing it away would be the best way to address it because I do find their business to be very viable and I do think that there is a potential of the retail sales that they are speaking of. The business that was there prior did have a similar outlook, similar floor footprint. I understand that some of their retail spaces have been turned over to more manufacturing. The products that were sold there prior, were more -- had a more retail feel. So here is more concentration to one specific genre as opposed to many different areas. I do think it has an appeal for our guests that are coming to visit and as well as living here. I do serve a lot of my products at my restaurant as well as buy organic products when I go home at night. There are a couple of comments that people made and I do find them viable.
The greater knowledge on zoning laws, I think there are some issues that float along between ZBA, the Village and the Planning Board and the BID. I am a member of the BID and we do have a hard time of keeping track of all the businesses coming and we would like to have an understanding to help branch those businesses. Then follow the correct procedures so we can avoid this happening in the future. So if anyone would like to contact me for that in the future. I would love to extend that now. There was speak of a use variance, I would say that since they had a business prior to this location, for them to go through this application process and make these changes and still be bringing in a revenue stream to allow them to go through with it, that is -- I do understand where the business is coming from and I do understand where the Village is coming from and where we have to take a stand on favoring businesses or what seems to
be a handshake deals that no one else
knows about. I think they have done a
great job as being a neighbor. I think
they have done a great thing with their
product. I think they have done a
great job with a reachable and
affordable thing. I think they're an
additive for year round commerce and
planning year round jobs, which I can
say is very hard. As I have tried the
last three years in keeping my business
open year round and just this last year
decided to close January, February and
March because that is what suits my
financial needs for my business. This
is something that they are able to do
by having those outsource spaces.
Perhaps with the difference for the
laws and the zoning for the 80/20 is
just businesses that were in place
versus new businesses and that is why
this has become such a struggle.
Because there are places operating in a
similar matter. I have not looked into
it. I am not one to look -- I like to
mind my own business. I think as neighbors are a great addition to our district. I support them staying in the Village. Thank you.

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

MEMBER NEFF: So moved.
MEMBER GORDON: Second.
CHAIRMAN MOORE: All in favor?
MEMBER BENJAMIN: Aye.
MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER NEFF: Aye.
CHAIRMAN MOORE: Aye.

That hearing is closed. We are going to move this along and keep this going at a good space so that we don't get in the way of the fire department. We have a second hearing from a request from the Building Inspector for a request of an interpretation of the Village of Greenport Code. The Building Department is requesting the
Zoning Board of Appeals to review sections of the codes which address yard requirements and fence locations.

Sections 150-13B(1), Section 150-13D and Section 15-13F. Before we take any public comments, the reason why this came up, it has to do with situations of corner lots, where the code specifies there are two front yards.

These streets also affects fences because they may be four feet high and effects rear yards. The issue came up because of a property that has a kind of structure but on a front yard and a side street. So this is why we are having this discussion. So if any public would like to way in on this.

Is there anyone that would like to make comment on front yards, fences --

MEMBER NEFF: Can I make one point of information? I think the 30 foot setback in a Village that most many of the lots are 50 feet wide, okay, and then that most of the houses -- most of the houses are built close enough to
the street to -- 12 feet is not unusual. So it’s code that was enacted after the houses were built. If I were on a corner, I have a 30 foot setback but that is no where near my house. So we have to think about what does that mean?

CHAIRMAN MOORE: Okay, you did make a motion?

MEMBER NEFF: No, not on this one.

CHAIRMAN MOORE: I was getting there.

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

CHAIRMAN MOORE: May I have a second?

MEMBER GORDON: Second.

CHAIRMAN MOORE: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

We will be discussing this a bit further during our deliberations. So
we will discuss this as it comes up. I would like to move further with the agenda. We come to the discussion part of our agenda. We come to Item No. 1 regarding the percentage of space and allowable for manufacturing versus retail sales. I should point out that the section of the code that we are referring to is that in the Commercial District that has to do with such. The way that this is configured, as we have discussed, is worded to the sold retail and exclusively on the premises and provided that the space is fully concealed from the street. The code specifies no more than 20% of the square footage for retail sales and not more than two employees engaged in such production. My feeling is that the reason why this was written is that the retail especially at the time that it was written was to preserve retail sales. When this matter first came to our attention, requested for a use
variance was exactly that. That use variance was withdrawn.

MEMBER NEFF: Can I ask a question?

When was this written?

CHAIRMAN MOORE: I am not certain.

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

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

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

CHAIRMAN MOORE: That’s correct.

One of the difficulties in the evolution of the code book, once new codes are written, the old ones are no longer. It doesn't give an explanation.

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

CHAIRMAN MOORE: And that is true,
if you can find those minutes. When
you do that search, there are times
that the minutes are not available.
One of the reasons, I think, is to
preserve retail sales. When these
codes were written, many of these
entities existed. So if there was a
printing business in the Town, it was
allowed -- the Town Code allowed. This
is a little more generic. It’s intent,
I feel, is to restrict intense
manufacturing within the Village. What
is before us now is a offer from the
applicant that this operation will be a
retail sales of seafood products and
smoked fish that is also produced on
premises. One question --

MEMBER CORWIN: Retail and

wholesale.

CHAIRMAN MOORE: Selling wholesale
as well off premises. One of the
questions that comes up is the
boin-fide -- how much of a retail
operation there is going to be. I think
it’s important to have a dialogue with
the applicant. Whether we are going to
have full time retail operation? A
part time operation? Could you place
indicate that to us? Something about
your intent for the sales.

MR. KARLIN: Sure. I am Philip
Karlin. I am the president of the
company. We started out doing green
markets in Manhattan, which is all
retail. Subsequently trying to grow my
business, I moved into wholesale on the
south shore, Manhattan and Southold and
Greenport and Alice’s Fish Market.
When this came up, and we decided -- we
were told that we needed to have a
retail operation, we were thrilled
because what I sell in wholesale, I
couldn't grocery shop for six months.
It’s not much. My wholesale is more
advertising then it is money in my
pocket. It’s a way to get my name out.
I grew up as a commercial fisherman and
this Town has been apart of my life.
It still is. This retail is going to
be my primary focus. The commercial is
an advertising gimmick. I mean, if I
have to survive on it, I wouldn't
survive. I started out on here because
I had a decent deal to start. So being
able to open up retail would be my
primary focus.

(Whereupon, the fire alarm tones
grew off.)

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

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

MR. KARLIN: We are thinking about
being open seven days a week. And we
are thinking anywheres between 10:00
and 11:00 in the morning until 6:00 or
7:00 at night. This is year round.
If we are going to keep some of the
wholesale customers that we do have,
we have to operate year round. We can't close down. Especially in Manhattan. So if you are in there setting things up for your wholesale customers, we will be open for our retail customers. Come in and have some smoked fish and some coffee.

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

MR. KARLIN: Sure.

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

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

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

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

MEMBER NEFF: What does somewhere in that area --
MR. KARLIN: Well, if I have to close down and catch a ball game.

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

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

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

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

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

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

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

CHAIRMAN MOORE: I will tell you that I was relieved to see an honest retail operation coming because I was having a great deal of difficulty with the use variance. That was not
addressed with you. That is not my job to do that. If that were the case, we probably wouldn't be talking to you tonight.

MR. KARLIN: I am sure.

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

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

MEMBER GORDON: Are you still using your website to sell directly, retail through the internet?
MR. KARLIN: Yes, I am.

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

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

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

(No Response.)

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

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

CHAIRMAN MOORE: I would suggest that this be a variance -- we are not talking about a dimensional aspect of the property. We are not talking about setbacks. We are focusing on the business. That we not carry it. This is not finished. They still have to go back to the Planning Board and deal
with the use evaluations. So I would suggest that we not carry it.

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

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

MS. WINGATE: There is math everywhere.

MEMBER BENJAMIN: Sorry. Here it is. I don’t understand that.

CHAIRMAN MOORE: It’s kind of an off figure. Coming from the original Notice of Disapproval. That would have
limited the manufacturing of the 124 --

MEMBER BENJAMIN: That is where it was.

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

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

CHAIRMAN MOORE: It’s clearly more than the allowable.

MEMBER BENJAMIN: Right.

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

MEMBER NEFF: In terms of the spot zoning and red flags, I think we need to think about it. We need to think, can we look at it as a fit? The size of the building. Can it change over
time? Is it significant in part.

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

MEMBER CORWIN: Let’s move ahead.

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

MR. PROKOP: Whatever you just
said is not correct.

CHAIRMAN MOORE: Okay. Can you correct it?

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

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

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

CHAIRMAN MOORE: Yes.

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

CHAIRMAN MOORE: Right. Some people were doing calculations of manufacturing. So I would make that motion as Lead Agency and having a negative environmental impact. So moved. May I have a second?
That motion carries. Bear with me for one minute. These are the test questions. So the first question for an area variance is whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance? And I would ask each for an answer.
CHAIRMAN MOORE: And I will answer, no.

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

Mr. Benjamin?

MEMBER BENJAMIN: No.

CHAIRMAN MOORE: Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: And I say, no.

Whether the requested area variance is substantial?

Mr. Benjamin? Want me to come back?

MEMBER BENJAMIN: Yes.

CHAIRMAN MOORE: Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.
CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: Mr. Benjamin?

MEMBER BENJAMIN: (No Response.)

MEMBER CORWIN: You can always say, "I don't know."

MEMBER BENJAMIN: I don't know.

CHAIRMAN MOORE: And I would also say, yes.

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

Mr. Benjamin?

MEMBER BENJAMIN: No.

CHAIRMAN MOORE: Mr. Corwin?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: And I will say, no. And whether an alleged difficulty is self-created, which consideration
shall not be relevant to how the Board feels but not necessarily include the granting of the area variance?

CHAIRMAN MOORE: Mr. Benjamin?

MEMBER BENJAMIN: Yes.

CHAIRMAN MOORE: Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

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

Whereas, an application was made for an area variance to the Village of Greenport by Phillip Karlin of North
Fork Smoked provides the manufacturing and processing of 640 square feet of retail sales space and 620, for a total space of 1260 square feet space of the retail commercial district.

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

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

Whereas the proposed retail manufacturing will be submitted to the Planning Board for continuation of the use and reviewed. Any future changes to the spaces of retail space and manufacturing or additional uses of the variances, shall be submitted to the Planning Board for review. I will also
add that this variance if approved,
will not carry with the property and be
restricted to this particular business.

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

MEMBER NEFF: Second.

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

Mr. Benjamin?

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

CHAIRMAN MOORE: This is not the --
this is just to pass the resolution.
That will be in the final
determination.

MR. PROKOP: I'm sorry. That's fine.

CHAIRMAN MOORE: Mr. Benjamin?
MEMBER BENJAMIN: Yes.
CHAIRMAN MOORE: Mr. Corwin?
MEMBER CORWIN: Yes.
CHAIRMAN MOORE: Ms. Gordon?
MEMBER GORDON: Yes.
CHAIRMAN MOORE: Ms. Neff?
MEMBER NEFF: Yes.
CHAIRMAN MOORE: And I will vote, yes. The area variance is granted.

MR. KARLIN: Thank you very much.
CHAIRMAN MOORE: To move things along, I would like to table our
discussion on Item No. 2. It's not a pressing matter. So if the Board
agrees, I will make a motion to table the discussion and ask for a second?
MEMBER NEFF: Ms. Neff.
CHAIRMAN MOORE: All in favor?
MEMBER BENJAMIN: Aye.
We can move forward. Item No. 3., discussion and possible decision on the content of the ZBA response to a request from the Village of Greenport Board of Trustees for comments from the ZBA, Planning Board and the HPC regarding Section 150-15D of the Village of Greenport Code regarding regulations of signs. Now, has there been any discussion at any of the meetings.

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

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

MEMBER CORWIN: It’s not broken and it doesn't need to be fixed. There was a question that the Building Inspector
brought up. The thing that always comes up in signs in different shops from open signs, bear signs, and everything in between. A lot of them are self illuminating signs.

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

No. 4 is to accept the appeal of an area variance, public noticed and schedule a public hearing for Chuck Kitz, 228 Sixth Street. The applicant proposes to construct new front porch addition, at the premises located at 228 Sixth Street, Greenport. The property is located in the R-2 District. The proposed addition is 10.4 square feet from the west property line requiring a 19.6 front yard.
variance, where the section 150.12a of
the Village of Greenport Code requires
a 30 foot front yard setback. The
proposed addition is 16.8 feet from the
north property line requiring a 13.2
foot front yard area variance, where
section 150-12a of the Village Code
requires a 30 foot front yard setback.
So the point here is to accept the
application for the area variance. I
will make that motion.

Do I have a second?

MEMBER GORDON: Second.

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

CHAIRMAN MOORE: Just indicate the
problem?

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

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

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

MEMBER NEFF: Lot’s of people’s signatures are.

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

MS. WINGATE: I --

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

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

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

MEMBER NEFF: I don't have that.

MEMBER CORWIN: I think he got carried away.

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

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

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

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

MS. WINGATE: Nobody else has that.

MEMBER CORWIN: Well --

CHAIRMAN MOORE: Do you think this can get resolved by the next month?
MS. WINGATE: Absolutely.

CHAIRMAN MOORE: We have a second.

All in favor pending the corrections?

MEMBER BENJAMIN: Aye.

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

MR. PROKOP: It looks like Mr. Corwin was given the original.

CHAIRMAN MOORE: I think so.

I apologize the next part, should be under No. 2. That was my fault on my part.

Item No. 7, minutes March 18, 2015.

Can I have a second, please?

MEMBER NEFF: Second.

CHAIRMAN MOORE: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: I abstain because I was not there.
Motion to approve the minutes for January 21, 2015. Can I have a second, please?

MEMBER GORDON: Second.

CHAIRMAN MOORE: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

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

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

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

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

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

I have to point out that the SCOVA Municipal Training is scheduled for May 12, 2015. I need to know by tomorrow who will attend that. It meets the
four hour training requirements. If anyone is due for their training, I would suggest they sign up for it.

   MEMBER GORDON: I will go.

   CHAIRMAN MOORE: Mr. Corwin?

   MEMBER CORWIN: Yes.

   CHAIRMAN MOORE: Ms. Neff?

   MEMBER NEFF: Yes.

   MEMBER BENJAMIN: Actually, I am thinking of resigning.

   CHAIRMAN MOORE: We will talk about it.

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

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

   CHAIRMAN MOORE: Yes. It’s also on
the sign.

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

MEMBER GORDON: Second.

CHAIRMAN MOORE: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

Meeting is adjourned.
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, May 4, 2015.

____________________
(Jessica DiLallo)