VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

ZONING BOARD OF APPEALS
REGULAR MEETING

September 19, 2017
6:00 P.M.

Third Street Fire Station
Greenport, New York

BEFORE:

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

JOSEPH PROKOP - Village Attorney
PAUL PALLAS - Village Administrator
EILEEN WINGATE - Village Building Inspector
# INDEX

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
<td>ACCEPT MINUTES 8/16/17</td>
<td>3</td>
</tr>
<tr>
<td>#2</td>
<td>APPROVE MINUTES 7/18/17</td>
<td>3</td>
</tr>
<tr>
<td>#3</td>
<td>NEXT MEETING 10/17/17</td>
<td>4</td>
</tr>
<tr>
<td>#4</td>
<td>DISCUSSION AND POSSIBLE ACTION ON THE AREA VARIANCE APPLICATION</td>
<td>4-38</td>
</tr>
<tr>
<td></td>
<td>OF SIXTH STREET, LLC, FOR THE PROPERTY</td>
<td></td>
</tr>
<tr>
<td></td>
<td>LOCATED AT 429 SIXTH STREET, GREENPORT, NY.</td>
<td></td>
</tr>
<tr>
<td>#5</td>
<td>MOTION TO ACCEPT THE APPLICATION OF THE MILLER FAMILY 2012 IRREVOCABLE</td>
<td>38-60</td>
</tr>
<tr>
<td></td>
<td>TRUST FOR A PROPERTY LOCATED AT 424 FOURTH STREET, GREENPORT, NEW YORK,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>11944</td>
<td></td>
</tr>
<tr>
<td>#6</td>
<td>A PUBLIC HEARING FOR LANMARK GROUP, 222 MANOR PLACE, GREENPORT, NEW YORK</td>
<td>60-171</td>
</tr>
<tr>
<td></td>
<td>11944</td>
<td></td>
</tr>
<tr>
<td>#7</td>
<td>MOTION TO ADJOURN</td>
<td>171-172</td>
</tr>
</tbody>
</table>

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(The meeting was called to order at 6:08 p.m.)

CHAIRMAN SALADINO: This is the September 19th, 2017 regular meeting of the Zoning Board of Appeals.

Item No. 1 is a motion to accept the minutes of the August 15, 2017 ZBA meeting. So moved.

MS. NEFF: Second.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

Item No. 2 is a motion to approve the minutes of the July 18th, 2017 ZBA meeting. So moved.

MR. TASKER: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

Any abstentions?

MR. CORWIN: Abstain.

CHAIRMAN SALADINO: And I'll vote aye.
Item No. 3 is a motion to schedule the next ZBA meeting for October 17th, 2017, at 6 p.m., at the Third Street Fire Station, Greenport, New York.

So moved.

MS. GORDON: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

And Item #4 is the discussion and possible action on the area variance application of Sixth Street, LLC for the property located at 429 Sixth Street, Greenport, New York 11944; Suffolk County Tax Map #1001-6-3-5.

Normally, this would be our discussion, but we'll be --

MR. KIMACK: I wasn't quite sure if you had -- I wasn't going to speak. If you had any questions of me.

CHAIRMAN SALADINO: We're going to let you -- we're going to let you --

MR. KIMACK: This property, we've talked about this enough, everybody. As a matter of fact,
we probably --

CHAIRMAN SALADINO: I think --

MR. KIMACK: I wasn't quite sure. I'll sit back. If you have any questions, then I'll take them.

CHAIRMAN SALADINO: Okay.

MR. KIMACK: Okay.

CHAIRMAN SALADINO: Does the Board -- my recommendation is, is that as part of our discussion, we, as usual, go through the five questions and discuss each question, and then we'll have a formal vote, if the Board chooses, after that. Is that agreeable?

MS. GORDON: Yes.

MS. NEFF: Yes.

MR. TASKER: John, are you going to go directly into the questions?

CHAIRMAN SALADINO: I'm going to use the questions that I'd like for discussion. This way, they could be used -- our discussion could be used as part of the findings and determinations, and then we'll vote formally on the five questions at the end of the discussion.

MR. TASKER: Oh, okay, because I have the sense that there are a couple of issues that we
haven't completely explored, at least to my satisfaction, and perhaps to others, too, and we --

CHAIRMAN SALADINO: Okay. We could --

MR. TASKER: We might want to take a look at --

CHAIRMAN SALADINO: We could do that first, sure.

MR. TASKER: -- before we go into this process. Is that -- is that agreeable?

CHAIRMAN SALADINO: That's fine. That's fine with me. How about the rest of the members?

MR. CORWIN: Yes.

MS. GORDON: Sure.

MS. NEFF: Uh-huh.

MR. TASKER: The one in particular that comes to my mind is the question of the permissibility or not of a one or a two-family house on a substandard lot.

The question has been raised with regard to Section -- what is it -- 150-13(E) regarding a preexisting undersized lot and the limitation there of a one-family building only. And there's been discussion about that amongst us and by members of the public, and I'm sure, I believe, the applicant, too, as to what that means in this situation where
we're not dealing with a preexisting substandard lot, but a newly created substandard lot.

And the question I'm raising is what -- if it is not permissible to create a two-family building on a preexisting lot, just by force of logic, is it not -- is it not permissible to restrain it to a one-family in a newly created lot? In other words, you've created something that is substandard, and now you're looking what -- might be looking for more than would be permitted if it had already existed. So that's a question I think we should explore a little bit before we go on with our determination.

CHAIRMAN SALADINO: I personally had thought we resolved that issue. I thought -- I thought the Attorney's opinion, if I recollect, was that that was for established undersized lots, but --

MR. TASKER: Oh, excuse me. There's no question that that's what it applies to, already existing, but my point is this: In terms of the creation of an undersized lot sort of begs the question that that might be even more stringent with respect to what is permitted, as opposed to the creation of a full -- a conforming lot.

CHAIRMAN SALADINO: The problem that I see,
Arthur, is that we're asked to address all the aspects -- because of the new subdivision law, we're asked to address all the aspects surrounding a subdivision, but not take up the issue of a subdivision. So we're asked to create by variance what will or will not be a separate lot, but we can't because of it's not our role, it's the Planning Board's role to talk about that, that extra lot, if and when it becomes subdivided.

You know, I think it puts the Zoning Board in an uncomfortable -- it puts me in an uncomfortable position. We constantly remind the public that we don't deal in subdivisions, we deal in variances, you know, what ultimately happens with those variances, so.

And as far as a one or a two-family house, if it progresses to the -- if this application progresses to the Planning Board, perhaps it will be in their power to decide, you know, how many people live in that house. I honestly don't know.

MR. CORWIN: But, Mr. Chairman.

CHAIRMAN SALADINO: Sure.

MR. CORWIN: A variance, when you grant a variance, it can have restrictions, if I'm correct.

CHAIRMAN SALADINO: Well, it could have
reasonable conditions, but, again, I would defer to
the Attorney. I don't know if limiting the amount
of people that live in the house is --

MS. NEFF: Mr. Chairman, it's different to
say it's a one-family house or if it's a two-family
house as the one facing Sixth Street presently is.
CHAIRMAN SALADINO: We could only go by --
MS. NEFF: Then how many people live in it?
CHAIRMAN SALADINO: Okay. You know, I don't
want to get into semantics. When we say how many
people live in a house, for future conversation, it
means families, how I'm addressing it.

MS. GORDON: Whether we -- whether we grant
the variance or not, the building is still in an
R-2 District, and it seems to me that that does not
change the designation of what -- it doesn't change
the fact that an R-2 District permits a two-family
house.

CHAIRMAN SALADINO: I agree with you, but I
think the question that Arthur is raising is in an
R-2 District, you're allowed to have a two-family
house --

MR. TASKER: On a conforming lot.
CHAIRMAN SALADINO: -- on a conforming lot.
This would -- this would become, if the variances

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are granted, this would become a nonconforming lot.
Well, it would be a conforming lot because --
MR. TASKER: No.
CHAIRMAN SALADINO: -- we say it is, but.
MR. TASKER: No, it doesn't get re-baptized
as a conforming lot, it's simply a lot that has a
variance in terms of its area. It doesn't become
nonconforming. It doesn't get re-baptized.
MS. NEFF: It's an existing lot --
MR. TASKER: No, it's not.
MS. NEFF: -- that's nonconforming, if it
was subdivided --
CHAIRMAN SALADINO: It's not.
MR. TASKER: If it were existing, it would be
nonconforming.
MS. NEFF: -- and has a two-family house on
it currently. That's right.
MR. TASKER: Well, if that were the case, we
wouldn't be here.
MR. PROKOP: Did you want comment or are you
asking me?
CHAIRMAN SALADINO: I would welcome a
comment, sure.
MR. PROKOP: I think that, if you're asking
me a question, I think that that is a condition
that the Board could impose, as long as it's reasonably connected to the relief that's requested, or it has a -- if the condition is reasonable or reasonably related to a concern of the Board, or one of the impacts that you might find, if there is one, in your -- when you review the criteria.

And as far as the Planning Board, it wouldn't -- the application wouldn't make it to the Planning Board, as I understand it, unless you grant relief as far as a variance. So you have the --

CHAIRMAN SALADINO: Well, we said that if it progresses to the Planning Board. Well, let me ask you this, then: Is it within the purview -- is it within the authority of the Planning Board to put that restriction on that house, that it be a one-family house?

MR. PROKOP: I think if it's reasonably related to other findings that they have -- excuse me. If it's related to other findings that they have, that the Planning Board might make, so if it's a -- you know, a finding that they have that there might -- a two-family house might have an impact that a one-family house wouldn't have, then I think that it's possible. But I'm not the
Planning Board Attorney, so I'm not -- I would not
give an opinion about what the Planning Board could
do. I would only give -- my opinion is only as to
conditions that might be imposed by this Board.

CHAIRMAN SALADINO: Could you reach back into
your recent memory when you were the Planning
Board's Attorney and perhaps comment from your
experience as the Planning Board's Attorney, if
this is possible or not?

MR. PROKOP: I think that --

CHAIRMAN SALADINO: All we're asking you is,
is does the Planning Board have the authority to
limit the amount of families in that house? That's
the question I'm asking

MR. PROKOP: That's not the -- not the
question. The question isn't how many people can
live in the house or how many families, it's the
number of dwelling units in the house. The number
of people in the house is regulated by New York
State Law, unless Eileen Wingate, the Building
Inspector, disagrees with me.

MS. WINGATE: That's correct.

CHAIRMAN SALADINO: All right. Let me --
then let me rephrase it for the public once again.
When I say "families", instead of -- I thought by

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saying "families", instead of "folks", I was kind of being clear. But now instead of saying "family", let me say "dwelling unit". And when I say "family", I really am referring to the amount of dwelling units in the building. So is it possible for someone -- for the Planning Board to regulate the amount of dwelling units in the house on Sixth Street on Lot No. 1?

MR. PROKOP: I won't -- I can't give an opinion about what the Planning Board --

CHAIRMAN SALADINO: Okay.

MR. PROKOP: Sorry.

CHAIRMAN SALADINO: Okay. Arthur, what do you want to do?

MR. TASKER: Well, my question, I think, is a little narrower than a subdivision question. My question is this: If it's inappropriate -- if the code makes it quite clear that it's inappropriate to put a two-family house on an existing substandard lot, is it not even more inappropriate to allow a two-family house on a newly created substandard lot? That's my question. And that's, I think, worthy of deliberation as we go through the course. Maybe it's -- maybe it's tied to one of the particular questions, if you want to save it
for then, but that's my question.

CHAIRMAN SALADINO: Does anybody have a comment about it? We can -- we can certainly -- if the Board doesn't think and the Attorney doesn't think we're overstepping, if and when we get to that portion of the discussion, we could certainly make that a condition.

MR. TASKER: Because where that question leads, if the answer is it is even more inappropriate to permit a two-family house on a newly created substandard lot, then we shouldn't grant the variance.

MS. GORDON: Are we -- this is sort of related. I'm not sure it's -- how related it is. But are we -- are we venturing into the interpretive role of the Board, in which case we would need to have a hearing on that question.

MR. TASKER: No.

MS. GORDON: Which I doubt anyone really wants to do.

MR. TASKER: No. This is, I think, part of our decision-making, and how we weigh --

MS. GORDON: Right.

MR. TASKER: -- what it is that's being asked for.

MS. GORDON: Well, if it's how we weigh it,
then it seems to me it can be considered within the context of the -- one of the questions that we ask.

MR. TASKER: I'm fine with that.

CHAIRMAN SALADINO: Okay. Then we'll do that. Is there -- are there any other concerns that anyone might have that aren't related to these questions that are outside the dynamic envelope of these questions? David, no?

MR. CORWIN: No.

CHAIRMAN SALADINO: So is it okay with the Board that I read these questions and we limit our discussion to each question?

MR. CORWIN: Yes.

MS. NEFF: And I just want to make sure that we all understand, including the public, that we're raising the questions that we will later vote on; is that correct?

CHAIRMAN SALADINO: I thought I mentioned that, yes.

MS. NEFF: Yeah, you did. I'm just underlining it.

CHAIRMAN SALADINO: Okay.

MS. NEFF: Okay.

CHAIRMAN SALADINO: Just to repeat --

MR. PALLAS: Mr. Chairman, before you --
Mr. Chairman, excuse me, before you do that, I think you need to do a SEQRA determination. Yes.

CHAIRMAN SALADINO: I think we did SEQRA. I think we did SEQRA at the public hearing.

MR. PALLAS: Okay.

CHAIRMAN SALADINO: All right?

MS. NEFF: Probably not.

MS. WINGATE: I don't recall.

MR. CORWIN: Let's do it again.

MS. NEFF: Probably not.

CHAIRMAN SALADINO: I think we did it twice, actually, because nobody was sure that we did it the first time, but we can certainly do it again. And I don't think there's any penalty for doing it five or six times.

So I'll make a motion that this is -- this was a --

MR. PROKOP: The Board -- the motion is that the Board adopts Lead Agency status and then -- and determines that this is an unlisted action for purposes of SEQRA.

CHAIRMAN SALADINO: So moved.

MR. CORWIN: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.
MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

MR. PROKOP: The next is the Board should consider whether they believe that the granting of this application would have any negative impact on any aspect of the environment.

CHAIRMAN SALADINO: Well, I thought -- oh, because it's unlisted. I would have made that part of the motion, but I think -- I think we can -- I think that we can have that discussion after this. But if the Board wants, we can have the --

MR. CORWIN: Let's have the discussion after. Let's go down the questions and discuss them.

CHAIRMAN SALADINO: The first question 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 an area variance.

MS. GORDON: I walked over to the Seventh Street side between last meeting and this meeting to look at the placement of the -- what would be the new driveway and the placement of the neighbor's driveway, which is perpendicular to the
planned new driveway, and it looks to me as though it would be very complicated and very crowded. And one of the comments during the hearing last time was what happens when the snow plow is coming into that corner, and it seems to me it would be very difficult. I would like to know how other people feel about it.

But it doesn't -- it doesn't seem to me it changes the character of the neighborhood, but it does provide a detriment. It would provide a detriment to the nearest property that has this perpendicular driveway.

CHAIRMAN SALADINO: Well --

MR. CORWIN: I think it will work. It's certainly a concern, but I don't -- I don't think that -- I think it can work.

MS. NEFF: And I think that it also -- it's going to depend on who's plowing the streets, and the most likely place for the snow to get put is on the vacant lot opposite the house on Corwin Street.

CHAIRMAN SALADINO: What vacant lot?

MS. NEFF: Here.

MR. CORWIN: Well, really, they would -- I don't think the Town would do that, because it would fill up and the vacant lot would come out.
MS. NEFF: Well, the Village does it to people all the time.
MR. CORWIN: Well, the Village versus Town, who moves?
CHAIRMAN SALADINO: What vacant lot?
MS. NEFF: In other -- this property here. In other words, the houses further down. If it looks like people go in and out of here and in and out of here, it's going to get caught here.
CHAIRMAN SALADINO: Well, I don't have the drawing in front of me. Perhaps Mr. Kimack could answer. How wide is the driveway? This is the old driveway. I personally don't have a concern about the snow piling up, because, if anything, when they plow the street and if they push the -- in my mind, if they push the snow ahead, it will either wind up in the applicant's driveway, which it would be up to him to voice a concern about. I don't see it winding up in a neighbor's driveway, or it would accumulate to the south of their driveway between -- between the new building on Corwin Street and property on Lot No. 2's front yard. The snow for me is not a -- is not a concern.
But, on the other side of the coin, I personally do think that the character of the
neighborhood, creating a smaller lot, I think is affected. I think it could be, at least in the neighbors' minds, a detriment to the -- to the neighbors because of additional density created by the second house. So that would be my comment about that.

MR. CORWIN: I'll make a comment on that. My concern of the subdivision and all these subdivisions is it seems to be quite popular to set them up as short-term rentals or what I call Airbnb type rentals, and my concern is that's the way both these buildings would go. And that's having a profound effect on the Village as a whole and on the neighborhoods in the Village, because the whole Village is being changed from what was a community where we watched out for the guy next door to a community where who's that spending the weekend there next door? So that's my big concern on that, and then question number four, too.

CHAIRMAN SALADINO: Well, okay.

MR. TASKER: John, may I?

CHAIRMAN SALADINO: Sure.

MR. TASKER: I share David's concern, but that's a little bit more abstract in terms of who the occupants are at any given time. But more
particularly, I want to echo your concern, John, that the character of the neighborhood with respect to subdividing and putting second houses, whether they're used for owner rental or Airbnb rental, to look at the extremes of how it might be used, that that's not the way that neighborhood runs.

I'm looking at a Google map right here that shows just that immediate block, and none of the -- none of those lots have been divided to put a house in the back. And I think someone from the public commented during the hearing that that was pretty much the case the entire length of Sixth Street, and I don't remember exactly. And I think to start to permit change like that, to put, particularly on substandard lots size-wise, is the creation -- is going to create an undesirable change in the neighborhood.

CHAIRMAN SALADINO: Okay. Ellen?

MS. NEFF: I think the presence of -- we're not talking about numerous other lots on Sixth Street, we're talking about this one, and that the lots are longer. They tend to be 175 feet, or something like that. And that --

CHAIRMAN SALADINO: I live on Sixth Street. Most of them -- close, yeah, 160 feet.
MS. NEFF: Okay. Even now like where in many places they're 150 or less. And the presence of Corwin Street being there is the only reason we're talking about this particular proposed subdivision. So I think it is -- it's a unique set of conditions, and it's -- I would consider it not a substantial change, because without that street, of course it would be a flag lot and it would -- we would never be talking about it.

CHAIRMAN SALADINO: Okay. But the question doesn't deal with a substantial change, it deals with an undesirable change.

MS. NEFF: Undesirable. I would add that. I went on to another question, excuse me.

CHAIRMAN SALADINO: Don't jump the gun.

MS. NEFF: All right.

CHAIRMAN SALADINO: Can we move on?

MS. GORDON: Uh-huh.

CHAIRMAN SALADINO: Question No. 2 is whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.

MS. NEFF: I think that is easy to say, no, it wouldn't be, for most people.

CHAIRMAN SALADINO: Well --
MS. NEFF: Go ahead, John.

CHAIRMAN SALADINO: I'm going to have to disagree, because I see what was presented to us was a limited partnership between two individuals. The testimony was that one partner would take one house and the second house would be built for the second partner. Another method feasible for the applicant is to just enlarge the first house big enough that -- it's a two-family house now. Enlarge it enough that both partners can be comfortable in that home.

MS. NEFF: Uh-huh.

CHAIRMAN SALADINO: If that, in fact, is the -- if there's a financial consideration that we weren't told or a different plan we weren't told, then perhaps I would answer this question differently. But what we were told was there's a guy that travels that's going to live in the rear lot, there's a guy that doesn't travel that's going to live on the Sixth Street lot. And so I see -- I see, you know, it's a 14,000 square foot lot.

MS. NEFF: Right.

CHAIRMAN SALADINO: Or thereabouts. They certainly have enough room to expand to make the house comfortable enough for two partners to live
in. They would perhaps lose a rental income. But, in my mind, I would be forced to answer yes for this question.

MR. TASKER: And I agree with you, with your reasoning, John. They can certainly build something that's more than adequate. I suspect they have -- excuse me. I suspect they have adequate resources to build a house that would be more than adequate for their two families, the two partners, if you will.

We don't know. By the way, are the partners related, the intended partners?

MR. PFLANZL: No, we're not related,

MR. TASKER: I'm sorry.

MR. PFLANZL: We're not related.

MR. TASKER: Okay.

CHAIRMAN SALADINO: Diana, anything to add, perhaps, on question two?

MS. GORDON: No. I mean, I guess I agree with you, although, you know, living cheek by jowl is different from living at two ends of a piece of property. So I -- it's not quite -- it wouldn't get quite the same benefit.

MR. TASKER: Well, you're going get cheek by jowl in the two-family house with a tenant.
CHAIRMAN SALADINO: That's true. That's true.

MS. GORDON: You might. Sometimes you'd rather be cheek by jowl with somebody you don't know than with somebody you're close to.

MR. TASKER: That's quite so.

CHAIRMAN SALADINO: David?

MR. CORWIN: No comment.

CHAIRMAN SALADINO: Question No. 3 is whether the requested area variance is substantial.

MR. CORWIN: I'll say about that, that the code used to say 10,000 square feet for -- was the required size for a lot. And some years ago, Mayor Kapell changed it to 7500 square feet, I guess on the theory there are a lot of 15,000 square feet lots and they can be divided in half. So, in light of that, currently the code is slowly making smaller and smaller lots, I'm going to say yes, it's substantial, primarily because of the square footage of both lots.

CHAIRMAN SALADINO: I think that if each individual variance was taken on its own, perhaps there would be no problem voting no. But when you -- you know, we have to be aware of more than a couple smaller variances that might not be an issue.

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becoming an issue when you -- in totality.

I don't have a fixed number in my mind where something becomes substantial. I'm sure there's a formula someplace, somewhere. I'm sure there's case law somewhere. I don't have it. A thousand square feet on a 7500 square foot lot might in my mind, or an 18.4% variance might in my mind cross over the line between okay, or minimally tailored relief, or moderate relief and substantial. So, in my mind, I would think -- I would think perhaps yes.

MR. TASKER: I agree, John. The compounding effect of the numbers of variances in Lot 1 as two variances, the area variance is roughly 15%, the lot depth variance is 10%. That compound -- the two of those compound each other to make it -- to add to the substantiality. And then when you add in Lot 2 is roughly a -- nearly a 20% variance on the lot depth. The total compounding of that has got to be considered to be substantial.

MS. GORDON: I agree. I think the lot depth variances are substantial. And I also think -- I mean, these are friends, and maybe the issue of privacy is not terribly important. But one purpose of the -- stated purpose of the Zoning Code is to provide privacy for families, and they might not be
the same people all the time. And I also think when you're adding a substantial size building, that would be for me one of the indicators that it's a substantial change.

CHAIRMAN SALADINO: Ellen.

MS. NEFF: I think I've said what --

CHAIRMAN SALADINO: Okay. Question No. 4 is whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

We've been asking the applicant -- I personally am not sure. We've been asking the applicant exactly what the plan was about water -- he was a little more sure of himself as far as septic. The response -- the response was, "We're going to work with the Village." I don't have anything from the Village to what exactly that means, or from the Town, so that's a question that lingers in my mind.

The physical conditions in the neighborhood, I think when you add a 2000 square foot house within a few feet of a neighbor is -- has an impact on that neighbor, has an impact on the surrounding properties, so.

MS. NEFF: I just -- if I could mention, that
much of the surrounding property is not like the
rest of the street. There's the railroad, there's
the presence of the street behind. In other words,
it's not one among a mix, or five, or six, or
seven, or eight houses that more or less have the
same configuration relative to the street. And
what would be seen from Sixth Street is a larger
building on the one that's close to the property
line that's existing and a garage, a movement of a
garage.

CHAIRMAN SALADINO: At what number, what
number do you put the amount of neighbors to -- I'm
not sure. You know, you say there's not five or
six.

MS. NEFF: Several, several

CHAIRMAN SALADINO: Well, there's two, you
know.

MS. NEFF: Yes, that's two.

CHAIRMAN SALADINO: Okay. Arthur? David?
MR. TASKER: I'm prepared to let the sewer
gineers deal with the sewer.

MS. NEFF: Right, because -- Engineering
Solutions.

CHAIRMAN SALADINO: Yeah.

MR. TASKER: So I don't -- so I don't see an
environmental consideration that we need to be concerned about. That's -- I'm sorry, I'm being flip, John. But I can see concerns about too many buildings, too much proximity, being very different than the state of the neighborhood, which is essentially one residence, one residence building, whether it's a one-family or a two-family, on all of the adjoining -- most of the adjoining lots or adjacent lots.

  MR. CORWIN: I'll just note that what does it means when you say environmental conditions, because that can take just about anything into consideration. And, once again, I have a concern about so many of these people coming in and requesting subdivisions or variances for small lots and the units ending up as Airbnb type of rentals, and the effect that it's having on the district, which I can see the whole Village of Greenport as a whole, as less and less -- as you know less and less of your neighbors for anything but a month or two, or usually a weekend now.

  CHAIRMAN SALADINO: Good? And lastly, whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but not
necessarily preclude the granting of the area variance. Anyone?

MR. TASKER: Certainly, it was.

MS. NEFF: Yes.

MS. GORDON: Sure. They bought with the knowledge that there was a space back there that was part of the existing property, and that in order to create a -- that there would have to be a subdivision if they want -- were going to be able to do what they wanted to do, so it is self-created.

CHAIRMAN SALADINO: I tend to agree with that. There is -- there is one thing that I would like to add to the discussion. I got the big book here, and it's -- I can give you the code. It's 150-6. I'm not sure of the paragraph, but I'll just -- I'll just read it. And the reason I'm reading it is, is because one of my concerns -- 150-6, Paragraph C says, "No lot shall be formed from part of a lot already occupied by a building, unless such building and all yards, open spaces connected therewith and the remaining lot comply with all the requirements prescribed by this chapter for the district in which said lot is located."
The reason this gives me concern is, is because, this application as it relates to this gives me concern is because, in my mind, the Zoning Board kind of becomes the de facto Legislators. I understand it's our job to grant reasonable variances, but in my mind, this can't be plainer. And it's almost like we're the Legislators, and I'm kind of uncomfortable with that. So I have no idea if my colleagues agree with me or not, that's just something that came to my mind. But I just thought I would mention that, so.

MR. TASKER: Well, in fact, John, this is not far from my question that I brought up at the beginning as to if it's inappropriate for an existing undersized lot. It is -- this paragraph suggests the same thing. I appreciate you bringing that to my attention, because I was unaware of that provision in the code, but I think it -- I think it answers my question --

CHAIRMAN SALADINO: Well --

MR. TASKER: -- in the affirmative.

CHAIRMAN SALADINO: The argument that obviously can be made is, is that, well, that's why we're here, to give a variance. You know, we --

MR. TASKER: Or not.
CHAIRMAN SALADINO: Or not.

MS. NEFF: Right, consider.

CHAIRMAN SALADINO: Or to consider a variance. So is there any -- any other discussion on any other issue that -- I have a question for the Attorney. Would it be appropriate if we address the application as a whole, or each individual variance?

MR. PROKOP: It's up to you, it's either way. It's up to the Board. What I would do is I would have a vote from a member to do it one way or the other.

MR. CORWIN: I would move that we address each question, just answer yes or no.

CHAIRMAN SALADINO: Well, the last question, the last question, David, will be to either approve or deny the variance. Are we going to address the application as a whole, all three variances with all the questions? I believe we did that a number of times before. Or are we going to address each variance individually with each of the five questions?

MR. TASKER: Well, I think we might consider all of them together, because of the interrelationship that arises when you're creating
a subdivision with substandard lots --
nonconforming lots, excuse me.

CHAIRMAN SALADINO: Is the Board ready to
vote?

MR. CORWIN: Yes.

MR. TASKER: Yes.

MS. NEFF: Yes.

MR. PROKOP: You just need to have that last
part of SEQRA. We determined that we have an
unlisted action, but the next consideration would
be whether or not there would be an impact on the
environment and -- the environment, being that the
full list of all the different potential impacts,
including utilities. All the utilities have to be
provided to the lot. The impacts on light,
traffic, noise, any aspects of the natural
environment, habitats, flora, you know, the
vegetation, and so the full consideration of any
potential impact on the environment. And, again,
environment not being just the natural environment,
but including traffic, light, noise, utility
services provided, things like that.

CHAIRMAN SALADINO: Okay. So the ZBA has
declared itself Lead Agency. We decided this is an
unlisted action. And now the vote will be will
this have an adverse effect on the environment as it was listed by the Attorney, all the aspects of the environment as it was listed by the Attorney.
I'll take a roll call vote.
(Roll Call Vote By Chairman Saladino)

MR. CORWIN: Yes.
MS. GORDON: No.
MS. NEFF: No.
MR. TASKER: No.
CHAIRMAN SALADINO: And I'm going to vote no.
MR. PROKOP: So, then, if the Board's -- if the cumulative vote is no, then the motion would be to determine that the application will not have a significant negative impact on the environment, and that, therefore, a negative declaration is adopted.
CHAIRMAN SALADINO: So moved.
MR. TASKER: Second.
MS. GORDON: Second.
CHAIRMAN SALADINO: All in favor?
MR. CORWIN: Aye.
MS. GORDON: Aye.
MS. NEFF: Aye.
MR. TASKER: Aye.
CHAIRMAN SALADINO: Aye.
David, did you vote no?

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MR. CORWIN: I voted yes.

CHAIRMAN SALADINO: Okay. So it's five yes. Can we move to the questions and the vote on the variance?

Whether an undesirable change will be produced in the character of the neighborhood or a detriment to the nearby properties will be created by the granting of the area variance.

(Roll Call Vote By Chairman Saladino)

MR. CORWIN: Yes.

MS. GORDON: Yes.

MS. NEFF: No.

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'm going to vote yes. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.

(Roll Call Vote By Chairman Saladino)

MR. CORWIN: Yes.

MS. GORDON: No.

MS. NEFF: No.

MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll vote yes. Whether the requested area variance is substantial.
(Roll Call Vote By Chairman Saladino)
MR. CORWIN: Yes.
MS. GORDON: Yes.
MS. NEFF: No.
MR. TASKER: Yes.
CHAIRMAN SALADINO: And I'll vote yes.

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

(Roll Call Vote By Chairman Saladino)
MR. CORWIN: Yes.
MS. GORDON: No.
MS. NEFF: No.
MR. TASKER: Yes.
CHAIRMAN SALADINO: And I'll vote no.

Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but not necessarily preclude the granting of the area variance.

(Roll Call Vote By Chairman Saladino)
MR. CORWIN: Yes.
MS. GORDON: Yes.
MS. NEFF: No.
MR. TASKER: Yes.

CHAIRMAN SALADINO: And I'll vote yes.

I'm going to make a motion to approve the requested variance.

MR. TASKER: Second.

CHAIRMAN SALADINO: Well, we're going to take a --

MR. TASKER: We can do it variance by variance at his point, John?

CHAIRMAN SALADINO: No, we're going to -- I thought we -- I apologize.

MR. TASKER: No, the questions were collective.

MS. GORDON: Yea.

CHAIRMAN SALADINO: No. I think -- I think -- I thought we decided to take the application as a whole to vote on.

MR. TASKER: Oh, okay.

MS. GORDON: Yes.

MR. TASKER: So you're -- all or nothing is essentially what you're saying.

CHAIRMAN SALADINO: Yeah.

MR. TASKER: Okay.

CHAIRMAN SALADINO: All right. Motion to approve the requested variance.
(Roll Call Vote By Chairman Saladino)

MR. CORWIN: No.

MS. GORDON: No.

MS. NEFF: Yes.

MR. TASKER: No.

CHAIRMAN SALADINO: And I'll vote no.

The findings will be available --

MR. PROKOP: I'll have them in by this weekend, by the end of the weekend coming up.

MS. GORDON: Now does this go to the Planning Board?

CHAIRMAN SALADINO: No.

MS. GORDON: Okay.

CHAIRMAN SALADINO: Item No. -- Item No. 5 is a motion to accept the application of the Miller Family 2012 Irrevocable Trust for a property located at 424 Fourth Street, Greenport, New York, 11944. The application is to continue to use their property as a B&B. The Miller Family 2012 Irrevocable Trust is represented by Attorney Patricia Moore. Suffolk County Tax Map 1001-6.-8-18.1. Ms. Moore.

MS. MOORE: Hi. We're actually asking that -- oh, sorry. Good evening. We were asking that when you do accept it, my client's away on
the -- actually next meeting day of the 17th, so we would ask that it be put on the November calendar. So just as a matter of scheduling, if that's all right with the Board. But did you want me to go over the details?

CHAIRMAN SALADINO: Before you did --

MS. MOORE: Yeah, sure.

CHAIRMAN SALADINO: Before you did, just so it's clear in my mind, I would ask the Building Inspector just to refresh our memory, and perhaps let the public know exactly what's being requested here. We haven't accepted the application yet, but if we could just from Eileen.

MS. MOORE: Would it be helpful from me, because --

CHAIRMAN SALADINO: Well, we're going to get the Village's point of view first

MS. MOORE: Okay, sure, no problem.

CHAIRMAN SALADINO: And then -- and then, obviously, you can respond. Can you just wait one second, Eileen? Let me get the application. Just to let us in on the -- like the nuance of it, so.

MR. TASKER: I thought nuance was our charge.

(Laughter)

MS. WINGATE: 424 Fourth Street is a very
large house that was permitted to be used as a bed
and breakfast many moons ago. Our code is set up
so that B&Bs can only have three rooms. Attached
as part of the footprint of the original house is a
cottage, but it is attached. It's got a fire rated
wall, has a small kitchen, a bedroom. And they
applied for a building permit -- I'd have to start
shuffling papers. They applied for a building
permit to increase the square footage of this
little cottage.

Upon inspection, and trying to close out the
building permit, I asked the owner if this was part
of the B&B, and she said it was a separate unit.
New York State Code says a B&B must be in a
one-family house. So then we got into this is a
two -- now a one-family house with an accessory
apartment. So I couldn't really write a
Certificate of Occupancy for the construction,
because it didn't feel appropriate.

So she had some options, all of which
involved coming to the Zoning Board of Appeals.
One would be to ask for the fourth room. The
fourth room for the B&B would eliminate the use as
it stands, because she can't have a kitchen. The
client came up with a different proposal to
separate the cottage from the rest of the house. So, therefore, it can be a one-family house and she could have --

CHAIRMAN SALADINO: But create -- but then it would create a separate --

MS. WINGATE: But what happens then is it creates a second dwelling unit on the property, which is not permitted by code.

So, having said that, I'm going to kind of read the Notice of Disapproval. I think it makes it clear.

The proposed changes to the existing house separating the principal building from the attached accessory apartment will have an end product of two separate residential units on the property, which is not a permitted use.

Then it goes on to accessory buildings. An accessory building may be in any required rear yard, provided that the building doesn't exceed 15 feet in height, and that such building shall be set back 5 feet from any lot line and not less than 10 feet from the principal building. This proposed change and separation of the principal building from the accessory apartment creates an accessory building located in the --
MS. GORDON: Not located.

MR. TASKER: Not located.

MS. WINGATE: Not located in the rear yard.

The proposed changes and separation of the principal building from the accessory building will not provide 10 feet in separation.

Furthermore, Section 150-7(B) talks about B&B facilities. "The rental of rooms is limited to three rooms for lodging and serving of breakfast. Not more than two individuals shall occupy a room for a maximum of six casual transient roomers.

The proposed changes to the existing house create a condition where the attached accessory apartment is no longer subject to limiting the occupancy regulations of the Village Code, creating more rental rooms than allowed by code. That also the changes to the existing house create a condition where the detached accessory apartment is no longer limiting the occupancy, creating more transient roomers than allowed by code. So you have more rooms and more roomers.

And that's where we are.

CHAIRMAN SALADINO: Thank you. We don't -- we don't normally ask the Building Inspector to make her explanations or reasoning now, but I just
thought since the public usually doesn't get a copy of the Notice of Disapproval, and I kind of wanted everybody, the Board and the public, to be on -- obviously, the Attorney is on the same page -- to be on the same page as what's going on, I asked her to do that.

MS. MOORE: That's fine.

CHAIRMAN SALADINO: Ms. Moore.

MS. MOORE: Well, we'll have a chance to explain everything during the public hearing, but some kind of fairness, justice issues here.

The B&B was granted back in 2001, so she's been operating for 17 years with a B&B, three bedroom B&B. The cottage, or she describes it -- or she -- excuse me -- Eileen describes it as an accessory apartment. It was always a separate living space that had been rented. And that's why I want her present, because it's been a preexisting rental space that has been actually rented for year-round use for many residents of the Village, including at least one Village Mayor. It was previously owned by, I believe, somebody who had been in Village government. So the cottage has been in place always.

And when the -- in 2001, the approval of the

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B&B was granted, everything was exactly, as far as use goes, as it is today. What happened is that no one realized, and the Building Inspector says she wasn't comfortable. It wasn't clear from the code, and we consulted with the State, because it just didn't make sense. The State says you have to have -- you can't have a B&B in a two-family. And the way that this ended up getting, just by virtue of the fact that you have two living -- it's called a two-family, even though you have a 17,000 square foot house with a 500 square foot cottage, it's considered a two-family. So we're --

CHAIRMAN SALADINO: We just went through that, didn't we?

MS. MOORE: Yeah, yeah, but it's a State -- it's a code issue. So we're trying to preserve what they've -- she's always had. And worse is that she spent close to, well, several thousands of dollars, over 50,000, renovating the cottage. Got a building permit from the Building Inspector, and that building permit has been left open for almost eight years trying to resolve this, to try to figure out what could be done. Finally, I think we all came to the conclusion, either we had to go to the State, or we had to come to you.
The State actually came up with the idea of physically separating the building. We'd prefer not to, but the State said to us, "You know, if you could just cut the roof, cut the building." I only need one inch. It just has to be physically cut. We came up with a foot. It seems a little more logical, but --

CHAIRMAN SALADINO: I thought -- I thought we read that it was -- it was 10 feet.

MS. MOORE: No.

MS. GORDON: No.

MS. MOORE: One foot.

MS. WINGATE: That's local code.

MS. MOORE: That's the local code requires it to be 10 feet, we can't.

MS. WINGATE: State Code --

MS. MOORE: Yeah.

MS. WINGATE: State Code allows for you to have a principal building and an accessory apartment, Local Code does not. So State folks recommended separate the units, but that doesn't work for Greenport.

MS. MOORE: Right. We're -- it's a catch 22, that's why we're here. We're damned if we do and we're damned if we don't. And the only way to
solve this and close out a building permit, and
continue her B&B that she's been now operating for
many years and has -- you know, has a very good
business going there, this is our solution.

I've tried the State and the State said we --
"We just need you" -- "We just need you to cut it."
That's the best that they can do. They -- and so
we're back, you know, here we are. So you'll get
all of that during the hearing and I'll -- but
that's pretty much -- we're trying to keep
everything the way it is, and we're kind of running
against whether it's a combination of the State
Code and your own Village Code that creates the
issue. We'd like to keep everything exactly like
it is, but that seems to be impossible, so.

MR. CORWIN: Question.

MR. TASKER: Remind me if you will, when was
the work started on the so-called cottage?

MS. MOORE: It was with a building permit, a
full --

MR. TASKER: When?

MS. MOORE: Eight years ago.

MR. TASKER: Eight years ago.

MS. MOORE: At least.

MR. TASKER: After the B&B operation had
MS. MOORE: Oh, yeah, the B&B operations --
MR. TASKER: Long after the B&B.
MS. MOORE: Long after.
MR. TASKER: Okay.
MS. MOORE: Two -- the B&B has been since 2001. The building permit came in later, and we've been trying to resolve it, and just kind of racking our heads trying to figure out how to resolve it, and here we are.
MR. TASKER: That sounds like a question of an improperly issued building permit, perhaps, which conveys no rights.
CHAIRMAN SALADINO: Let's -- maybe we'll leave that for the public hearing.
MS. MOORE: That will be the public hearing, yeah.
CHAIRMAN SALADINO: Were the two buildings ever connected?
MS. MOORE: Yes, they both were.
CHAIRMAN SALADINO: No, not connected physically, connected commonly. Was there ever a doorway between the accessory building?
MS. MOORE: No, no.
CHAIRMAN SALADINO: There was never a
doorway?

MS. MOORE: Not in the time that my client has owned the property, no.

CHAIRMAN SALADINO: And that's been since?

MS. MOORE: '70s.

CHAIRMAN SALADINO: Okay. David, you had a question?

MR. TASKER: But were the buildings ever separated?

MS. MOORE: Not to --

MR. TASKER: Was the cottage ever separated from the main building?

MS. MOORE: No, not to our knowledge.

MR. TASKER: Okay. So it's always been contiguous.

MS. MOORE: Yes.

MR. TASKER: Like a barn kind of garage and --

MS. MOORE: Like the typical connected, you know --

MR. TASKER: Like your typical New England building to stay out of the snow.

MS. MOORE: New England, with an apartment -- you know, truly, it's like an apartment, because it's a one-bedroom, but stand-alone living space.

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So, you know, there it is.

CHAIRMAN SALADINO: David, did you have a question?

MR. CORWIN: Did you explore a variance from the New York State Building?

MS. MOORE: In fact, I did more than explore it, I filed one, I submitted it. It's there in the ether. The -- Richard Smith, who is the Architect, the Regional Architect was -- his reaction was it's a definition, "We can't give you a variance on the definition." I don't read it that way, but I had to get past their interpretation. And they gave me what I thought was a solution, being as impractical as it is, to cut the building apart. It will be up to you to determine how much. As long as the State is satisfied that it's a minimal amount, the rest is up to you on whether or not -- you know, we'd like to not cut it. It's an expense that is completely a wasteful expense, but she's already spent a tremendous amount on the renovation on the cottage. It's beautiful. When you come and see, you'll see for yourself. It is what it is, you know.

MR. CORWIN: On --

MR. PROKOP: When you say that -- I'm sorry.
MR. CORWIN: On the survey, entitled 1974 survey --

MS. MOORE: Right.

MR. CORWIN: -- doesn't show a swimming pool.

MS. MOORE: No. That was added later, yeah.

MR. CORWIN: Was there a variance for the swimming pool?

MS. MOORE: I was issued a building permit. Not to my knowledge. I don't think that a variance --

MS. WINGATE: Yes, there was a variance for the swimming wool

MS. MOORE: Oh, there was? Thank you. Okay. Good. She knows the file better.

CHAIRMAN SALADINO: Well, she's had eight years to look at it.

MS. MOORE: It's true, she's been -- she's lived this.

CHAIRMAN SALADINO: Joe, did you have a question?

MR. PROKOP: When you say the State suggested that you separate, you do a separation of one inch, was it New York State or was it Richard Smith?

MS. MOORE: Well, it was Richard Smith.

MR. PROKOP: Okay.
MS. MOORE: I don't -- it hasn't gone to a Board. It's in there. I haven't been told that it's even going to be submitted or accepted by the Board. Richard was willing -- and I'm hoping he'll provide a letter that clarifies for the -- you know, gives us some guidance. But from everything I've heard, as long as the physical separation exists, then the State would be satisfied and the B&B can continue as it has all along. It would be considered a B&B in a single family dwelling. So we'd meet their definition, and, consequently, your own definition, because you adopt the State's definition.

MR. PROKOP: Do you have an application pending now to the State Appeal Board in Albany?

MS. MOORE: Yeah. I filed it, yeah. I filed it, but I didn't get anything other than a call back from Richard. The attorney called me and we played telephone, and I kept trying to reach him and he hasn't responded back. I think he deferred it to Richard Smith, ultimately.

CHAIRMAN SALADINO: But you expect -- did I hear right, that you're going to ask us to make the public hearing --

MS. MOORE: In November, yes.

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CHAIRMAN SALADINO: So we can expect perhaps an answer?

MS. MOORE: Well, I don't know that a State -- the State might take the application or not take it.

CHAIRMAN SALADINO: Okay.

MS. MOORE: I don't know. I don't know. I filed it. I can only do my end of filing it, so.

CHAIRMAN SALADINO: Okay.

MS. MOORE: I just don't want to leave my client in limbo indefinitely, because that's pretty much where --

CHAIRMAN SALADINO: I'm reasonably certain we're going to accept the application.

MS. MOORE: Okay, great.

CHAIRMAN SALADINO: I believe. I'm overstepping.

MS. MOORE: I will wait to hear what you have to say.

CHAIRMAN SALADINO: I'm overstepping.

MR. PROKOP: I just -- I'm sorry, because, you know, we had this discussion in another Justice Court.

MS. MOORE: Yes.

MR. PROKOP: So I just need to pin this down.
I'm sorry.

MS. MOORE: That's all right.

MR. PROKOP: Is the application in Albany, the 12 copies and everything?

MS. MOORE: It has been -- I can swear that I sent it to Albany. The full number of prints that are required, the full application packet has been filed with Albany.

MR. PROKOP: Okay. Thank you.

MS. MOORE: Yes. In fact, I filed it before I came to you, so.

MR. PROKOP: Thanks.

MR. TASKER: John.

CHAIRMAN SALADINO: Yes.

MR. TASKER: I went through the package. Very impressive package, by the way.

MS. MOORE: Thank you.

MR. TASKER: Great photographs.

CHAIRMAN SALADINO: Way too many photographs.

MR. TASKER: A couple of things that I saw that --

MS. MOORE: Good. I like photographs, I think they're helpful.

MR. TASKER: -- that I'm not sure are correct in the application. I'm looking first at the short
form environmental assessment form that I believe you completed --

   MS. MOORE: Yes.

   MR. TASKER: -- not the applicant. And I see what I think may be a number of errors in there. The total error -- total acreage of the site of the proposed action, and it's indicated as half an acre. In fact, it's pretty near a full acre. And the total acreage only controlled by the applicant is the same, I believe, also nearly a full acre. It's 40-some thousand square feet, nearly an acre.

   MS. MOORE: Okay.

   MR. TASKER: You've indicated that --

   MS. WINGATE: Arthur, there are two pieces of property, so I don't know. I have to research.

   MR. TASKER: Oh, well, now you --

   MS. WINGATE: There are two --

   MR. TASKER: You've anticipated my next question.

   MS. MOORE: Yeah. I think I was working off the survey with the structures. There's a separate attached -- there's a separate lot.

   MS. WINGATE: There's an adjoining lot --

   MS. MOORE: Yes.

   MS. WINGATE: -- that is currently parking,
so --

MS. MOORE: Yes.

MS. WINGATE: -- there's a difference.

MR. TASKER: Yeah? Okay.

MS. MOORE: Now let's look at the survey.

MR. TASKER: An earlier -- an earlier survey, I think it's the 1974 survey, indicates that there are two lots. This, this survey here that I'm looking at, it's --

MS. MOORE: I'm sorry, I don't have my glasses.

MR. TASKER: Oh, well, it's Exhibit C, it's your Exhibit C.

MS. MOORE: Oh, okay. Oh, that one, yes, yes, yes.

MR. TASKER: Your Exhibit C, which shows what appears to be the principal lot with a two-and-a-half story house, 228 feet deep. And then it shows a second lot behind it with the name "L. Miller" overwritten as the apparent owner --

MS. MOORE: Right.

MR. TASKER: -- that is 64 feet deep. The two together are 292 feet deep.

MS. MOORE: Right.

MR. TASKER: And in looking at this survey,
the lot --

MS. MOORE: The new one.

MR. TASKER: The lot is shown as 292 feet.

MS. MOORE: Correct.

MR. TASKER: So it includes, apparently, both of those lots. How did they get merged?

MS. MOORE: They're --

MS. WINGATE: They're not.

MS. MOORE: They're not merged.

MR. TASKER: They're not merged?

MS. MOORE: I just felt -- pardon me. The only survey my client had at the time I started with her was the original Van Tuyl survey that I gave you, the old one. I think that's when she purchased in the '70s, so that's -- that's a vintage map.

Given the number of structures there, everything being new and having -- never having had an updated survey, I just felt it was appropriate to have the updated survey done. That's this survey. You can see it includes two separate tax lot numbers, 18.1 and 19. So it incorporates all the land she owns, just so that, one, it shows you the entire structure, plus it shows you the parking area. It didn't seem to me wise to -- if I'm
ordering a new survey, to just do half the job. I just felt it should include both parcels. See the line where the tax map --

MS. NEFF: Yeah.

MR. TASKER: I now see it.

MS. MOORE: Okay.

MR. TASKER: You've got awful fine print on that map.

MS. MOORE: Hey, I don't -- I don't prepare the survey, I just read it.

MR. PROKOP: Is the -- but they're different owners, right?

MS. MOORE: Yeah. I believe they have them in separate name, yeah.

MR. TASKER: I'm sorry, forgive me. I think I had one or two other questions with regard to the application itself, but perhaps not. No. Yeah, the question that I had, that has already been asked, was there ever access between -- straight through, in other words, from the principal house and the so-called cottage, but the so-called cottage was always attached; is that correct?

MS. MOORE: It was always attached --

MR. TASKER: Okay.

MS. MOORE: -- but it did not -- it was --
there was no doorway between the two, they were always separated.

MR. TASKER: Okay.

MS. MOORE: Yeah.

MR. TASKER: Thank you.

MS. MOORE: Uh-huh.

CHAIRMAN SALADINO: The only question I have about the EAF is, is the typical habitat likely to be found on the project site, and you have wetlands, as opposed to --

MR. TASKER: Waterfront.

MS. MOORE: Well --

CHAIRMAN SALADINO: Or -- and a wetlands --

MS. MOORE: Yeah, it's a beach. I mean, it's --

MR. TASKER: It's waterfront.

MS. MOORE: Yeah, it's waterfront.

CHAIRMAN SALADINO: So we might want to think about that.

Anyone else have any questions for Attorney Moore? No?

(No Response)

CHAIRMAN SALADINO: Then I'll make a motion that we accept this application.

MR. CORWIN: Second.
CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: I'll vote aye.

We're going to schedule a public hearing.

MS. MOORE: November, please. Yeah, the meeting of November.

MS. WINGATE: The 21st.

CHAIRMAN SALADINO: So we're going to schedule a public hearing for November 21st, and site inspection -- at 6 o'clock. And the site inspection will be at 5:30.

MR. CORWIN: That's a big house.

MS. MOORE: Give yourself plenty of time, it's a big house, it's a big property.

MR. TASKER: It's -- is that after daylight saving?

CHAIRMAN SALADINO: Every time -- every time I suggest an extra 15 minutes, they yell at me, so I thought I would be conservative.

MS. NEFF: It will be dark.

MR. TASKER: It will be dark.

MS. GORDON: It's dark by then.
MS. MOORE: That's true, it will be dark. Although most of this is inside, so you shouldn't have a problem.

CHAIRMAN SALADINO: Well, what's the pleasure of the Board? Would youse like to go earlier, or would you like to go at 2 o'clock?

MS. NEFF: Four o'clock?

CHAIRMAN SALADINO: I'm going to leave it at 5:30 if nobody says anything.

MR. TASKER: Earlier, so we can see it.

MS. NEFF: Four o'clock.

CHAIRMAN SALADINO: Four o'clock? We'll do the site inspection at 4 p.m.

MS. MOORE: Okay. We'll be sure to have everything available.

CHAIRMAN SALADINO: Okay.

MS. MOORE: Thank you.

CHAIRMAN SALADINO: See youse then.

MS. MOORE: Okay. Thank you.

CHAIRMAN SALADINO: Item No. 6 is -- before we get into Item No. 6, I believe one of the members has a comment to make.

MR. TASKER: Well, it relates to Item No. 6, in fact, the public hearing with regard to the Monsell Place application.
I am going to have to recuse myself from consideration of that application as a member of the Zoning Board. I do this because there is the possibility of the appearance of impropriety or perhaps a conflict of interest because of a relationship that I have. Specifically, that is the attorney for the applicant for the Monsell Place project, Mr. Solomon, represents me in another completely unrelated lawsuit. So, because of that, I am concerned that I have not only the ethical responsibilities that are part of the Village Code, but also the ethical responsibilities that constrain me as an attorney in New York State. Because of those concerns about the possible appearance of impropriety, I’m going to recuse myself from consideration of that application. So I will join the audience.

CHAIRMAN SALADINO: Okay. Also, before we address the public hearing, before we open the public hearing, there were some comments last month about additional information that would be provided. The Building Inspector said she would kind of look for stuff, and I believe the applicant mentioned that, the applicant's attorney mentioned that he had some FOILs pending that weren't
returned yet.

I think, before we open the public hearing, we resolve -- we resolve exactly what should happen with this application. I think what has to be done, and if the Board agrees, or if the attorney agrees, I think what has to be done is since the Village can't provide any further information, and there's still a question about use, that we ask the applicant to make his case to this Board before we open the public hearing about either an issued use variance or a preexisting nonconforming use prior to zoning. Am I -- am I making any sense with that? Am I --

MR. PROKOP: I just have -- I have one comment about the FOILs, the FOIL situation, if you'd like to make it -- me to make it now.

CHAIRMAN SALADINO: Sure.

MR. PROKOP: So, if you're correct, then wasn't -- based on your comment about the FOILs, I looked in -- I checked with the Records Access Officer of the Village, which is the Village Clerk, and there was only one -- there was only one FOIL request filed with the Village. It was filed on -- regarding this application, filed by Mr. Solomon on July 14th of 2017, and it was access to review the
file, was the FOIL request.

The file was reviewed on July 22nd, and there was no further FOIL request for any specific documents or anything else other than that July 14th FOIL request, that the Village is aware of.

CHAIRMAN SALADINO: Okay.

MR. SOLOMON: What's the question now?

MR. PROKOP: I basically just -- according to the Village, that there's no outstanding FOIL request.

CHAIRMAN SALADINO: The question --

MR. SOLOMON: Then no. Whatever records I have were either FOILed or records that my clients had. That's -- there's no more FOIL requests out there.

MR. PROKOP: Okay. Thank you.

CHAIRMAN SALADINO: So I would ask, I would ask, and if the members concur, that we resolve -- the question came up last month, and in my mind it was never resolved. We moved the application further on the condition that we get additional information from the Planner, from -- from the Village, as far as the minutes of the 1967 -- 1969 Zoning Board. But the question of use was never -- was never resolved, I don't think. The Village has
no record of a use variance being -- ever being
issued.

MR. SOLOMON: I'll welcome this opportunity,
because I really believe --

CHAIRMAN SALADINO: Okay.

MR. SOLOMON: -- historically I have what's
here. And one thing that we have to do, and I'd
recommend to the Board, is we now have to apply our
common sense to what documents I am now going to be
able to produce. And I'll do in a sequence of
order, and I'll actually hand them out to make sure
everybody actually has them.

This is the only records that were available
with respect to the variance granted in 1969.
Apparently, what was only records that were
available in 1969 dealt with notices, a notice of a
hearing, and there are minutes from the -- from the
procedure.

Now what you -- one thing that we have to
bear in mind is the current building code and the
issuance of certificates of occupancy did not come
into effect until October 1971. That's -- as a
matter of fact, in -- that's the Village change
where COs were required to be produced. So
anything before 19 -- October 1971, there was no
CO. And our Village -- and, by the way, I live in
the Village, and I think a lot of you know that I
live here, so I understand that.

CHAIRMAN SALADINO: But there was a Zoning
Board.

MR. SOLOMON: Yeah, absolutely, but they
didn't issue COs, and that existed in a lot of the
small municipalities. So, apparently, in 1969, as
we know the history -- everybody I think
understands the history of this property. It
basically consists of three lots. There was a
house on one lot, there was a vacant lot in
between, and there was a house in the -- we'll say,
the third lot.

So in 1969, a variance application was made.
And I would almost submit to the Board that in
1969, that in the old code, there was no difference
between an area variance and use variance, it was
called a variance. And later, as the law got more
defined, the use of the word use variance and area
variance started to come into play.

But when I say we have to beg to common
sense, in the variance grant that was granted, it
actually says, "After the public hearing held, and
you have it in front of you, June 16th, 1969, the
Zoning Board of Appeals of the Village, upon
application of Eastern Long Island Medical
Building, Inc.," and this is where I talk common
sense. If the applicant is Eastern Long Island
Medical Building, Inc., it's very hard for anybody
with a -- using common sense, and says, "No, that
wasn't a medical building." You just can't say it.
There's no way, rational way to say it was a
medical arts building or medical building, but it
wasn't a medical building.

So they came in, and what did they ask for?
They asked for a setback to be allowed, because
there was -- it violated at that point under the
old law the requirement for setback. So when you
see the resolution, what does it say? That the
setback is allowed, and significantly the average
setback on Manor Lane, exclusive of porches or
existing buildings, is considerably less than 19
feet.

The variance does observe, and this is --
this relates, you know -- and I've met with all the
neighbors, and I want the Board to be aware of
this. We held a -- we held a meeting, we
entertained the neighbors a week ago, we listened
to all of their issues, all their complaints, which
I'll address as we go forward.

But in 1969, when this was issued, the Board actually said the variances does observe the spirit of ordinances, and the public convenience and welfare will be substantially served, and the appropriate use of the neighboring properties will not be substantially or permanently injured by this variance.

So in 1969, the sitting Board, as you're sitting here today, made the determination that this fit into the neighborhood. And it was an application for a medical -- a medical building. So that's document number one. And you'll see, you have some minutes also to adjoin, that I've submitted with that submission.

And it's interesting. Actually, no one appeared in opposition to the variance, if you read what the minutes were. So that's 1969.

Now we fast forward to 2001. In 2001, an application is made for a building permit to construct a handicapped access ramp to the building, and that was November 16th, 2001. The permit was paid for. We all know the ramps are there, because they're still physically there. We've all visited the property, saw it today. And

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the Building Department, at that point in 2001, granted the permit. The records within the Village, from what I was able to find, never show the final documentation on the -- on the ramp. But here's a recognition of the use of the property through 2001, another building permit. It's almost a ratification of what happened in 1969.

The Building Department didn't reject the permit, which they could have under the statute at that time, the Village ordinance, saying it was some sort of alteration or addition to a nonconforming use, but they issued the permit. So to me, the Building Department, Village recognized the validity of the building, the use. The use continued. Now we move on. It gets even -- it gets even a little bit more interesting.

MR. PROKOP: Is there -- in the file, is there a plan that goes with this that refers to the Fairweather-Brown --

MR. SOLOMON: Excuse me? Yeah.

MR. PROKOP: It refers to a drawing. Is the drawing available?

MS. WINGATE: Yes.


MS. WINGATE: For the ramps, yes.
MR. SOLOMON: Yeah, the drawing for the ramp is available.

Then in February 2002, and really, as it relates to this document, I don't -- my client actually obtained this document through their closing process. Can I just take this back for a minute? You'll see the Village issued a pre-Certificate of Occupancy, saying that we issue COs now, but because this was built before we issued COs, we're entitling the document pre-Certificate of Occupancy. And right there on the fourth line, use and occupancy, business office. So here's official recognition by the Village that this is a business office, and it actually says this building came into existence in 1969 by merging two single-family houses into one, into one structure. So with that document is almost definitive. I should say it is definitive proof of there's your use, there's your approved use, it being confirmed by the Village in 2002.

Now we move a little bit further ahead. In -- this is interesting, too. In 2003, which I was able to obtain -- I don't know if I have copies for everybody, but I'll go as far as I can.

MS. NEFF: I can use John's.
MR. SOLOMON: I have one, I have one.

MS. NEFF: Okay.

MR. SOLOMON: Apparently, on a Board of Zoning Appeals calendar, there's now a general discussion held. And this application, as I recall, was brought by Joe Townsend to put an apartment in the building, which is currently there, and it's been there since 2001, and that came before discussion in some proceeding before the Zoning Appeals. I can't find anything. All my requests for information, beyond that minutes, there's nothing else that I was able to obtain, other than knowing there was a discussion.

That then gets followed by the Building Department issuing in October of 2004 a Certificate of Occupancy with -- Certificate of Occupancy. But I want to call your attention to the top of the document first, because, again, here we go with the use and occupancy. Business office preexisting nonconforming use with single apartment. And this CO says this CO is for the second floor apartment conversion only.

But the net effect of this, when I was actually here last time, and I said this is not a question of use anymore, this is -- whatever we're
doing now is an approval, because there's
restrictions within the code that if you're going
to alter a nonconforming building, which this was,
that you have to come and get a building permit.
Eileen's -- Eileen's review indicated, okay, she's
not able to approve it, because it says any
alteration requires approval. Bingo. That's why
we're here, for that approval.

But as it relates to any argument or any
dispute as to it being an office building, or
theoretically a medical office building, the
proof's in the pudding, it's there, and it's been
used for -- when my clients bought the building, we
already had -- five doctors were operating the
building when we bought it, and that's effectively
the application that's in here. We want to make
improvements to the building, and I -- you may want
to hold my other comment back. You just said you
wanted to address this issue, Mr. Saladino, first.
So if you want me -- if you want me to go right
into the meat of the rest of it, I will, but you
said let's discuss this use thing first, so --

CHAIRMAN SALADINO: Well --
MR. SOLOMON: Because our position, being
here, is we're here on an area -- area variance
application. Whether it's appropriately area variance or not, there was a parking issue and we had a nonconforming alteration to the building, and those are the two items that we're here, has nothing to do with the use of building. So if we can clarify that issue, it makes the rest of the movement substantially simple to move forward.

CHAIRMAN SALADINO: Well, the question -- the question was, originally, was to -- for you to make an argument to legitimize the building, a commercial building in that district. And in 1967, when the building was -- the properties were originally purchased in 1967.

MR. SOLOMON: No. Look, it wasn't -- I don't know when the exact purchase date. There were medical offices, I believe, being in one of these two buildings even before they -- anything was joined. One of these houses was already a doctor's office.

CHAIRMAN SALADINO: Do we have -- do we know that?

MS. WINGATE: I do not --

MS. ALLEN: I went there. Doctor Campbell was in there.

CHAIRMAN SALADINO: Well, a -- if you would.
A doctor's office in the R-1 Zone for one doctor is actually a permitted accessory use.

MR. SOLOMON: Correct. I don't understand the materiality of the question, you know, with all due respect.

MR. SOLOMON: It doesn't -- if I could respond, it doesn't say if it's a primary residence, it doesn't say that. It says a doctor's office, a professional office. It doesn't necessarily have to be the doctor's residence. But we digress. But in '67 the properties were purchased.

MS. NEFF: We don't know that that's when they were purchased. That's not what he's saying. He says that's what --

CHAIRMAN SALADINO: Yeah, but I'm getting my information from the Building Department.

MS. NEFF: Okay.

MS. WINGATE: The property card lists a sale in '67.

MS. NEFF: Do we have a copy of the property card?

MS. WINGATE: Uh-huh.

MS. NEFF: Can I see that?

CHAIRMAN SALADINO: So the properties were
purchased in 1967 to become -- to become -- and the first document you gave us that we had was that in 1969 they made no different -- they didn't differentiate between area variance and use variance. I got to be honest with you, I wasn't around. I was out of the country in '69, so I don't really --


CHAIRMAN SALADINO: I don't really know what went on, but we know -- we know zoning -- we know we had zoning, because zoning was revised in 1971. Doesn't mean we didn't have zoning prior to that. We have zoning minutes going back to 1966. We have a building that was purchased in 1967. And we have an area -- we have a variance for -- to build a rotunda in 1969. But we have nothing that shows us where the use is legitimized in that -- in that district, unless I just don't understand a lot of this stuff here. I don't see anything that --

MR. SOLOMON: You have a series --

CHAIRMAN SALADINO: And we have your --

MR. SOLOMON: You have the series of -- yeah.

CHAIRMAN SALADINO: And just if I could finish. And we have your word, which, unless there's somebody opposite, that's -- that tells me

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that there's no difference, in 1969 there was no
difference between area and use. We know there was
zoning districts and we know that certain things
were allowed in zoning districts in 1969. I just
-- I don't -- I don't have enough for me to be
thoroughly convinced that this application doesn't
need a use variance as opposed to an area variance.
I might be alone in my thinking, but --

MR. SOLOMON: Well, let's work on these
assumptions, right, because, you know, quite
honestly, the last thing that I want to do, as an
attorney on behalf of a client who's very anxious
and spent a lot of money to open a facility, and as
a Village resident to watch my Village spend money
unnecessarily, is -- the Village is sitting on a
pile of documents that for 50 years say this is
office space, and I -- and, listen, you have to
defer a lot to Mr. Prokop, who I have high -- very
high regard. We may not agree all the time, I have
tremendous high regard for him.

If this was ever going to walk into a court
of law, which I don't want to do, and I'm going to
submit to some Supreme Court Judge document after
document, after document, after document, after
document that says office space, office space,
office space, office space, office space, take
yourself out of the Board of Zoning Appeals and
make yourselves a juror in a case, and then sit
there and say, "No, it wasn't, it's not office
space, I don't see what I want to see."

If it's missing, Mr. Saladino, I get that,
but the Village ratified it. It ratified it every
move that it made, and you have probably four or
five moves that the Village made -- and listen,
let's talk significantly about the Townsend
application. That's only 2004. In 2004, there
were inspections. You just don't get -- as you --
we were there today. You don't get a building
permit because you want one. People were in that
building, people inspected it, they knew at that
point in time it was a medical building with an
apartment.

CHAIRMAN SALADINO: Well, in 2004 -- in 2004,
chances were -- back in 2004, chances are you could
have gotten exactly what you wanted.

MR. SOLOMON: Now we're getting into Village
politics.

CHAIRMAN SALADINO: No, no, no, no, no.

MS. NEFF: Yes, I think you are.

MR. SOLOMON: No, no, we are. Now we're
getting into Village politics, and not being into
the law, I get it, I get it.

CHAIRMAN SALADINO: I'm just responding to
what -- I'm just responding to what you said.

MR. SOLOMON: You may be talking Village
politics, but listen, but you can't penalize --
understand, my clients went ahead in due diligence
to get all the documents they need to show office
space, office space, office space, office space.
They invested a tremendous amount of money, and in
a building that's been used that way for probably
50 years are now going to confront -- and I'm not
saying -- none of this, by the way, is addressed to
anybody sitting here as an individual. But as a
Village unit or a Village government telling, "Nah,
we don't know if it's office space," this where I
said we got to go back to common sense, because I
think that, you know, everybody -- common sense,
this is an office building. You can't get away
from it unless you you're going to take an eraser
and wipe everything you want off those -- all the
Village documents. And how they got there,
Mr. Saladino, that can be a discussion we could
have one day over a beer somewhere unrelated to
this, that's another story. But as a legal
proposition, as a Village resident, for my Village
to sit here and try to adopt a theory that the
Village acted in a certain way for 50 years and, 
you know, on backsies, we're taking backsies on it.

CHAIRMAN SALADINO: Well, all they had to
do -- well, if we're talking seriously, all they
had to do was make one mistake and then it's
compounded yearly after that, if you go on the
assumption that something is legitimate and it just
becomes like a game of telephone, it just keeps
getting passed on and passed on and passed on.
If --

MR. SOLOMON: You know, with the exception of
-- you know, if I was -- found that 1969 variance
application and it said John Doe looking to do
something, but when somebody came in and it says
Eastern Arts Medical Building, we know. I mean, to
try to assume that somehow it wasn't a medical
office building is really just like really picking
straws out of the sky. And we know it was used.

And, listen, we've got people in this room --
look, I'm in the Village for 14 or 15 years. Trust
me, I've got people who make me look like I just
moved on to the block. You know, I'll never be a
'Porter because I wasn't born here. We've got
Porters sitting out here. The 'Porters will tell you what that building's been, how it's been used without ever looking in a record. But now I'm giving you enough in the record to have to really -- you know, to beat -- to beat this issue over and over and over again, it's really penalizing these poor people trying to move forward with a project.

CHAIRMAN SALADINO: Last --

MS. NEFF: Mr. Chairman.

CHAIRMAN SALADINO: Last month, if I could just finish the thought --

MS. NEFF: If I --

CHAIRMAN SALADINO: And then we're going to -- if -- I'm going to let you talk as much as you want, I just wanted to get -- last month you mentioned that you see what we're trying to do here is cross the T's and dot the I's. That's our role here, that's what we do. It has absolutely -- I personally -- I can't say that right now. But nobody's -- I don't believe anybody's opposed to something that's been there for that long providing that kind of service. In my mind, nobody would be opposed to something like that. But I believe it's the job of this Board to do exactly what you
suggested we were trying to do, dot the I and cross the T. So if I'm being perhaps too -- is officious the wrong word? To try to do that --

MS. NEFF: Perhaps.

CHAIRMAN SALADINO: I apologize, but I feel that's my role here.

MR. SOLOMON: No apologies are required. But what the --

CHAIRMAN SALADINO: I think I -- I think I'm just kind of throwing that out there, you know.

MR. SOLOMON: But what the Board has to -- you see, what the Board has to understand is that assuming for the moment I maybe start saying, "You know, maybe you're right and maybe I should go file for a use variance," and I have other lawyers sitting there, but that lawyer would jump out of the seat and say privately, "Michael, what are you doing? You can't" -- that would be somehow my conceding to you that the argument that is being placed out of here, unfortunately, to me, improperly -- I understand what you're trying to do, and I get crossing I's and crossing the T's, but when this application is done, and if this application is granted, if Eileen Wingate, in the final issuance of the Declaration of Independence
CHAIRMAN SALADINO: Ellen?

MS. NEFF: My point was I was glad I looked at the property card, what happens to be in the file. And I think that in a lot of ways what you are thinking and looking at more papers than we had before, that they were distributed, correct, there were more pieces of paper that left some things vague, but did clarify some things. When I look at the property card and I realize, yes, and the thing you had, the Eastern Long Island Medical Group, and see that from the property card that the previous owner was Dr. Hansen, I mean, you could also go back and look at property cards when those were three different distinct properties. And the idea that they were used as medical offices, and that the hospital -- and he was the Chair of the board of the hospital, I do believe, he certainly was a doctor in the community a long time, that they were trying to create something for the use of the community and expand something that was there and expand it.
I'm satisfied with these various pieces of paper show that there was the use, medical office, for more than 50 years. And what we are being asked to do, I believe, is that because there's an alteration to this, it needs us to take a look at it, for no other reason, not about the use. That is my opinion.

CHAIRMAN SALADINO: Well, as always, your vote -- your opinion will be expressed in your vote. So I -- we all want to get a vote.

MS. NEFF: I would say.

CHAIRMAN SALADINO: We'll put it to the rest of the Board, and perhaps the Attorney.

MS. GORDON: I'm struck by the consistency of the documents from 1969. You have the memo about the variance, which refers to the Eastern Long Island Medical Building, Incorporated, and then you have the minutes in which Mr. George Ehlers appeared for the Eastern Long Island Medical Building, and then you have the legal notice in which the meeting is referred to as the matter of the application of the Eastern Long Island Medical Building, signed by the Chairman and the Secretary and another member of the Board of Appeals, of the Zoning Board of Appeals. It's very, very
consistent. And, I mean, to me, that creates a presumption that we don't have any evidence to rebut. So I am afraid I disagree.

(Laughter)

CHAIRMAN SALADINO: David? Hello.

MR. CORWIN: In 1949, it says Article --

CHAIRMAN SALADINO: What year?

MR. CORWIN: 1949, when the Village adopted a Zoning Code, it says Article 10, Section 1000, Administration, 4, Paragraph 4(C), Certificate of Occupancy. "No building hereafter erected, enlarged, extended or so altered in whole or in part has to change classification of occupancy, and no building hereafter altered where a Certificate of Occupancy has not been heretofore issued shall be occupied and used whole or in part until a Certificate of Occupancy shall have been issued,"

and it goes on. I don't think you want to listen to me read, but it seems to me there must -- should have been a Certificate of Occupancy. Somewhere along the line authorized the use as a nonconforming use, because it has a section in here on nonconforming, Article 9, Section 900, Nonconforming Uses. So --

MR. SOLOMON: Well, according --
MR. CORWIN: -- maybe you can make a statement that, gee, because somebody did an area variance after they became a fact. From my perspective, where was the Certificate of Occupancy when this went into effect in 1949 or some time thereafter?

MR. SOLOMON: Well, considering I wasn't even a thought in my parents' mind in 1949, this is going to be a tough one for me. But all I can rely upon is the pre-Certificate of Occupancy that everybody has. Here's what it says. The Village of Greenport established the authority for the issuance for a Certificate of Occupancy in October 1971. So I have -- I would have no cause to go back to 1949 to look for anything. And this is on an official stamp, sealed Greenport document.

I mean, this is, you know, part of, I guess, the frustrations that I feel that Mr. Saladino may have as far as we talked about dotting I's and crossing T's. But if you're reading from something that you believe COs were required after '49, and I'm reading something from the Village that was signed in 2002 that says it's after 1971, you can't have innocent people relying upon Village documents, official documents and saying, "Oh, no,
maybe you should have gone back and looked to 1949." I mean, that would be like every time I have a case, I've got to go back to, you know, 1620 to go look to see what every case was. I mean, we've come forward to a certain point. If there was some highlight in that document, then okay, go back.

But I'll be honest with you. I don't know of any lawyer -- I've been doing this for 42 years -- that would I be thinking to look about a CO regulation from a village from 1949. And if it said that, maybe it was changed in 1951, I don't know. And we're assuming '49 controlled it. I would think they changed something between '49, '59, '69. That would be 22 years with no change in the code. You know, I can't answer. With all due respect, Mr. Corwin, I can't answer that. I don't have an answer, other than saying my client, in their due diligence, relied upon a Village statement from 1971.

MR. CORWIN: That's the problem, we don't have an answer either. And I think what Mr. Saladino is saying is ask for a use variance to legitimize the idea of the use.

MR. SOLOMON: But, unfortunately, if I'm
really asked to do that, I'm going to have to turn
to my clients and say we're going to have to file
an Article 78 and go to court. I can't do it.
Legally, I cannot -- I will not subject my client
to that. I could run into some court that I
acquiesced, I conceded my position, and you have --
listen, make believe I'm your attorney. I'm not
going to concede something that I know I may be
waiving rights, and that's a fair observation, and
it's a -- listen, that's a discussion you could
have with your own Counsel, because I'm sure if I
spoke to Mr. Prokop on a matter unrelated to it,
he'd say, "Well, yeah, Mike, I get it, I get it."
As lawyers, there are certain things we need to do
to protect our client, and I'd be -- on a certain
level, I'd almost go that my colleague, who's
sitting in the room, who I have another high regard
for, saying, "Michael, it's a malpractice to do
it."

CHAIRMAN SALADINO: I don't think she would
say that.

MR. CORWIN: Well, what you're saying --
(Laughter)

CHAIRMAN SALADINO: Can we hear from the
Attorney, perhaps?
MR. SOLOMON: Yes.

MR. PROKOP: Just I have a couple of comments. I think that -- you know, I don't know when these documents came into your possession or the client's possession, but I think they would -- if they -- they would have been helpful as part of the application if she had them or you had them.

But I have a different -- I have a different -- I have the same concerns as the Board does, but I have also additional concerns. My additional concerns were -- are that I think that, at best, you could -- and I don't know that you could expect this, but at best you could expect that the Board would determine that this is -- this was at one time a -- it is a preexisting nonconforming use. Whether it's the medical use or the combined use, I'm not sure that it's the combined use, but maybe the medical use was that there is a preexisting nonconforming use. However, I think the use today is one doctor, basically. And I think that if at one time it was five doctors, I don't think that that's relevant to the fact that today it's one doctor.

MR. SOLOMON: There was five doctors when they bought the building. The only reason the
doctors aren't there is they're gone for
renovations.

MR. PROKOP: But they were going to buy the
building -- it wasn't five doctors. I'm sorry, but
I think we need -- excuse me, then. I think we
need factual background as to when it went from --
the fact is that it went from five doctors to one
doctor, we agree about that. We need -- the Board
needs factual background as to when that took
place, because I think that you'll agree that a
preexisting nonconforming use has to be maintained,
and it would have to be maintained at the same
level. So if -- the other thing is that --

MR. SOLOMON: Unless if construction is
ongoing. If there's construction ongoing --

MR. PROKOP: I have a real concern that
the --

MR. SOLOMON: Joe, with all due respect,
listen --

MR. PROKOP: I have a real concern that
your --

MR. SOLOMON: Listen, I don't want to belabor
the point. We are not submitting an application
for a use variance, done deal. If that is being
requested --
MR. PROKOP: I have a real concern that -- so my first concern is the -- whether the preexisting nonconforming use that should be recognized is five doctors or one doctor. And I think that -- I think that -- and I'm not saying which it is, because I don't know. I think it -- but I think that you have to develop -- you should develop that, however --

MR. SOLOMON: The CO is for an office building, you'll give me an office building.

MR. PROKOP: Could I just say something without you interrupting me, fighting with me?

The -- so I have a concern about the level of preexisting nonconforming use that's protected. I also have a concern that we're quantifying the preexisting nonconforming use, if it's recognized that we're quantifying it by the number of doctors. I don't think that necessarily the intensity of a medical use these days is quantified by solely the number of doctors that are practicing. I think that you could have one doctor and the use could be enormous, because of PA's and everybody else that could possibly be involved.

And I think that the Board, if it is determined that this is a preexisting nonconforming
use and recognized as such, I think the Board has
to make a determination as to the intensity that is
protected as a preexisting nonconforming use, and I
think that that needs to be developed.

And, also, I think that the impacts on the
neighborhood, including the requirement for
parking, and the develop -- the inclusion of onsite
parking, as compared to just using the street for
the business parking, needs to be reviewed by this
Board in its considerations, and that the -- to the
extent that that was discussed by the Planning
Board, I think that -- and input was taken from the
public and also the Planning Board members and
professional, I think that the Planning Board
minutes should be incorporated in the record of
this Board for -- so that it's part of the
considerations that -- the input for the
considerations that are made by this Board.

So just to sum up, it's not enough to just
say that it's a preexisting nonconforming use so we
can go forward. The intensity level of the
preexisting nonconforming use has to be determined,
especially in this case, where it's acknowledged
that it went from five doctors to one doctor. And,
basically, we're now -- we're being asked to reopen
it into a larger -- a larger use. So some kind of
a timeline has to be established as to -- so we can
determine what level of preexisting nonconforming
use is protected.

Thank you for letting me finish.

MR. SOLOMON: Okay. But we're not filing an
application for a use. I don't know how this gets
done. We have an area variance.

MR. PROKOP: There's nothing that I said --

MR. CORWIN: Why are you saying, "We're not
filing an application for use," when --

MR. SOLOMON: My clients will not --

MR. CORWIN: -- when you don't know what the
outcome of that will be?

MR. PROKOP: There's nothing that I just said
that has anything to do with a use variance. I
spoke only about a preexisting nonconforming use.
Your -- the documents that you've given us tonight
say throughout them preexisting nonconforming use.
I merely said that if your argument to this Board
is that you have a -- you're protected as a
preexisting nonconforming use, there is an
acknowledgment that, by you, that the level of use
has changed, and you need to give some kind of
factual background to the Board if this is -- if
this is your argument, your -- the basis for your
application.

MR. SOLOMON: Okay. Now let's go right back
to 2004, because I'm going to nip it right in the
bud. You issued a CO in the Village for office
preexisting nonconforming use with a single
apartment. A single apartment was not a
preexisting use. So the -- so that ratif --
listen, I don't really want to belabor the point.
I've got clients who have a lot of money invested
who need to move forward. If this is going to
become an issue, we have no intention of coming in
here proving five doctors, four doctors, three
doctors, two doctors.

We're coming in here, we have -- we're
approved for office use, it's what it says. The
Village approved it. If you want to go in front of
a Supreme Court Judge, we could do that. We're
going to be wasting a lot of Village money doing
that, because I want to see it justified in front
of a Supreme Court Judge that I've got four or five
documents where I am permitted to have office use
and now I'm being told I can't.

And so I was conceding, we would say we'll
put five doctors in there in order to put some
restraint on what's happening. I could literally
just build an office building, we'll put as many --
do you understand? If we would just make this an
office building, period, we could have 40 some-odd
people occupying that building as tenants and
workers. We're trying to restrict the use here,
we're trying to cooperate.

The building code. Where does this five
doctors come from? It comes from your building
code, because your building code, parking, whatever
reason, and I may not disagree with you, Joe,
that -- or maybe medical practices are different,
but -- well, maybe the Village Code should be
updated not to say for every doctor you need five
spaces, but that's what the code says. How am I
going to work around that? That's what -- so I
have to now tell you how many doctors.

CHAIRMAN SALADINO: If I -- if I could.
If -- we didn't have these documents last month, I
didn't have them. You had them, I didn't have
them, they weren't part of the application. I'm --
if I would have had what I have in front of me now,
and, like you say, to use my own common sense and
say that -- and we take somebody in 1969 overlooked
something out of the equation, I would have to
agree with the Attorney, that this is a preexisting
nonconforming use.

I'm not -- I'm not sure about the intensity
of use. The Planner gave us a report that, in her
opinion, this was a use variance because of the
intensity of use.

Joe mentioned parking. I might be out of the
loop. I thought parking was -- I thought parking
was off our agenda. I don't know. Did that
happen?

MS. WINGATE: The Planning Board agreed to
take payment in lieu. Lucy Clark, who chaired that
night, has not come in to sign the document, but it
was voted on and approved.

CHAIRMAN SALADINO: Did the applicant know
that? Does the --

MR. SOLOMON: Well, I don't think -- I'm
aware of something happened at Planning, we're
aware of it. I don't think the final decision, as
far as I know, has actually been issued and
rendered. I think what the most -- and if you hear
frustration in my voice, the frustration is you
have people invested money to take a medical
building to make it ADA compliant, to put
elevators, to make it look better, to clean up this

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whole, what people want to refer to as being a blight, if that's how you want to refer to it. Listen, I ride -- I bike, I bike by there every weekend, and to really turn it into a really nice facility.

We have a representative of the hospital wanting to take over part of the space. It's across the street from the hospital. And to run into this -- the other obstacles I'm okay with, we can discuss those, whatever neighbors' issues have. But to run into an obstacle that for some way that this is being determined that it was never legally approved --

CHAIRMAN SALADINO: Mike, before you go -- before you go any further, I mean, obviously, you're here to represent your client. And to keep telling us about the money they invested and the desire to move forward and stuff, we -- you have to admit, we certainly understand that, we certainly understand that.

MR. SOLOMON: Okay.

CHAIRMAN SALADINO: But you also have to understand that we're here to not advocate for the Village, I mean, that's Eileen's job, but we're here to apply the code as we see it as it relates
to the Village. And if that's -- and if that --
I'm not saying it is, but if that should come
between your goal and our goal, or the Village's
goal, I mean, so be it. So to keep telling us
about the amount of money that your clients
invested and to -- and your frustration and stuff,
I'm sure in our voices at times you can hear a
little bit of frustration. So --

MR. SOLOMON: But I would be with the whole
program. I would be with the whole program if I
didn't have this documentation. If we were just
dealing with maybe this 1969 thing --

CHAIRMAN SALADINO: Look, we're not -- what
we're going to do is, we're going to do -- I just
admitted that if I take the fact that -- excuse
me -- somebody in 1969 left something out of an
application or if it was overlooked, and that
mistake was compounded through the years, I'm
willing to abandon that train of thought.

And me, personally, if I had the rest of this
documentation and didn't just receive it this
evening, you know, perhaps this discussion never
would have came up. But what's going happen here
is, is that the Board will vote if you, in fact,
made your case for an area -- that this building is
preexisting nonconforming, and then we're going
to -- then we're going to have to address Joe's
concern about intensity of --

MR. PROKOP: It's not -- there's a mistake. There's a mistake in what is being said, and I encourage you to please take notice of this. A building isn't blessed as a preexisting nonconforming use. A preexisting nonconforming use can exist in that building and is protected, as long as it's maintained, but it's protected at the level that it's maintained at.

CHAIRMAN SALADINO: So it's clear, just so it's clear in my mind, not being an attorney, or not even pretending to play one on television, are you saying because of the fact there is no longer five doctors in that building, or haven't been for the last year, it's only been occupied by one doctor, it lost its nonconformity? It's lost --

MR. PROKOP: I think that the applicant -- I don't think that we have enough information that we can make that decision one way or the other. It is possible. That's why I was encouraging Mr. Solomon to address that in his presentation. That's -- I didn't say that it needs a use variance, I didn't say that the use expired or terminated, I just
encouraged you, so to -- so to help the Board make
their decision, to please address that.

CHAIRMAN SALADINO: Can you make that
argument for us, please?

MS. NEFF: Could I say something?

CHAIRMAN SALADINO: Sure.

MS. NEFF: I appreciate our Counsel's
reminding us maintaining the level of intensity or
-- and what exactly that means, but I also -- I
don't hear anybody saying anything about the other
medical providers who do -- have used that
building, and more recently, not just -- it appears
to be doctors. I'm a social worker myself.

But the other thing is the ADA compliance
issue, given what -- how that has changed, how
medical offices are constructed and regulated, for
want of a better term, think that in the back of
your mind. Think of this building that came to be
as the way it did because it's opposite from the
hospital, and that you can still see the features
of two very typical Greenport houses of 1900 or
1905 there, with modifications from whatever they
happened.

No one's coming to us and asking to tear them
down and building a three story brick building, or
what -- some other material. We're not being asked that. We're being asked that this proposal seeks to improve the building. And think of all the things that would go away, the vinyl siding, the poorly constructed, not very beautiful access from the front. I mean, there's a lot of things that would go away, okay? And the kinds of things that we have seen in these plans are sort of meeting the Village and its residents way more than halfway to still be what it is. Excuse me, I'm not finished. To still be what it is, a medical office with an apartment in a Village.

And the zone, we're aware that it's R-1, and we're aware that there have been many changes to our Village, but that it still looks like a Village. So, in other words, the intensity of use is partly because you cannot -- my doctor left that building, okay, and is in a medically compliant new building on the Main Road, all right? But the time it takes today to make a building ADA compliant, for another contract to be signed, it's considerable.

So I think, you know, we could see some more evidence about the tenants, you know, what are expected to be the tenants. You know, I'm
interested in all those things, but I also see that a preexisting nonconforming use is what we're being asked about, and that that, because of all these documents, is what it's been for more than 50 years. I'm finished.

MS. GORDON: I think the fact that you have -- whether you have five doctors, or three doctors and a bunch of physicians assistants, and some nurse practitioners, and some technicians for dealing with people's different drug problems, it's really irrelevant. It isn't irrelevant once we start to look at these smaller issues of the variances, of the -- of the area variances, it may not be irrelevant. But in terms of the use variance, it seems to me -- or the preexisting nonconforming use issue, it's not relevant, because what really is relevant is whether this use, as it has evolved, as it has changed, and as new requirements from the Federal Government in part are made, whether this changes its function. And it seems to me its function is still what it was before, and that that's much more important than the intensity of use issue in terms of deciding on a use variance. Now it may be relevant for talking about parking and things like that, but really what
matters is consistency of function, and I think we have that here.

CHAIRMAN SALADINO: I think -- I think Ellen made a great case to approve the variance, if we get to that point. I don't think she addressed Joe's concern. I thought you made -- I thought you made a great case when it comes time --

MS. NEFF: I don't agree with that.

CHAIRMAN SALADINO: -- it comes time to vote for the variance, but as far as Joe's concern, I don't think so. But, obviously, that it was your statement, you do --

MR. SOLOMON: The apartment --

CHAIRMAN SALADINO: I'm okay. I'm kind of agreeing with my colleagues, that we -- this was preexisting nonconforming. What we started to do before we just made these comments, we were going to hear from Mr. Solomon to maybe enlighten us about what -- your opinion about what Joe just said about the intensity of use.

MR. SOLOMON: The building -- listen, when we came --

CHAIRMAN SALADINO: If you don't want to respond, that's fine, yeah.

MR. SOLOMON: No, there's no secrets here. I
mean, I'm not talking to hold secrets.

MR. PROKOP: I think you might consider --

excuse me. I think you might consider opening the

public hearing, if that's going to be --

CHAIRMAN SALADINO: We're going to go --

MS. NEFF: Could you consider a break?

CHAIRMAN SALADINO: One thing at a time.

MS. NEFF: Okay.

CHAIRMAN SALADINO: We're going to vote --

we're going to vote -- actually, we kind of get to

vote on that. We're looking out for the

stenographer a little bit, too. But what's going
to happen is we're going to vote, as was decided
previously, to accept Mr. Solomon's explanation
about preexisting nonconformity.

We're going to take a five-minute break to

let the stenographer do her finger thing, and then

we're going to, assuming the vote goes -- people --

before people vote to accept your explanation,

we'll open the public -- well, we'll read the stuff

and open the public hearing.

MR. SOLOMON: Thank you.

CHAIRMAN SALADINO: So we're going to --

AUDIENCE MEMBER: I got a question. Do we

get to speak?
MS. ALLEN: Yes, after the five-minute break.

CHAIRMAN SALADINO: We're going to take a vote first. We're going to take a five-minute break, and then we're going to open the public hearing. But in deference to the public, the applicant gets to speak first. So he might want to -- but as soon as Ellen comes back, we're going to vote just to get it on the record about accepting Mr. Solomon's statement and -- unless we want to take this five-minute break now, while --

MR. CORWIN: Take the break now.

CHAIRMAN SALADINO: All right. Can I -- but we don't have her to vote. Well, there are three of us.

MS. GORDON: I don't think -- you don't need a vote to take a break.

CHAIRMAN SALADINO: We're going to take a five-minute break, folks, let the stenographer stretch her fingers.

(The meeting was recessed at 8:17 p.m. and resumed at 8:29 p.m.)

CHAIRMAN SALADINO: We're going to -- we're going to resume, folks. The first thing we're going to do is we're going to make a motion to -- of the Board. I'll wait. We'll wait. We're going
to make a motion to accept the applicant -- I'm going to make a motion to accept the applicant's explanation that this was, in fact, a preexisting nonconforming use in this building, and put that to the members. So moved.

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: I'm going to vote aye. David?

MR. CORWIN: I'm going to abstain. This stuff was just brought in tonight. I don't think the applicant made a complete application, and did all his homework a month ago, and this should have been included a month ago.

CHAIRMAN SALADINO: Okay. We're going to -- MS. GORDON: So the motion passes.

CHAIRMAN SALADINO: Three votes aye, yes, the motion passes.

We're going to open the public hearing. We have the public notices. I'm not going to read it. It's on the back of the agenda for the folks in the audience. I have my list here. We're going to
confirm the status. Eileen has the status that
Mr. Solomon is the --

MR. PALLAS: Ratifying the document now?
MS. WINGATE: I have them here.
CHAIRMAN SALADINO: The document, okay.
MS. WINGATE: There were two of them.
CHAIRMAN SALADINO: And we're going to
confirm with the Clerk that the public notice was
sent to the newspaper.

MR. PALLAS: It was.
CHAIRMAN SALADINO: I have the proof of
mailings here. If I'm going to fast, it's
because --

MS. NEFF: It's late.
CHAIRMAN SALADINO: It's late. We have the
proof of mailings. It's Eastern Long Island
Hospital Associates, 201 Manor Place, Greenport,
New York; Jesse Browner, 161 West 15th Street,
Apartment 4J, New York, New York; George Hubbard,
208 Manor Place; Royal Tuthill, III, 18 Marden
Avenue, Sea Cliff, New York; Daniel Mazzarini,
8 West 13th Street, New York, New York; 222 Manor
Place, LLC, 2412 National Drive, Brooklyn, New
York; Thomas Knowlton, 12 Lincoln Place, Brooklyn,
New York; Gregory Nissen, 4 Rocky Road, Shelter
Heights, New York; John Quinlan, 232 Manor Place; Karen Franck, 295 Saint Johns Place, Brooklyn, New York. And those are the mailings that we have.

We're going to open up this public hearing. We have some -- well, we'll let the applicant speak. We have some letters. If the public that wrote the letters are here, would like to read them, or we could just enter them into the record.

Mr. Solomon.

MR. SOLOMON: Thank you. I'll try to make this as brief as I can, because I know everybody's probably exhausted from this evening.

But as I indicated to the Board before, I want the Board to know that on behalf of my clients, we did reach out to all the neighbors. We met a week ago on Friday.

MR. CORWIN: Excuse me.

CHAIRMAN SALADINO: Turn that mic on.

MR. CORWIN: Can you hear that back there?

MR. SOLOMON: Okay? It --

MR. CORWIN: You were talking loud before.

MR. SOLOMON: That we reached out to all the neighbors. We had a meeting with them, to at least consider their concerns and give them the opportunity to express their concerns. I will try
to address those concerns before I'm done. I'm sure there may be some other issues that may be raised by the neighbors, but I just thought that was the proper way to proceed in this application.

In dealing with the area variance, we're really effectively talking about two issues. We're talking about the fact that the building's a nonconforming use building, and the fact that, the mere fact that an alteration is being made requires us to come before the Board to get an approval, and that's why Eileen issued her denial.

The second part of the application was on the fact that the applicant -- the plans don't provide the amount of parking required for the five doctors that had already always occupied the building and with the apartment. The computation was five spots per doctor, as per the Village Code, two spots for the apartment, would be a total of 27. We were presenting 15 in our plans, and we actually have an application here in for a variance.

As with respect to -- as in regards to the application for the parking variance, and what's problematic to -- I guess to me a little bit and to my client, I know there's been some prior history with the Board in which some substantial variances
in parking have been recently granted, one with regard to the hotel on Front and Third, with no money being contributed at all into the Village. In light of our resolution of the use issue, my clients authorized me to withdraw his application with respect to the parking variance, and we will join in with the Planning Department and pay them the $30,000 for the 12 missing spots. So that just leaves --

MR. CORWIN: Three thousand dollars?

MR. SOLOMON: Twenty-five hundred per spot.

MR. CORWIN: You said $3,000.

MR. SOLOMON: Thirty thousand.

MR. CORWIN: Thank you.

MR. SOLOMON: Oh, so my math is weak, it's late. It would be $30,000, which I understand the Village is planning on the use to either acquire property or ultimately to build some parking structures in town. And as a resident, permanent resident now for a decade-and-a-half, I understand that.

As it relates to the building per se, and we did the walk-through, everybody walked around the building, my client is really undertaking really a nice project for the Village. Basically, this is
just an entire redo. But the nicer thing, even beyond the visual, which is important, I believe, to the neighbors, because the neighbors see it from the outside, and I bike around the outside, around the outside, is the fact that we're taking a, in my opinion, and I believe in the opinion of the community, a medical arts building that needs work, it needs to be ADA compliant. There's nothing more frustrating in today's era to try to take somebody to the doctor, whether it's a broken leg, or pulled muscles, somebody in wheelchair, and you can't get to the elevator on the second floor and you can't get up.

So my client's intentions here, effectively in the most salient part, is to make the building ADA compliant. And what will that require, which is shown on the interior alteration plans? A handicapped elevator, handicapped toilets, wider corridors for handicapped accessibility, wider doorways to allow handicapped access, and reconfiguration of the suites to permit wheelchairs to maneuver through medical suites.

Also, aesthetically improving the building would be the removal of all of the ramps in the front of the building, which, you know, quite
apparently are not that attractive from street view, and they will all be resolved by moving them into the back of the property.

Also, there's going to be new roofing, new windows, new doors, new siding. The building's going to be energy efficient. And from a beautification point of view, it's really going to be nice.

And as far as the size of the building, which is interesting, we're actually reducing the size of the building by the elimination of a bump-out on the easterly side of the building. By removing the bump-out will permit the installation of a 10-foot driveway to the rear of the building. It's sufficient space to put up a fence and some screening for the next door neighbor to the east. The driveway -- the driveway will provide for adequate drainage for water flow of any rainwater, everything will stay on the site.

The driveway will then be, effectively be -- I'll call it a "U" driveway. You'd be able to come in one side, go out the other side, so the flow of traffic will be easy. There'll be several handicapped spots adjacent to the building in the back.
To protect the neighbors, the plans provide for fencing, and the plans provide for arborvitaes or some sort of tree that will be sound buffering. I will tell you very openly, at the meeting that we held with neighbors, one of their issues was sound in the back, and it was actually a suggestion by one of the neighbors about what he referred to as a soundproof fence, and there was also discussion about can we erect a wall. You should only know that my client, he said, "You want a wall, I'll give you a wall." But, you know, I don't think walls are the answer. I don't think we need walls in Greenport. There's enough craziness about walls in the United States. So I don't think anybody really wants to hear a wall.

We actually thought by putting up a wall, sound may even become worse from the bounce-off of that hard structure, even if you buffered it with a tree. But my client is amenable. If somebody theoretically had, quote, a soundproof fence, we would try to accommodate them by putting in a better fence. Personally, I believe a regular stockade fence, with whatever appropriate plantings that the Board wants, they're on our plan, is something my client would be more than happy to
live with.

We had the issue also about trees. And I think when we did our walk-around, there was issues about trees. I mean, technically, the trees probably don't even fit into this application, other than my client's going to need to correct the sidewalk, because the sidewalk technically is a Village sidewalk. The trees probably are Village trees. But my clients position is if the neighbors want a tree to remain, he'll work around trying to have a tree remain. If the neighbors wanted a tree removed, they would accommodate the removal of a tree.

On other issues, as we were trying to accommodate the neighbors, we were getting questions about, well, what if the hospital wants to put, you know, a Methadone office, hypothetically, in the building? And I looked at my client, well, we don't want to -- we're not looking for a Methadone clinic in the building. And if there was an effective way, quite honestly, to even covenant that we're not going to put a Methadone in the building, we'd covenant. We're not looking to -- we want this to be a first class five-doctor medical arts building. That's what we
want to be, with the hospital being a primary user. We have a rep from the hospital, I believe, is going to give you his opinion about this project after I'm done.

If we run through your five factors in an area variance, you know, number one, whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by granting an area variance, I mean, effectively we're improving what is there. Existing building, existing uses, no change in the size of the building, as a matter of fact, a reduction in the size of the building. So we firmly believe that would not be a change to the character of the neighborhood, nor be a detriment to the neighborhood.

Question two, whether the benefit sought by the applicant be achieved by some method feasible for the applicant to pursue other than an area variance, the alterations or renovations are for handicapped accessibility. The roofing, siding and window replacement upgrades of the building comply with current New York State building codes and cannot be achieved in any other manner. So there we don't believe there's any issue with Item No. 2.
Item 3, whether the requested area variance is substantial, the request is not substantial, since it is not a change of size or use, but a -- but just a renovation and alteration of an existing building to bring it in conformity with current codes, and especially the American Disabilities Act.

No. 4, whether the requested variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, the existing use will not be changed, enlarged, or intensified, but merely brought into compliance with existing conditions or requirements.

The facility will not alter the character of the neighborhood, since it has been this way at least we know since 1969, and has been a part of the neighborhood since 1969.

As far as the last item, whether the alleged difficulty was self-created, the owners purchased the building as an existing medical office apartment building. And, by the way, by virtue of a renovation of a medical building, even these questions raised about potential lack of a conforming use, as long as you're in the middle of
doing renovations, that one-year statute or rule
that's being relied on doesn't apply, because
you're in the middle of making improvements, and
we're making improvements right now under an open
building permit that's been issued by the Building
Department for the apartment.

So we're wishing to improve the appearance
and the use -- and the use to maintain the
facility, and it should not create any hardships,
as I indicated in the hour-and-a-half before. This
use has been approved since, back since 1969.

I know some of the neighbors have some
concerns about the intensity of use, but the effect
is when we talk about up to five medical doctors,
and this is what I was trying to explain to the
neighbors when I met with them, the current plan is
for the hospital to take the lower part. We have
two doctors returning upstairs, and technically
we'd have spots for two more doctors. But I was
trying to have the neighborhood understand that the
mere fact that I get an approval with a -- and
theoretically for the use of a building, not the
use, the area variance for the building, well, the
hospital is the tenant now. I mean, I can't
guarantee you that the hospital is going to be the

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tenant 30 years from now. So it's the building that's going to get the approval. The tenants, you know, potentially come and go. We could have a psychiatrist, a psychologist and a social worker, and then we could end up with some some -- three other kinds of doctors. And all of these doctors run different types of operations, we all know. If you go see a psychiatrist, you're not sitting there with nurses, and technicians, and EKG machines, or whatever they may do. If you see a psychologist or a clinical social worker, it's basically going to be a relatively small, quiet operation.

I mean, anybody coming in, the suites provided are not that large where they're going to be able to come in with these big substantial staff, but I can't guarantee that. All I can tell you is whatever the use was, if there's an evolution of use, well, we have the building, this has been the approval, and subject to whatever enforcement, if something -- hey, let's assume we -- you approve us, but it's a medical art building not to exceed five doctors. Okay. So we had 10 doctors. Well, guess what, the Code Enforcement will be down. It would be Code Enforce Department now. I see them all the time with the
chalk, so, you know, they'll be down to look at.

CHAIRMAN SALADINO: It isn't this building.

MR. SOLOMON: But my point is, if this building theoretically doesn't get an approval, I mean, on a certain level, and we all understand, all my client would have to really do is go paint, go change some sheetrock inside, have no applications here, and put five doctors in. I mean, it makes no logic, but that's the way the building is permitted right now.

So I will -- and I -- just so -- I passed up to all the Board members, and at the walk-through I handed it to Mr. Prokop, you have the -- you have the schematic of what the building is going to look like. I think when we -- when we did the walk-through, really visually understanding these stairs are coming down, these ugly components of the building that are there are coming down. That when it's all said and done, if you take a look at this, the potential schematic of the back, where, you know, gardening around where the walkways are, my client's intention is to make this property as attractive as they can. The last thing they really want to do is to offend the neighbors. And I just would ask that the Board see it's way to grant
the -- to grant the variance so these improvements can be made. Thank you.

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

MS. DERR: Thank you for listening, and thank you for explaining all of that.

CHAIRMAN SALADINO: Could we get your name and record for the --

MR. CORWIN: Please state your name.

MS. DERR: Sorry. Sonja Reinholt Derr

MR. CORWIN: Could you spell that for the record?


Obviously, you guys have figured out the use issue, or you're going to. That seems to be a nonissue. I do think that some of the letters that you will hear from are in response to that, kind of saying this should not be a commercial property. So I think you're going to have to read those with that in mind, because some of us really felt that that was, you know, one of the issues we were coming here to discuss. So I think you have to -- I think you have to keep that in mind.

In hearing everything, and, you know,
listening to, you know, your thoughts, I don't think anyone has any question that if you make the building better, you know, no one in the neighborhood's going to have a problem with that. If it looks better, and I don't think it's a blight, but, you know, it's -- that's all great. And it's -- it is a medical building, so we would assume that some sort of medical offices would be in there.

I think neighbors are just a little bit concerned, because it has really had -- it's been very low intensity, this building, incredibly low intensity. I hardly know that building's there. I never see people going in and out. Maybe that's the previous owner's fault, maybe they didn't have a lot of occupants in there.

But I will say that, you know, we have a lot of traffic on our road already because of the hospital. It's weird to have a hospital on a residential street. Not only do we have traffic, but, you know, we have a rehab center there. I have people coming to my back door trespassing like every month. You know, we have a lot of stuff going on on this residential street, and, hey, I bought a house there, I knew it was happening. I'm

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not going to say that I didn't know that I was buying a house near a hospital. But I do think that this specific building has not really been a problem for anyone in the neighborhood for as long as they can remember, and it really hasn't been an intense building.

And I don't know the laws and anything, I'm not going to pretend I do. So making it a better building and a nicer building is great. But I see the plans and I see a full-fledged medical office building that, you know, I feel should be in a different place. But it's not my -- it's not my ability to say what the use is, you know. I don't think it's the right place. I don't think the hospital really should be there. It's just all like a weird residential neighborhood.

But I do think that if the traffic increases a lot more than it already is, it's -- it is going to change the quality of life on that street. And there are a lot of children in the neighborhood now, which is what we wanted. We wanted to have children in the neighborhood so they go to our local schools, and that's happening now.

So, you know, I'm just -- literally, I believe in growth, I believe in improving.
buildings. I'm not saying that like I don't want
you guys in the neighborhood. I support, you know,
having a medical building that -- I'm just
concerned about the use. I'm concerned that, you
know, without any sort of restrictions on the types
of medical use for those offices, which is like --
you know, there is a very big difference between a
fully fledged, you know, GP and a therapist. And
you have five therapists in there, you got nobody.
But you have five fully fledged GPs working in
there, you've got maybe 600 cars a week coming
through in and out of there, and for the neighbors
coming in and out of a parking lot behind, you
know, where they have their back deck.

I mean, I just -- I just think there's got to
be something that is in between, you know. I don't
know. I don't know how you figure out these
situations. You guys have a really tough job.
I've never been to one of these meetings, and this
is really, really hard.

(Laughter)

MS. DERR: So all I can say is I wish there
was a happy medium in there where the use was not
as intense. And I don't know how you go about
structuring that, but, you know, that's my few
CHAIRMAN SALADINO: Did you -- I'm sorry. Did you give your address to the stenographer?

MS. DERR: I'm at 301 Manor Place.

CHAIRMAN SALADINO: Thank you.

MS. DERR: Yeah. And the letter, I'm just going to have them -- did you want to read it from our other neighbors? I have a letter from another neighbor that I can read, if you would like to read it.

CHAIRMAN SALADINO: Okay.

MS. DERR: Okay. This is from Royal and Ali Tuthill, and they are -- where are they? They're on Monsell and Sterling.

"Our community has raised multiple valid concerns about the proposal; noise, traffic, environmental impact, types of medical uses. The core problem causing all of these is the increased volume of people coming to visit five physician practices. I think it is critical that we unite on this one topic, not allowing the building to be licensed for use as a professional medical office.

I would be 100% fine with the hospital renting space for non-medical staff, marketing, finance, administrative and executive functions, where employees come and park and remain in the

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building for the majority of the day. But a professional medical office is a commercial use. The customers are patients and they travel to and from to receive services. Allowing the designation as a professional medical office would dramatically increase the volume of cars coming in and out of the neighborhood.

In today's medical industry, physicians' margins are lower than ever, and doctors are forced to make up their incomes by seeing more customers each day. The average physician spends 15 minutes with each patient. The average primary care physician sees 25 patients per day. 222 Manor Place is proposing five separate medical practices. Twenty five patients times five days, five physicians equals 625 patients' cars per week.

222 Manor Place is only proposing 16 parking spots. That can't even meet the 23 parking space requirement set by the Town. Not only can they not contain the parked cars which will flow out onto our streets and in front of our houses, but the sheer volume of cars driving through is dangerous, especially for young families where kids ride bikes, walk to school, or get picked up/dropped off by school buses.
We have three children, ages 6, 4 and 2 in the Greenport School District that use these streets, and there are a number of other young families that do as well, and more moving into Greenport every year.

I sincerely fear for the safety of our children if this appeals is approved.

If you don't have kids, I can assure you, this will have an impact on all of our home valuations, as young families looking to move in will be discouraged from the neighborhood, given the cars, the noise, the parking, etcetera, if there are 625 cars driving through every week.

Thank you for all of your support. Royal, Ali, Henley, Brooks and Wyatt Tuthill." Thank you.

CHAIRMAN SALADINO: Is there anyone else that would like to address the Board?

MR. HOLMES: My name is Tony Holmes. My wife, Karen Franck, and I own a building on 216 Manor Place, which is adjacent to the property. You have a letter from my wife, so I'm only going to read part of it, which is -- relates to building use.

The argument was made at the September 8 meeting that the renovation is not a change in the

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use of the building. There is widespread concern among the neighbors that this point overlooks what will be, in fact, a significant change in use. It is an increase in the intensity of use. It is true, and indicated on the latest floor plans, that four doctors are anticipated. However, there are five additional office type spaces that would house staff. Two are marked "office", one is marked "Linda", one is marked "reception/nurse", and one is marked "reception". It is also possible that the conference room will bring in additional people from the hospital or elsewhere. These rooms, as named on the plan, along with a significant number of patients, as indicated by eight exam rooms, definite -- demonstrates that any reference to four doctors does not accurately capture how many occupants of the building there will be. And that was a question when we had the meeting that nobody would ever answer. We never got an answer of during the day how many people would be in the building when it was in full use. So five doctors doesn't cover it. It looks like 15 or more people. Where's the parking for the patients?

And that's all I have to say.

MR. COLLINS: Hello. I'm sorry it's so late.
I do -- I warn you, my --

MR. CORWIN: Give your name, please.

MR. COLLINS: I'm sorry. My name is Michael Collins. I live at 232 Manor Place in Greenport. I share a home with my partner, John Quinlan. We have lived at this location for the past 25-plus years.

So, initially, I would like to speak to the previous use in this building for the past 25 years. It has been very low-key from the very beginning, the entire time we've lived there. I would say maximum, and this was recently, there were two doctors in there, one a primary care doctor, and the other, I believe she is a urologist.

The other doctors are not really -- I don't know that you could call them doctors, they are counselors. There were shingles on the outside for possibly three counselors providing services in the building. I don't -- I don't know if they were doctors, but at one point many years ago there was one psychiatrist in the building, as well as Dr. Walser, a pulmonologist. So this has never ever been a heavy use building.

And the parking at the time on -- the street
parking was adequate for that building. So just to start from there before I go into my points.

I would like to make one point about the permits that have already been issued, and this is just -- I'm not sure if I can ask a question, but permits have already been issued to begin the demolition on the project, and I really feel that this is unfair to the neighbors. I thought we were at the beginning of this approval process, but we're already in the demolition phase on this, so.

CHAIRMAN SALADINO: We can ask the Building Inspector what permits were issued.

MR. PALLAS: The only permit that I'm aware of is just the one, correct?

MS. WINGATE: (Nodded yes.)

MR. PALLAS: The one permit was for the apartment to do demolition work, interior, with no structural changes.

MR. COLLINS: Okay.

CHAIRMAN SALADINO: Thank you.

MR. COLLINS: Anyway, I just feel that that was really -- if this is all an approval process for this project to go ahead and approve permits for demolition, as far as I know, the upstairs and the downstairs have experienced demolition.
Again, I won't belabor this, but I had on my list, too, about the question earlier about the -- the legality of this property. That was on my list, but I won't go there again.

My concern or our concern is the increased density and intensity of use and overdevelopment for this very small property. It's located on three residential lots and in the -- a residential neighborhood. The increase in usage from eight -- with eight exam rooms -- I'm sorry, the lighting is bad here. Increase in usage with eight exam rooms, four doctors offices, three offices, two reception area and nurse areas, a large break room, a large conference room, this is really -- this is really intensifying the use of the building.

Previously, there were two doctors in private practice and approximately three counselors, very different from what is proposed. This is major increase in the use of this building. There appears to be no occupancy limit on the building. The owner occupancy may change over time, according to the owner's development team.

The parking shift to the rear of the building and the increase in parking spaces will impact five neighbors with properties adjoining the back.
parking area. This will -- noise levels created by
the traffic and congestion in and out. There's no
way to adequately -- to provide adequate parking on
this small property with this intense use. This
creates an additional burden for parking on the
street and the neighborhood. Currently, there are
no major -- currently, there is a major issue with
parking on Manor Place as it is with the hospital.

There are proposed changes to the driveways
with the new entrance and exit. Our home is
located eight inches from the property line. It's
a very difficult situation, but it's one of those
really Greenport things you can't -- you can't get
past. I can't do anything about it. My house is
eight inches from my property line.

MR. PROKOP: Can I ask you a question?
MR. COLLINS: Yes.
MR. PROKOP: And just for the Board's
edification, the rendering that we have, where
would your house be?
MR. COLLINS: I'm on the west side.
MR. PROKOP: So where --
MS. NEFF: In that driveway.
MR. PROKOP: Where these trees and mounds are
indicated?
MR. COLLINS: Yes, yes.

MR. PROKOP: Where those trees are.

MS. NEFF: This is it. In other words --

MR. PROKOP: Okay, so that's where it is.

MS. NEFF: It's right here.

MR. PROKOP: Thank you.

MR. COLLINS: Okay. The increased traffic from the exit driveway along our property will have a very negative impact on our quality of life and the property value. We will have people, cars, vans, trucks, ambulances driving within two feet of our living room. This area is zoned residential, I would like for you to keep that in mind.

This concern with accessibility for ambulance, the Peconic Landing vans, the Suffolk County vans, ambulettes, snow plows, dumpsters picking up -- the dumpsters pickup, having access to the back with such small driveways in close proximity to buildings and homes.

This plan will greatly increase the traffic on Manor Place, which is the main access for the hospital, as well as the ambulance corridor for the emergency room.

There's also an issue with the density of the apartment on the second floor. It's an 890 square
feet apartment on the second floor. The layout was originally --

MS. NEFF: Excuse me. Did you say 809 or 890 square feet?

MR. COLLINS: Eight hundred and ninety --

MS. NEFF: Thank you.

MR. COLLINS: -- I believe, if I have that correct from the plans. The layout was originally a two bedroom, living room, dining room, kitchen. It appears that in the new plan it's now a three bedroom, living room, kitchen. Is there an occupancy limit on this apartment? At one point, with the previous owner, there were four adults and two children living in that apartment.

Also, with this ADA upgrade, which I think is wonderful, I don't know that it has to be full scale throughout the whole building to be effective, but will the ADA upgrades affect the apartment as well? I would think as a Village you would want the apartment upgraded as well. There's no notation on the plans about the ADA upgrade for an apartment.

And, again, the apartment occupancy has a direct impact on the parking. There will be tenants. The tenants will be parking on the street.
or taking up patient parking in the back. You can
say you have two spaces for the apartment, that
doesn't mean it's going to function that way.

The removal, I think it was mentioned about
the street trees. I won't go there in detail, but
I would -- there is -- there must be a way to save
very mature beautiful trees on the street. I think
removing, it will just change the streetscape on
the street.

I have -- on a more personal level, I have
concerns about basement flooding with the
additional asphalt. What happens if the stormwater
design plan is not adequate? I do not have a
basement that floods, even in Sandy. Perhaps
environmental friendly material could be used
instead of asphalt.

We are also concerned about the foundation of
our home with a new driveway construction, since
our home is, you know, right on the property line.

I would also ask -- request International
Dark Sky Association low light lighting for the
property. It is noted on the plans that the
lighting will be fully shielded, pointing downward,
but there's no notation of the light intensity or
of the confirmation of following the Dark Sky
There will also be directional signs needed. I don't see those on the plans. Again, this -- these signs, the signage on the property will impact the neighbors.

Also, I don't see -- I have questions about the AC and heating units. There's no notation on the plans regarding the location. We are requesting that all AC and heating equipment be located away from the east and west sides of the property, away from our homes, because the noise level will impact our quality of life.

So this proposed plan affects the quality of life and the character of the neighborhood and degrades property values. I understand the new owner's need to maximize their investment, but they have to be aware of the -- but they had to be aware of the zoning when they purchased this property.

I also understand that the Village would like to protect and maintain a viable beautiful property. I certainly understand that, and I will be living next to this property. We are requesting the project be deeply scaled back in order to coexist with the residential zoning. The most important factor here is for the Village to
maintain the integrity and power of its zoning laws. This is zoned residential.
The neighbors on Manor Place deserve and need your support and protection as well. Thank you.
CHAIRMAN SALADINO: Thank you.
MR. CORWIN: Excuse me, Mr. Chairman. Will you please ask the Building Inspector and the Village Administrator, if they're going to chat, to take it outside? I find it annoying.
CHAIRMAN SALADINO: Do I have to repeat that?
MS. WINGATE: I didn't hear it.
MS. NEFF: Could I just mention the last two, I can't remember your name, but, Michael, you could give the letters to --
MR. COLLINS: The letters, too?
MS. NEFF: Yes.
MR. COLLINS: Okay.
MS. NEFF: And we have copies of some of the things read, but --
CHAIRMAN SALADINO: What letters were --
MR. PROKOP: The stenographer needs to get a copy. Everybody's letter needs to go to the stenographer.
CHAIRMAN SALADINO: I have them set aside for her.
MR. PROKOP: Okay.

CHAIRMAN SALADINO: Mr. Quinlan.

MR. QUINLAN: Okay. Good evening.

CHAIRMAN SALADINO: Give the address for the stenographer.

MR. QUINLAN: Yes. So John Quinlan, 232 Manor Place. I have lived there next to the building for 30 years. It is, of course, an area of single family residences.

I think it's very interesting as we try to pin down the origin of the building and how it came to be a medical facility. We have a friend who grew up in the next door building. We live at 232, she grew up in the next building. At one point, there was a Dr. Hansen, who said, "You need to get out of here, this is my building now." He took that building --

MS. NEFF: My what?

MR. QUINLAN: Pardon me?

MS. NEFF: I didn't hear what you said about what the doctor said.

MR. QUINLAN: The doctor said to Linda, "Your family has to leave." I don't know if they were renting. I suppose they were renting. He wanted that building for himself, plus he wanted the
adjacent building a little past the lawn. So that's her recollection. She is 50 years old, maybe. So if that is one more piece, that's the piece I have.

MR. CORWIN: Do you have an approximate idea when that was?

MR. QUINLAN: When?

MR. CORWIN: The date, the year?

MR. QUINLAN: No. I could talk to her further about it, though, because she said her grandmother lived in our house, which is 232. So there was a family there, and then Dr. Hansen wanted it, so, you know how the family spreads and contracts, goes back.

Let's see. Oh, I remember hearing that when Mrs. Hansen tried to sell the building, it was difficult, because what is it, is it a medical facility, is it a home? It was neither fish nor fowl. Eventually, she did sell it and it was a medical use implied.

The most recent owners have held it since the '90s until this year. A variance was granted allowing the creation of a two to three bedroom apartment in the former offices of Charles Zeilenfeld (phonetic).
Back -- let's see. To gain this privilege, they had to add two parking spaces; we know they did that. That was the beginning of the wreck of the garden that was in the back, where Glynis, your person, Glynis Berry, called it a beautiful, lovely garden and it would be a shame for the community to lose it. Well, that was the first blow, the two spaces.

It was suggested, too, that the garden is -- the rest of the garden is waiting blacktop death, also. It's their property, they can do that for parking. It seems like a very bad reason.

The place had been -- there were, as Michael said, sometimes four adults, two kids, four kids, five kids. There were always wonderful families up there in that apartment, so this is not a complaint about the quality of the people living in these accessory apartments by far, wonderful people.

Let's see. There's a story that I think you should read in your Planning work session minutes from August 17th -- no, July 27th, and it's about the provision and how we are hustling to sell space to people that don't have enough space for cars. I think you'll find it informative. I'm very disappointed in the people that are having the
conversations. It clearly is a time they don't want to repeat of a mistake that was made regarding the hotel. That's all I'll say. If you're interested, that you should look that up.

I -- last October we got a notice that our mortgage was finally paid off.

CHAIRMAN SALADINO: Mazel tov.

MR. QUINLAN: Amen. You know, and you have home improvement, you have this, this, this. Finally, the house is looking good, we're feeling great, and then this happens. This has greatly affected us, so much to the point that we'd consider leaving. So I hope -- I hope you take everything into consideration. I mean, there are kids in the neighborhood, which there haven't been for a while. There's a lot.

And I give these people credit for taking on this project. The lady is up there taking out stuff herself, carrying it down to the dumpster. She's not a prima donna giving commands, she's in there working, but the project is misguided. If it can be scaled back, or made reasonable, or made on a human scale, which maybe that doesn't happen anymore. This is the healthcare system we're talking about, folks. We may not have one in a
year or two. So, please, don't forever alter. You put pavement down, you don't ever grow in it again. Once it's down, it's down.

So thank you for listening. You have a letter from Jesse that needs to be read.

CHAIRMAN SALADINO: Jesse Browner? I do.

Just one question, I heard, in addition to you, a couple of other people say scale the project back. Not -- just could you explain your idea of scaling back the project?

MR. QUINLAN: Well, you know, we don't know what the real numbers are, but when you really study the scaled drawings on the plans, you see that this tiny thing is a changing room or an exam room, and yet that's multiplied, and you have so many rooms, you think, oh, there has to be 15 or -- 12 or 15 people there at any one time. Are they filled every moment? Are they really rooms? Are they just the architect's idea of filling in space, because you don't really know.

I don't know if you can limit it, if you could say we can only fit the first floor doctors that apply, you can take people from a certain practice, the hospital will say you can have our staff that is clerical, or payroll, or something
like that. I mean, there are ways that it can be way more human. So that's what I thought. Maybe others have different ideas.

But, I mean, I have nothing against the people that are doing it. I don't want to lose this part of my life.

CHAIRMAN SALADINO: Thank you.

MR. COLLINS: If I could just --

CHAIRMAN SALADINO: Could you just let somebody else speak first?

MR. COLLINS: I was just going to quickly comment about, you know, when you have eight exam rooms in a building, those doctors are going to be -- they're going to be required. If they're Stony Brook or if they're in -- if they're in a group practice -- there's no more private physicians anymore in private practice, they're all in a group practice. You are going to crank those patients through, because you have to financially. If you -- it's like they were -- the person -- Sonja said earlier, you're going to have all this huge number of people cranking through the building. It's just -- it's just inevitable.

MR. PROKOP: Can I just -- did he hand this out to everybody, Mr. Quinlan? The last speaker,
did he pass this out?

MS. NEFF: No, no.

MR. PROKOP: Where did this come from?

MR. QUINLAN: Is that our survey?

MS. NEFF: Survey, your survey.

MR. QUINLAN: Yeah. You wanted to see where we were located.

MR. PROKOP: Okay. Thank you.

MS. NEFF: You could pass that down for the rest of us.

MR. PROKOP: So we could put this in the record, then. Thank you.

CHAIRMAN SALADINO: Name and address for the stenographer.


So not to repeat everything that's already been said, but I think all of our concerns is more about the intensity of the use of the new property. I've been living there 17 years. When I first came here, I thought the building was abandoned, honestly. I mean, you hardly ever saw anybody come in or out of the building. And, certainly, I don't object to the building being improved, and it will look a lot better with the

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new plan than it does now, but, again, how many
people are going to be coming in and out of that
building?

It's definitely a change of use of the
building, because, obviously, they can't use the
building for the purpose they want to do now if it
was left the same. I mean, if you leave the
building the way it is, you're not going to get
five doctors in there, there's just no -- not
enough space or -- you know, just doctors,
operations are so much different today. You know,
every doctor has like seven or eight people, you
know, billing people, nurses. So the way the
building is today, it could never be used for five
doctors. Maybe one doctor. So it definitely is a
change in the use of the building.

And I guess that's what we're all asking
today, is that you keep that in mind when you
consider how this building is going to be used.
That's all I have to say.

MR. CORWIN: Mr. Harte, the recording
secretary didn't get your address.

MR. HARTE: I'm sorry?

MS. BRAATEN: Your address.

MR. HARTE: My address? I'm sorry.
Sterling Place. Thank you.

CHAIRMAN SALADINO: Thank you.

AUDIENCE MEMBER: Will you address his letter?

CHAIRMAN SALADINO: I will. I'm going to read -- I'm sorry.

MS. GORDON: You're going to put it in the record.

CHAIRMAN SALADINO: I'm going to -- I have some -- I have some letters for the record. I also have the Planner's statement that I'm going to ask be included in the record. The attorney made the request that the Planning minutes be included in the record. The other two letters were read by either the person that wrote them or their representative.

I have a letter here from Jessie Browner and Judith Clain?

AUDIENCE MEMBER: Yes.

CHAIRMAN SALADINO: Judith Clain, and it's dated September 17th, 2017.

"Attention Greenport Zoning Board of Appeals:
For the application for variances at 222 Manor Place," with the tax map number.

"To the Greenport ZBA: Our property at 225
Monsell Place shares an 80-foot boundary with 222 Manor Place, and, therefore, any variance granted to the applicant will affect us directly, and potentially have a severe impact on our quality of life and the value of my property.

We have several serious concerns that I wish to bring to the ZBA's attention. First, the property at 222 Manor Place should never have been approved for commercial use in the first place, given that the neighborhood and every surrounding property is exclusively residential. While the low intensity commercial activity there has not had much effect on the neighbors to date, the requested variance would completely change the nature of its use and create a busy traffic-intensive commercial hub in the heart of a quiet, family-friendly residential neighborhood. We believe that it would have a strong negative impact on the quality of our lives that would betray the spirit and intent of the current residential zoning.

Secondly, the math used to justify the requested increase in parking spaces is faulty and spacious."

MS. GORDON: Specious.

CHAIRMAN SALADINO: Specious. I have to
admit, I don't know what that means. "Given the
number of staff anticipated to be working in the
building, the 13 requested spaces. Fifteen minus
two handicapped spaces would be insufficient, even
if it were reserved for staff alone. It is clear,
if there are to be enough spaces for patients, the
staff will have to park in the hospital parking lot
directly across the street, just as every other
person working at the hospital is required to do.
The parking should be reserved for patients alone,
in which case 15 is excessive, given that only four
doctors will be in the building. A more
appropriate number would be the current eight.

The ZBA should invoke Article 150-16(G) of
the Village Code and require the applicant to make
cash payment in lieu of any parking requirements,
which would spare the five neighbors whose property
abut the rear and sides of 222 Manor Place from
effectively having active busy parking lot in their
backyards.

Thirdly, the applicant insists that the
building will be in use only from 9 a.m. to 5 p.m.,
Monday through Friday, and that, therefore, the
neighbors will not be affected during their leisure
hours by the noise and pollution produced by the

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intensive activity next door. However, the applicant has no way of enforcing these hours. It is very likely, essentially inevitable, in fact, that doctors will be seeing patients after hours, on the weekends, and that the neighbors will no longer be able to enjoy the peace and quiet in their own homes at any time of the day or day of the week.

We urge you to take these concerns and those of our neighbors very serious when consider these" -- "when considering these variances. We should not be compelled to endure intense commercial activity in an R-1 Family Resident District. If we are, Greenport Zoning Code will be effectively meaningless, unenforced and unenforceable, and none of the residents can hope to be protected from intrusive nonconforming activities.

Sincerely, Jesse Browner and Julie Clain."

This was received September 18th.

Is there anyone else that would like to speak?

MR. EBLE: Good evening. I'm Ray Eble. I'm Vice President of Eastern Long Island Hospital, located at 201 Manor Place.
I'm here today to speak in support of the project, because we all know in this volatile healthcare business that there's a need for expansion, and we have that need at Eastern Long Island Hospital as well, although I respectfully understand all the concerns that the neighbors have, and was unaware that there was such opposition to this project.

We were approached by the applicants to expand into the space with fulfilling some of our needs at the hospital. We are in negotiations now to do that, should this project be approved by the Village to move forward.

And to answer some of the questions that were raised here related to parking, we have addressed some of them based on the small amount of parking that is approved in this project. As far as our employees are concerned, you know, our instruction would be for them to utilize our employee parking lot on the corner of Atlantic and Manor, as well as available spots in our employee lot in front of the hospital.

There is a plan at this time that the doctors that would be in there would be for us on the first floor. We're only occupying the first floor.
Second floor is unknown to me what the plan is up there. But the first floor, we would have --
our plan is to have two doctors on the right or the east side of the building, and then some office space on the left side. And those office employees would, again, be our existing employees that would occupy the building and utilize the parking in our parking lots across the street and on the corner. Currently, the plan for us to move forward would be within three to six months of completion and approval of any build-out, and, you know, we are waiting for that to happen at this point, and are in the phase where any -- the lease agreement is being discussed with our attorneys. But we have not -- we have not signed a lease as of yet, right? Right. So --

MS. NEFF: May I ask one question?
MR. EBLE: Yes.
MS. NEFF: Is the term of the lease under negotiation?
MR. EBLE: The term itself is part of that negotiation, yeah.
MS. NEFF: Can you give us a general idea of what that might be or not?
MR. EBLE: Yeah. Initial five years and five
year extension.

CHAIRMAN SALADINO: And if, also, without divulging any contract specific, you said two doctors from the hospital?

MR. EBLE: Well, affiliated with the hospital.

CHAIRMAN SALADINO: Affiliated with the hospital?

MR. EBLE: Now, of course, keep in mind, I believe it was Mr. Collins mentioned with Stony Brook, we would bring -- our plan is to bring in specialty doctors into the area, obviously, for the benefit of our, you know, patients in the area.

CHAIRMAN SALADINO: And the remainder of the space would be clerical office space?

MR. EBLE: Yeah. Well, that, you know, one side, in the way if you've seen -- and it sounds like people have seen the drawings that have been, I guess, submitted to the Board. It's our thought for the first floor, I can speak specifically for the first floor, on the eastern side of the building would be where the doctors are, and I think there's only four exam rooms over there, and then some common space in the middle with a break room, and a conference room, and doctor's office.
And then on the western side, near Mr. Collins' side of the property, is where we would have office, office personnel.

MS. NEFF: May I ask another question?

MR. EBLE: Uh-huh.

MS. NEFF: Does the hospital also have rental space in that medical building that's further up by -- I guess it's Atlantic?

MR. EBLE: Yeah, 300 Atlantic Avenue.

MS. NEFF: And is that plan to continue?

MR. EBLE: That would continue until the time which we would occupy the space, we would transition into this building.

MS. NEFF: Okay.

MS. GORDON: When you say two doctors, do you mean just those individuals, or also ancillary personnel, PA's or nurse practitioners?

MR. EBLE: I would imagine there would -- there would be some ancillary personnel, yes, certainly an office manager or a receptionist, an RN for the patient care. Whether or not they would require to have a PA with them as well, I don't know the answer to that, but there's always support, you know, staff with -- you know, with the doctors. Okay?
CHAIRMAN SALADINO: Thank you.

MR. EBLE: Thank you.

CHAIRMAN SALADINO: Could we just -- if we're going to have any other comments, maybe just do it from up here, only because -- only because the stenographer needs to attribute the comments to the person. Anybody else?

MR. SOLOMON: I'll just --

MR. HARTE: I mean, as far as how the --

CHAIRMAN SALADINO: Once again.

MR. HARTE: Gary Harte. We understand how the hospital would utilize the space, but they don't have a lease yet, and they may not be the tenant, or they may not be the tenant in five years from now. So we're really concerned how they -- once you configure the building, then it's kind of set as to the use. I mean, somebody else could come in and have a whole different plan. And if we have another tenant, they would not be able to use the hospital's parking. So in five years, if they do have a lease and occupy it for five years, five years from now it could be someone else, and we're back to having all these people parking on the street. That's all.

CHAIRMAN SALADINO: I'm sorry.
MR. SOLOMON: I just want to make -- two minutes.

The significance to me of the neighborhood commentary, and I appreciate it, and on a certain level, I think we all appreciate it. But this medical art building we all know has been here since 1969. From all the speakers that stepped up, they're all honest, they all bought after 1969. So everybody who bought here, it wasn't like -- we're not introducing a new ingredient to the block, this ingredient has been there. And when people bought on the block, they knew there was a hospital, they knew there was a medical art building, and, unfortunately, that's the reality of life.

The other -- the other part of this situation, as a Greenport resident, we need some doctors offices in a modern facility in our community, we don't have them. The doctors are picking up and leaving because we don't have the accommodation for them. So, as I said, we're not introducing a new medical art building, it's been a medical art building. All we want to do is fix it up.

And the last comment, which was a fair comment, is exactly what I said to the Board when I
opened my presentation. I can't guarantee you who
the tenant will be in five years or 10 years, or
what the medical practice will be now or then. Or,
who know, maybe one day we'll just take a pill and
not go to doctors. I don't know where we're
destined to end up.

My client's going to own a building. My
client has responsibility for the building. My
client has responsibility to the neighbors. He's
going to have to judge who he's putting in. I'm
sure if we can put social workers and psychologists
and networks, but I don't think the intention here
is to go ahead and sign five leases with five
general practitioners. But you can't legally tie
up a tenant -- I mean, excuse me, a landlord and
say, "Okay, I'm going to give you a building, but
you can only do one cardiologist, or one
nephrologist, or one urologist, you just can't do
it. So what we've talked about, this has been for
five doctors, and that's where it's going, I mean,
that's what we're basically asking for.

So -- and I do appreciate their feelings, and
I'm not saying that just to, you know, succumb to
their comments, I really believe, I understand it.
But we bought a building, it was a medical art
building, it's going to continue as a medical arts
building. Its beauty to the community is going to
be great, its service to the community is going to
be great. The hospital, having the ability, the
initial attempt to go in to expand out and give us
more facility, with more doctors coming in, I think
it's just a wonderful thing.

But thanks, everybody, for tonight, it's been
a really long time.

CHAIRMAN SALADINO: Do you have a timeline of
the construction from --

MR. SOLOMON: Okay. This project --

CHAIRMAN SALADINO: Not from when we're
finished, not from when anything is approved, just
a timeline. Perhaps I should ask the architect, of
the construction.

MR. SOLOMON: We have out -- our architect is
here, he can answer that.

CHAIRMAN SALADINO: Of the --

MR. SOLOMON: Thank you.

CHAIRMAN SALADINO: Of the construction --

name and address.

MR. SOUTHARD: Good evening. Charles W.
Southard, Jr., Registered Architect, 435 Bay Home
Road, Southold, New York.
The approximate time of construction would be anywhere between three and six months. It's all according to when we hit it in the season. If it -- if we get permits in the middle of wintertime, it's obviously going to be longer.

The initial things that have to happen first is, the first thing that has to be done is the roofing has to be redone. And we currently have a permit for the roofing project and the siding project, but the roofing, the siding, the window changes, and the other outside work would have to be done prior to the winter, then the rest of it could be done, interior, during the wintertime.

CHAIRMAN SALADINO: Okay.

MR. SOUTHARD: Thank you.

CHAIRMAN SALADINO: Thank you. Chatty, you're still here? Name and address.

MS. ALLEN: I know, I'm falling asleep, John.

Chatty Allen, Third Street.

My initial reaction when I walked through the door tonight was this is a no-brainer, approve it, end of discussion. And I sat here and listened to the neighbors, and I understand about the fear of traffic. I deal with it on pretty much a daily basis. But I also have to look at it from a
medical standpoint. I am someone who has major health issues, and more keep popping up. I'm on a fixed income with a car that's not reliable, and to have to try and get usually up near the Stony Brook area to see specialists, it would be nice to have someone that I could walk to, and if they're going to maybe bring in specialists, because right now I'm seeing about every one under the sun.

As someone who's a Sterling baby that was born in this hospital, which is in a residential area -- I mean, that was brought up a lot tonight, you can't have this medical building because it's a residential area. Well, the hospital is right there, too. And as far back as I can remember, I went to this building. That's where my pediatrician was, all the way up into the '70s, when he moved his practice to Southold. And I was in this building as recently as four years ago with another health scare.

So I appreciate having something locally, and I'm sure a lot of other people that live here, instead of having to constantly travel west, to have a doctor there that's affiliated with the hospital across the street, so when they see something, they could say, "Okay, we're going to
send you across the street," not traveling all the way to Stony Brook for them to say, "Okay, now you have to come back or go to this facility," and you keep traveling west.

So, from a medical -- person with medical issues, I'm one that's in support of a new medical facility that I think can benefit this community. I understand the traffic concerns, but after listening to the representative from the hospital, I've heard two doctors and office space. So --

CHAIRMAN SALADINO: First floor.

MS. ALLEN: First floor, yeah. That's what I said, first floor. Okay. I don't know how large the upstairs is. I have not seen any plans, I've seen nothing, so I don't know how large the upstairs is. But right now, you're talking about two doctors. The office space, they're not going to be using the parking that's for the -- for the patients. Believe me, I know what the hospital is like. I know what that area can be like trying to find parking. It's like every other place that you go. I go to the hospital to have tests, I have to have blood work done, which I go on a regular basis, it's hit or miss. Some days I can pull in, get in there to get my tests done, some days I have to
circle and circle to find a place to go in. So that's anywhere.

And I agree with the Planning Board opting for the in lieu of parking spaces, because that will also benefit the Village. I think in the long run, this is going to be benefit the Village. Yes, there may be more traffic, but I don't think it's going to be any -- I don't feel it's going to be that drastic of an increase. And as someone who goes to plenty of medical places, plenty of doctor's offices, you don't have cars racing in and out, in and out, in and out, in and out. That's my two cents.

CHAIRMAN SALADINO: Thank you.

MR. COLLINS: I'm sorry, I will -- I will be brief, but I would just like to make a couple of comments.

Yes, I did know there was a medical facility next to my property when I bought it, but I knew my property was zoned for a single family residence. And I expect my Village to support me in that location. And, you know, yes, there are needs, medical needs. The hospital is very limited, it can't really expand.

You know, I'm -- you know, it's -- I -- we
can't alter the fact that this is zoned residential. Yes, there's a hospital there, and it's a great hospital, and I'm very thankful that it's there, but we can't change the fact that this really illegal medical building is in a residentially zoned neighborhood. So I really feel that, you know, that takes priority. Yes, it would -- it's a lovely building, but there are other -- there are other ways to go about this without this really excessive density of use.

Thank you.

MR. QUINLAN: It just struck me, when Michael was talking, that both of the facilities on Manor Place, the medical arts building near us and the hospital, started life as residences. They complied with the zoning, I guess, if they had it back then with the castle or the beautiful old building was there. So they were converted, they were not brought in as a new feature. They became a new feature and welcomed, especially in the hospital's case. But I just thought that was an interesting thing, they started as homes.

CHAIRMAN SALADINO: Just as a small clarification, I don't have a zoning map in front -- the hospital is Waterfront Commercial, in
a sense.

MS. WINGATE: Yes, it is,

CHAIRMAN SALADINO: So the hospital is in a
different zone, the hospital is in Waterfront
Commercial.

MR. QUINLAN: Yes, okay.

CHAIRMAN SALADINO: So it abuts --

MS. NEFF: But at the beginning it was a
house.

CHAIRMAN SALADINO: It abuts -- it abuts a
residential district, but -- and as most of the
neighbors have heard, and the rest of the people,
the building is there. It's -- we went on -- we've
given the benefit of the doubt to everyone that was
listening, that had an opinion about this, to the
applicant that the building, since 1969, has
been -- I'm not sure if legal is the right word.
The building has had that use and it's been allowed
by the Village.

So, right now, what's in front of the Zoning
Board is an area variance for renovations. And I
just wanted to -- I don't know if I cleared up
anything, but I just wanted to say that.

Is -- does anyone else like to speak? If
not--
MS. NEFF: I have something to say.

CHAIRMAN SALADINO: I'm sorry?

MS. NEFF: I have something to say, if I may.

CHAIRMAN SALADINO: As part of the public hearing?

MS. NEFF: Yes.

CHAIRMAN SALADINO: Okay.

MS. NEFF: Okay. I've learned a lot from the members of the public who spoke, as also the people who described the project and the history that's woven into all of it, and I appreciate the concerns.

I liked very much to be reminded by Mr. Prokop about intensity of use and with that in my mind. I think that the fact that the use of the building -- and I mostly walk there to my medical appointments, and I seldom encountered anyone else in the offices, but that's also true of the doctor's office I go to who is -- that's now over in a new building on the Main Road.

So I think intensity of use is -- it's hard to speculate. However, it is not difficult to try to amend the impact of things that are built and modified in the Village. It is hard to do a good enough job to please -- well, maybe not. Please is
the wrong word. It's hard to do a good enough job that the alterations and modifications will totally mitigate the impact of what is changed. But it's certainly hard to give more attention to those kinds of details than have been in these plans presented to us.

When I think of what we look at when someone wants to build a pool, and how the water filtration is housed, and the noise level, I think the mitigation of -- particularly sets -- four factors, I think. The noise levels of the completely different heating systems and cooling systems that will be part of this renovation, that some detail about exactly what they would be is important.

The lighting: This is across from the hospital, which is a 24-hour building. The parking lot is lit, even with the modifications, try to be downward. It's practically like an airfield. However, this parking lot doesn't need to be lit at that level. So I think it's very important exactly what kind of lighting.

The parking surface: I mean, we think asphalt is a given, it has to be asphalt. I think there's research about building materials that are more -- they're less like asphalt than asphalt, is
all I'm going to say, because I don't know exactly what they are. The hours of operation, something could be at least suggested about that. You are never going to get it written in stone, I grant you that.

That -- I don't remember if that's four points, but that's basically what -- I've learned a lot, and I still have concerns. And I think we could ask for more details about exactly what kind of egress, the way things get in and out, and the screening, all of those things; how the neighborhood, which has lived with what is, would be able to live with what you're asking to build in a way that takes some steps towards their concerns, which have been articulated in great detail. Thank you.

CHAIRMAN SALADINO: I think the question, the immediate question in front of us is, is what are we going to do with the public hearing? Are we going to continue to keep it open, or are we going to --

MR. CORWIN: I'd like to see it adjourned. I have a few questions I want to bring up, and possibly the applicants would want to answer them next month. I hope you're not planning on voting

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MR. PROKOP: So is that a motion to adjourn?

MR. CORWIN: I make a motion to adjourn.

There was one gentleman that wanted to speak.

MR. COLLINS: I just had a question.

CHAIRMAN SALADINO: Please, one more time.

Sorry.

MR. COLLINS: Okay. I promise this is the last one. I just -- if you could just -- I'm not clear on the parking. Are you not going to be looking at parking issue as part of this?

CHAIRMAN SALADINO: They withdrew their -- did I hear Mike correct? They withdrew their request, their application for a variance for parking. We believe that the Planning Board sold them the required payment in lieu of parking. We don't have anything from the Planning Board, but we're going to take the Building Inspector's word for it, I think.

MR. PALLAS: A vote, a vote was taken. The only missing piece is that it hadn't been signed by the Acting Chair.

MR. COLLINS: Okay.

CHAIRMAN SALADINO: So --

MR. PROKOP: The -- I wanted to speak on
that, please, if I could, just on the parking.

CHAIRMAN SALADINO: On the parking? Sure.

MR. PROKOP: So there was a -- the parking --
not to take anything away from the Planning Board.

However, the quantity of parking is related to what
this Board does with the renovations. And the fact
that the Planning Board has approved the purchase
of parking waivers doesn't -- isn't itself an
approval of the -- of any part of this. It's just
-- it's an approval of parking waivers based if
this Board actually approves the renovation or it's
as they may be needed based on what this Board
does, because the parking requirement will be based
on -- and I'm sorry to repeat myself. The parking
requirement will be based on this Board's decision
regarding the renovation, and so it's still -- it's
not -- it's not an approval of the parking by the
Planning Board.

The other thing is that if this Board was to
approve the renovation and the application moved
ahead, many of the things that we're -- that have
been raised are typically Planning Board site plan
issues. However, that doesn't mean that this
Board, as part of its review and eventual decision,
can't mention those things in -- as recommendations
in its -- in its resolution. So the kinds of
tings we heard about are typically Planning Board,
Planning Board considerations. However, this
Board, because we're approving the renovations that
will eventually lead up to the Planning Board,
could definitely mention those things in the
concerns and conditions in the resolution -- in a
resolution.

CHAIRMAN SALADINO: I was going to mention
that issues like signage, and hours of operation,
and visual effect, and -- those are all the purview
of the Planning Board. You know, we can -- we can
make -- give them our opinion or make our
recommendations to them, but they're autonomous.
What they do is -- you know, they're a statutory
Board in what they do.

So a lot of the concerns of the neighbors
can -- if you feel you need to voice them further,
is that when it -- if and when this gets to the
Planning Board, you know, again, you can make that
case again to them, because a lot of the stuff that
was --

MS. GORDON: Not zoning.

CHAIRMAN SALADINO: I'm sorry.

MS. GORDON: Just that these -- some of these
issues are not zoning issues.

CHAIRMAN SALADINO: Right. The Attorney said it. Again, things like signage, and hours of operation, and, you know, things like that are not zoning issues. So did I interrupt? I'm sorry.

MR. COLLINS: No, no. I know, you're fine. I just --

CHAIRMAN SALADINO: And as far as the parking, also, zoning dictates how many -- the Building Department uses zoning to dictate the Zoning Code and the building code to dictate how many parking spaces are required for a specific use on a specific piece of property. If I -- if I understand the Attorney, he's also saying that how that parking is used can come under this application with us, so -- but before we get into that, the question is about are we going to keep the public hearing open, or are we going to --

MR. CORWIN: I move that we adjourn the public hearing.

CHAIRMAN SALADINO: Well, are we going to just keep it open or are we going to adjourn it?

MS. NEFF: Well, adjourned, it's open, it's still open.

MR. SOUTHARD: Can I speak?
CHAIRMAN SALADINO: Yeah. This wasn't seconded, right? So, sure, go ahead.

MR. SOUTHARD: Thank you. Just to address Ms. Neff -- Charles Southard, Architect -- all those, a lot of those questions have already been addressed. The heating and air conditioning units have a much lower decibel rate than the existing current ones. As a matter of fact, their existing -- their decibel reading is about a normal speaking tone, is the loudness of the new units.

The other question, you asked about lighting. There is a lighting plan that's prepared to be submitted to the Planning Board. That's an issue that is taken up by the Planning Board. And there already is a lighting plan with specific lights mentioned and what their lumens are. Just so you know, they're all LED lights. They're very low intensity lights.

What was your other -- oh, the drainage, the drainage issues. The asphalt is fully drained, according to standards, and there will be no runoff from this property onto any other properties, all of it's contained within the site. That's including the roof of the building, the hardscaping, the landscaping, and the parking area.
I just wanted to clarify that, since it is an issue of the Planning Board, and it is ready to be given to them when we move forward from here. Thank you.

MR. CORWIN: There's a motion on the floor.

CHAIRMAN SALADINO: There's a motion on the floor. Is there a second?

MS. NEFF: Second.

CHAIRMAN SALADINO: All in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: And I'll vote aye.

We're going to adjourn this until next month.

MR. CORWIN: I'd like to make some notes, if I may, that maybe can be addressed next month.

One thing is the heat pumps. The architect says the heat pumps, I think he said 55 decibels, the level of conversation. The owner says they're going to be mounted halfway up the building. That's like 10 feet. So now you don't have one heat pump 10 feet, you got three or four heat pumps mounted 10 feet high, three or four times 55 decibels. And once you get something 10 feet high, you're broadcasting it all over the neighborhood.
The Attorney, Mr. Prokop, brought up occupancy, occupancy, who was there. And we really have no hard answers, and I'd like see some hard answers as how much the use is being increased, because everybody says there weren't that many people there.

So can there be some kind of documentation of when Mr. Townsend had the place, who his tenants were. And we keep seeing -- the applicant says five doctors, five doctors. Then the Eastern Long Island Hospital comes in and says, "Well, we got two doctors, plus administrators." So I really don't know how much of an increase in the use, and I'd like to see some hard numbers on that.

And just I know you all know this better than me, but here's the way my doctors work. I've been to the doctor in Southold in the last six months, and the doctor in Eastern Long Island Hospital, the surgeon. When I go to Southold, the doctor has four people in the office, including himself. So that's -- if that's four people in the office times five doctors, that's 20 people. When I go to see the surgeon in the hospital, he's got three people in there with him. That's 15 people times five doctors, that's like 45 people. No, I didn't say
that right, that's 15 people. So I'd really like
to see some hard numbers on that we can hold
somebody to.

And then the lights, I love the lights, the
low level lights. Mr. Eble was here. Eble? I'm
sorry.

MR. EBLE: Eble.

MR. CORWIN: Was here, was it three years
ago, four? New sign. This place was full of
people. They didn't want anything to do with the
sign. They wouldn't even listen when I said it's
about the sign, the public hearing is about the
sign. All they wanted to do was bitch about the
lights in Eastern Long Island Hospital, so I take
this light thing very seriously.

So those are questions I'd like to see
answered.

CHAIRMAN SALADINO: And before we adjourn,
anybody else have any requests to -- for the
applicant for next month?

(No Response)

CHAIRMAN SALADINO: No? Item Number 7 is
motion to adjourn.

MR. CORWIN: Second.

CHAIRMAN SALADINO: All in favor?
MR. CORWIN: Aye.

MS. GORDON: Aye.

MS. NEFF: Aye.

MR. TASKER: Aye.

CHAIRMAN SALADINO: Aye.

Thank you, folks.

(The meeting was adjourned at 10:00 p.m.)
CERTIFICATION

STATE OF NEW YORK )
 ) SS:
COUNTY OF SUFFOLK )

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on September 19, 2017.

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

IN WITNESS WHEREOF, I have hereto unto set my hand this 30th of September, 2017.

Lucia Braaten
Lucia Braaten
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