

1 VILLAGE OF GREENPORT
2 COUNTY OF SUFFOLK : STATE OF NEW YORK
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3 BOARD OF TRUSTEES
4 REGULAR MEETING
5 -----x

6 Third Street Firehouse
7 Greenport, New York
8 August 27, 2020
9 7:00 P.M.

10 B E F O R E :

11 GEORGE HUBBARD, JR. - MAYOR

12 JACK MARTILOTTA - DEPUTY MAYOR

13 PETER CLARKE - TRUSTEE

14 MARY BESS PHILLIPS - TRUSTEE

15 JULIA ROBINS - TRUSTEE

18 JOSEPH PROKOP - VILLAGE ATTORNEY

19 SYLVIA PIRILLO - VILLAGE CLERK

20 PAUL PALLAS - VILLAGE ADMINISTRATOR

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22
23
24
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1 (The meeting was called to order at 7 p.m.)

2 MAYOR HUBBARD: Good evening. I'll call
3 our meeting to order with the pledge to the flag.

4 (All stood for the Pledge of Allegiance)

5 MAYOR HUBBARD: Please remain standing for
6 a moment of silence for Alfred A. Affenito,
7 Ruth T. Bayles, Michael Vincent Claps, Susan
8 Ellsworth, Paul Nicholson Mueller, Robert F. Novak,
9 Elaine Nancy Schwartz, Charles Slama,
10 Greta Helene Utz, Donald Everett Wagner,
11 The Reverend Carl Clemens Weaver and Scott Robert
12 Winslow.

13 (All Remained Standing for a Moment of Silence)

14 MAYOR HUBBARD: Thank you. You may be
15 seated.

16 Okay. Before we get started with the other
17 business this evening, I've got two exceptional
18 young people that are employees of the Village
19 and I have a proclamation. I would like to ask
20 Willa and Harry Donovan to come on up front.

21 Okay. These two worked as Lifeguards, so
22 we have them working down at Fifth and Sixth,
23 Sixth Street Beach for us. But we've got a
24 proclamation for each of them. They both did
25 something that was really spectacular, and I'm

1 just -- I'm going to read off.

2 WHEREAS: The Village of Greenport wishes
3 to recognize outstanding service by members of
4 our community, and

5 WHEREAS: Actions taken to preserve the
6 health, safety and welfare of our residents are
7 of primary importance, and

8 WHEREAS: That these actions, even though
9 they may be in the daily course and part of our
10 "everyday" work, should be held in the highest
11 regard,

12 That when the occurrence of extreme
13 circumstances extra effort is applied, and

14 WHEREAS: The actions taken by
15 Willa Donovan on the 19th of July, 2020, did,
16 with immediate and efficient response, prevent
17 the drowning of a six-year-old boy at the Fifth
18 Street Beach.

19 AND, THEREFORE, BE IT RESOLVED; That the
20 Mayor and Trustees of the Village of Greenport
21 wish to confer upon Willa Donovan this
22 Proclamation of Commendation on behalf of the
23 entire community for her actions above and beyond
24 the call of duty with our sincerest thanks and
25 respect.

1 (Applause)

2 MAYOR HUBBARD: Okay. And the second one,
3 I'm not going to read it, only because it's the
4 same as this.

5 (Laughter)

6 MAYOR HUBBARD: The actions taken by
7 Harry Donovan on the 21st of August, 2020, did
8 with immediate and efficient response prevent the
9 drowning of a young adult male in the waters
10 between Greenport and Shelter Island.

11 He went out on his paddle board with a
12 kitesurfer, or whatever.

13 MR. DONOVAN: Yeah.

14 MAYOR HUBBARD: Kitesurfer that he was in
15 the water. He paddled down over a quarter of
16 mile to rescue the gentleman, get him on the
17 board and bring him back in. But I just really
18 thank the both of you, you're really great
19 people. I'm glad that you work for us.

20 (Applause)

21 MAYOR HUBBARD: Okay. The next order of
22 business, which brought out the big crowd
23 tonight, a public hearing, public hearing
24 regarding the application for a proposed
25 amendment by 123 Sterling, LLC to the Stipulation

1 dated March 12th, 2007 between 123 Sterling, LLC;
2 Sterling Basin Neighborhood Association; George
3 Limperis; The Village of Greenport; The Zoning
4 Board of Appeals of the Village of Greenport; and
5 the Planning Board of the Village of Greenport,
6 regarding the property at 123 Sterling Avenue,
7 Suffolk County Tax Map 1001-3-5-16.4 and
8 1001-3-5-16.5.

9 Okay. Just to lay out what the actual
10 public hearing we're having this evening is about
11 and all, this is really to start the process with
12 everybody, to let everybody know where we're
13 going with the process with the application. The
14 application is in the possession of the Building
15 Department, Paul Pallas has that.

16 I have a timeline of what's going to go on
17 with this overall process. Modification of
18 stipulation agreement, all listed actions are
19 potential Board dates only and are subject to
20 review and action by all involved Boards.

21 So, basically, I'm going to go down through
22 the whole list of where this goes through. It
23 goes from now until March, so everybody knows
24 where the application is going to be with
25 tentative dates. But if one Board carries over a

1 public hearing or does something else, then that
2 could delay it by a month or so, so these are
3 tentative dates.

4 8/27/2020 - Board of Trustees public
5 hearing.

6 8/27/2020 - Suggested Trustees vote to keep
7 public hearing open during review by all other
8 Boards.

9 9/17/2020 - Board of Trustees work session
10 discussion.

11 10/13/2020 - Zoning Board of Appeals
12 acceptance of application, schedule a hearing.

13 11/10/2020 - Zoning Board of Appeals public
14 hearing on application.

15 11/10/2020 - Zoning Board of Appeals public
16 meeting discussion, potential vote.

17 11/23/2020 - Historic Preservation
18 Commission review, schedule public hearing.

19 12/28/2020 - Historic Preservation
20 Commission public hearing.

21 12/28/2020 - Historic Preservation
22 Committee public meeting discussion, potential
23 vote.

24 January 7th, 2021 - Planning Board
25 pre-submission conference, schedule public

1 hearing.

2 January 28th, 2021 - Planning Board public
3 hearing.

4 January 28th, 2021 - Planning Board
5 discussion at public meeting, potential vote.

6 February 27th, 2021 - Continuation of
7 Trustees public hearing.

8 March 20th, 2021 - Board of Trustees work
9 session discussions.

10 March 27th, 2021, Board of Trustees vote on
11 application.

12 So, basically, what we're doing is us as a
13 Village Board, we're starting the ball rolling to
14 go through the process. The project needs
15 complete Zoning, Planning and Historic Review.
16 They're doing that first before we do it. So
17 they're going to go through. So if we vote on
18 any kind of process -- any changes to the
19 stipulation, or whatever, it's going to be vetted
20 by Planning, Zoning and Historic before we do
21 any -- take any action.

22 So, really, tonight, we're just laying out
23 where we're going to go over the next six months
24 with this project, where it's at. We're going to
25 take comments this evening, but I know there's a

1 lot of people here, so we're going to try to
2 limit comments to three minutes per person. You
3 come up to the microphone. There's tape there,
4 stand there, you could say your piece. We have
5 three minutes, and then when you're done
6 speaking, if you could exit the side door, so we
7 can let somebody else inside so they can continue
8 on. That way everybody can get inside, they
9 could state their comments and all. But, really,
10 we're not taking any action and we're not -- the
11 public hearing is really just to let everybody
12 know where the process is going. Okay?

13 So I'll open up the public hearing.
14 Anybody like to address the Board on the public
15 hearing?

16 MR. PAWLOWSKI: Paul Pawlowski, owner of
17 123 Sterling.

18 Just to reiterate, our goal here is for
19 proposed modifications to an existing permit and
20 stipulation. The proposed modifications are
21 removal of parking along Sterling, and add
22 sidewalks and landscaping to the waterfront.
23 Donate a portion of the waterfront to -- that
24 would touch the current public waterfront space.
25 Relocate five affordable units to a stand-alone

1 building, where then they would be -- we'd follow
2 HUD guidelines for affordability in perpetuity.
3 There's currently 12 market rate condos approved
4 in the building. We would like to propose 17
5 market rate units.

6 Besides those modifications, we have put in
7 a lot of effort to improve the aesthetics of this
8 building while staying within the approved size,
9 shape and height of the building. There's zero
10 deviation besides -- we are proposing zero
11 deviation besides those modifications.

12 The building is exactly as per the
13 stipulation. The construction that's going on is
14 as per the permit and mirrors the stipulation
15 agreement. So we're asking for proposed
16 modifications. If we get them, great. If we
17 don't, we abide by the original approval that was
18 passed by past Boards and the SBNA. That's our
19 goal, there's nothing more to it than that.

20 We're not asking for a three story
21 building. That was a two-story building. We are
22 asking for the specific straightforward
23 modifications. Those modifications, we put a lot
24 of effort in on over the last year-and-a-half to
25 improve on a current permit and a stipulation,

1 and that's our goal and has been our goal. Every
2 step of the way I've tried to communicate with
3 all the Boards and the SBNA and that's our goal.
4 And, again, we need the support of the Village
5 Boards, obviously, and we need the support of the
6 SBNA by law, as per the stipulation.

7 So I just want to make it clear, those are
8 our four straightforward goals. We think they're
9 an improvement to what currently is permitted.
10 Thanks for your time.

11 MAYOR HUBBARD: Okay, thank you. Anybody
12 else wish to address the Board? Yeah, come on,
13 just state your name and address.

14 MS. SCHNEPEL: Ellen Schnepel, 165 Sterling
15 Street in Greenport. I am an original signatory
16 to the 2007 stipulation agreement and Chair of
17 the Sterling Basin Neighborhood Association.

18 The Association is no longer in discussion
19 with Paul Pawlowski regarding 123 Sterling
20 Avenue. We came to this conclusion after much
21 dialogue with Mr. Pawlowski, because we were
22 unable to arrive at a mutual agreement over
23 changes to the site plan and our remaining
24 concerns with the development's design and
25 density. Therefore, we insist upon building to

1 the specifics of the 2007 stipulation agreement
2 without modification and within the confines of
3 the agreement.

4 Our ongoing focus is the greater good.
5 Again, we insist that the 2007 stipulation be
6 followed to the letter. Thank you.

7 (Applause)

8 MAYOR HUBBARD: All right. Paul, we're not
9 going to be going back and forth.

10 MR. PAWLOWSKI: I agree. This --

11 MAYOR HUBBARD: Okay.

12 MR. PAWLOWSKI: This is important.

13 MAYOR HUBBARD: Okay.

14 MR. PAWLOWSKI: Paul Pawlowski again. With
15 that said, we need the support of the SBNA.
16 Ellen's the president or chairperson. So we
17 respectfully withdraw the application and we'll
18 do exactly as the stipulation says. I appreciate
19 everyone's time. I appreciate the SBNA's. We
20 are going to go to the letter of the law with
21 what was approved in '07 and signed off by the
22 SBNA. Thank you for your time tonight.

23 MAYOR HUBBARD: Okay. Is that official
24 when he says that or --

25 ATTORNEY PROKOP: Well, we need a letter.

1 I mean, it is official, but we should have a
2 letter for the file.

3 MAYOR HUBBARD: Okay.

4 ATTORNEY PROKOP: Yeah. And --

5 MAYOR HUBBARD: I don't know if everybody
6 heard what he actually just said.

7 AUDIENCE MEMBER: No.

8 ATTORNEY PROKOP: No.

9 MAYOR HUBBARD: Okay.

10 ATTORNEY PROKOP: But, I mean, that's the
11 end of the application.

12 MAYOR HUBBARD: He said he's going to
13 cancel the modifications and go back and build it
14 to the letter of the law of what the stipulation
15 had.

16 TRUSTEE PHILLIPS: He's withdrawing his
17 application.

18 MAYOR HUBBARD: What's that?

19 TRUSTEE PHILLIPS: I said he was -- he said
20 he's withdrawing his application.

21 MAYOR HUBBARD: Yes. He said he's
22 withdrawing the application and going back to the
23 stipulation agreement.

24 MR. PROKOP: So, if you want, I mean, you
25 could -- technically, the public hearing is still

1 open. The application is withdrawn. I think you
2 could close the public hearing if you wanted,
3 because there's no application. I mean, that's
4 up to you.

5 MAYOR HUBBARD: Okay. Well, everybody's
6 here. If they want, you know, if they want to
7 have --

8 ATTORNEY PROKOP: Yeah.

9 MAYOR HUBBARD: Well, we'll go on for a
10 little while, let everybody hear. I mean, that's
11 what he actually -- that's his -- the comment
12 from the developer said he's going to withdraw
13 the modification application. Go ahead.

14 MS. MUNDUS: Pat Mundus, 182 Sterling
15 Street. For the record, I'd just like to make
16 sure that it's known that there are 38 people
17 outside the building who were unable to take part
18 inside, but I'd like for the record to show that
19 there are 38 people outside. Thank you.

20 MAYOR HUBBARD: Okay. Anybody else wish to
21 address the Board?

22 MS. MUNDUS: Someone outside would.

23 MAYOR HUBBARD: What's that?

24 AUDIENCE MEMBER: There's another one. Did
25 they go outside?

1 AUDIENCE MEMBER: There's another one.

2 MS. MUNDUS: David Berson said he wanted to
3 speak.

4 MAYOR HUBBARD: Well, I mean, there's a
5 microphone out there, so they should have heard.
6 Did they all hear what was said?

7 CLERK PIRILLO: Yes.

8 MAYOR HUBBARD: Okay.

9 MR. BERSON: Hello. My name is
10 David Berson and I'm a professional mariner since
11 1984, with a 200-ton masters mariners license.
12 My boat, Glory, is the number one outdoor
13 attraction in the Village of Greenport.

14 And I want to just tell the Village Board
15 that I'm very disappointed that I see a florist,
16 a mechanic, a high school coach, a fish-seller
17 and a real estate agent, and during all of this
18 discussion about this dock, no professional
19 mariner, myself included, was asked for their
20 advice or their input.

21 We are a community of people, this is a
22 maritime village. The absolute neglect that you
23 have done by allowing this man, after he violated
24 your trust, because I was at that meeting where
25 he said, Mr. Hubbard, "I shake your hand and I

1 promise you I'm not going to put any boats on
2 that dock." And it was pointed out that that
3 very day he had an ad in the Suffolk Times, and
4 everybody's face fell.

5 This man has no integrity, number one.
6 Number two, he's already violated the trust of
7 this Board. Number three, we are a maritime
8 community. Why was no maritime person, why --
9 Bob Hamilton, David Berson, Steve Clarke, why was
10 no maritime person asked about their opinion
11 about the waterfront? Now he knows about
12 flowers, you know about cars, he knows about end
13 zones, she knows about fish, she knows about real
14 estate. Who amongst you knows anything about
15 what is going on on the water on a daily basis?

16 So I'm very, very concerned that this
17 Village has completely turned their back on what
18 has made this Village great, which is the
19 waterfront, not the shops, not the condos, not
20 the co-ops, not all the other kasuri (phonetic),
21 it's the waterfront. And I suggest that if you
22 want to keep the integrity of the Village and
23 maintain our trust as citizens here, that you
24 include us in the conversation and not exclude
25 us, because I personally feel very excluded by

1 all your conversations about this dock that has
2 not involved anybody, anybody in this Village
3 that makes a living on the water.

4 Now, Mary Bess could say, "Oh, I made a
5 living on the water." She's not a licensed
6 captain; you're not, you're not, you're not. I'm
7 in and out of that place 30,000 times in the past
8 20 years. No one -- and I'm a volunteer in this
9 Village. No one once reached out and said, "Hey,
10 Dave, what do you think?" Now, I know that you
11 all know a lot more than I do, but I'm still kind
12 of worried about that you don't know that much,
13 especially about the waterfront.

14 So don't defend yourself, Mary Bess.
15 You're not a licensed captain. You haven't been
16 in and out of there running a boat for years.
17 I'm stating my opinion about the way I feel, and
18 that this man, Paul Pawlowski, is not to be
19 trusted, period. He's already violated your
20 integrity once and I can't believe you're letting
21 him do it again. I just can't believe it.

22 So that's all I have to say. Thank you.

23 TRUSTEE PHILLIPS: Mr. Mayor, may I make a
24 comment, please? Dave Berson, this has been
25 going -- discussion has been going on for months.

1 You had plenty of opportunity to arrive at any
2 one of these meetings to discuss it.

3 MR. BERSON: Only a public meeting,
4 Mary Bess. Excuse me.

5 TRUSTEE PHILLIPS: You had --

6 MR. BERSON: I was at the last public
7 meeting.

8 TRUSTEE PHILLIPS: Excuse me.

9 MR. BERSON: Mary Bess --

10 TRUSTEE PHILLIPS: I'm -- I have the floor.
11 Excuse me. This has been in the paper, it has
12 been at work sessions.

13 MR. BERSON: Zoom meetings, Mary Bess.

14 TRUSTEE PHILLIPS: It has been in work
15 session discussions. And to be honest with
16 you --

17 MR. BERSON: No public meetings, Mary Bess.

18 MAYOR HUBBARD: Can you let her speak?

19 MR. BERSON: I will.

20 TRUSTEE PHILLIPS: Thank you.

21 MAYOR HUBBARD: Thank you.

22 TRUSTEE PHILLIPS: As I said, you, as a
23 citizen of the Village of Greenport, who, yes,
24 has maritime experience, and yes, in all honesty,
25 I ask my husband and my son, who do both go in

1 and out of that exactly, and I'm the one that
2 actually started to say let's look at this, so --
3 but you, as a citizen of this Village, a resident
4 of this Village and a business of this Village,
5 has every opportunity to comment, to come in,
6 write letters, do whatever, but that's your
7 responsibility, as well as ours.

8 MR. BERSON: You know what happens when I
9 write letters? For instance, when I write
10 letters about what's going on in the street, I
11 get no response. Ask George Hubbard how many
12 letters I've written him. Ask you how many
13 emails I've written you.

14 And, Mary Bess, not everybody is
15 technologically savvy like you. When was the
16 last public meeting here? I was at that meeting,
17 okay? So don't give me this high tech nonsense.
18 My obligation as a citizen is to be here
19 publicly. Just because I don't have the tools or
20 the integrity or the skill to know how to use
21 your tools doesn't mean that I'm not
22 participating in this plan.

23 TRUSTEE PHILLIPS: That's right, the
24 integrity. That's the very real word of every
25 resident in this Village of Greenport. We have

1 the integrity to protect our waterfront, and we
2 have the integrity to --

3 MR. BERSON: Exactly.

4 TRUSTEE PHILLIPS: -- ask what's going on.

5 MR. BERSON: So next --

6 TRUSTEE PHILLIPS: But on top of it --
7 excuse me -- you have a right like the rest of us
8 to comment and to continue to communicate, and
9 that's what this Board's --

10 MR. BERSON: And I am communicating.

11 TRUSTEE PHILLIPS: Thank you.

12 MR. BERSON: And I'm telling you that this
13 Village needs somebody on the Board, or you need
14 to start a committee where the interests of the
15 maritime community and the waterfront are
16 reflected. That's all. Greenport Maritime
17 Village. End of conversation. Thank you.

18 (Applause)

19 MS. ALLEN: Chatty Allen, Third Street.
20 I'm sorry, but that upset me to no end. This
21 project has been ongoing, with meetings that
22 anyone, not just Greenport Village residents, are
23 able to attend and speak at. This has been going
24 on for over a year.

25 No, you might not have the background he

1 has, but you also have a procedure that has to be
2 followed. You are not making this decision as
3 individuals. There are other agencies involved
4 that do know exactly what needs to be done.
5 There are codes that have to be followed.

6 And I'm telling you right now, he just
7 threw his hands up tonight because he doesn't
8 want to wait another year for his business. And
9 that makes me sad, because I've been at every one
10 of these meetings, I have listened to what
11 everyone has had to say. And to turn around, the
12 comments that have been going that he's doing
13 things illegally, he's building, he's not an
14 allowed to, yes, he is. The Village cannot
15 legally stop him and make him start this process
16 all over again. He has a stipulation. He was
17 trying to make it a little bit better than what
18 was in the original stipulation.

19 I have listened to everything that has gone
20 on. I understand, you don't want it in your
21 backyard, that's always the case. Believe me, as
22 someone who for a year-and-a-half came to every
23 single Village Board workshop, Board meeting,
24 ZBA, Planning Board meetings about the hotel on
25 Front and Third. I was the only one here

1 speaking out against that, because I didn't feel
2 it was appropriate, and people still complained
3 that it got built.

4 There are procedures that need to be
5 followed. We all might not like something, but
6 that doesn't give us the right to say, "You can't
7 fit that on your property." If it follows every
8 law and every code, they have a right to build.
9 So now they're going to get what was in the
10 stipulation, and I'm telling you, mark my words,
11 they will not be happy with it. But, you know
12 what, that's on them.

13 When I listened to the rundown of how many
14 more meetings it's going to involve, my head was
15 spinning. But to have someone come in here and
16 disrespect you like that, as someone that you
17 know comes to every meeting, I don't always talk,
18 but I listen to what's going on, I follow what's
19 going on, and it really upsets me the way you
20 were just treated.

21 MAYOR HUBBARD: Okay, thank you. Anybody
22 else wish to address the Board?

23 MR. MACKEN: Frank Macken, 138 Sterling
24 Avenue. I found it interesting that in
25 Mr. Pawlowski's presentation of his application,

1 he did not mention once the waterfront commercial
2 space, not once in his whole thing. The word
3 commercial never came into it, not to mind
4 waterfront commercial.

5 And the other thing I will point out is
6 that he is building now, but what he is building
7 does not conform to the approved plans. He has
8 already, already altered the framing as if he had
9 already been granted his amendments. So the
10 Village should issue a Stop Work Order
11 immediately pending an --

12 (Applause)

13 MR. MACKEN: -- pending an inspection of
14 what is actually going on. And maybe there's a
15 Village representative down there.

16 The other thing is there is no permit
17 posted. There is -- with all the steel work
18 going on, there is no permit posted. There's --
19 you know, the permit expired in March and it's
20 supposed to have been renewed, and we got some
21 kind of thing in an email that said it had been
22 renewed. It has never been posted. You know,
23 and the Village reps are down there, you know,
24 several times almost every day. All of this
25 stuff is going on. The plans are not being

1 followed and the permit has not been posted, and
2 that is just wrong. Thank you.

3 (Applause)

4 MAYOR HUBBARD: Anybody else wish to
5 address the Board? Go ahead.

6 MR. SPIRIDAKIS: Tony Spiridakis,
7 178 Sterling Street. I just wanted to follow
8 what Frank said, which is the idea of, you know,
9 steel in and of itself, if you've read the
10 stipulation, I don't think that's the way that
11 building was stipulated to be built, right?
12 It's -- like, in other words, the stop order is
13 based on not touching a hair on the head of the
14 stipulation from 2007. And if that's the case,
15 then I think the Village has to look at that,
16 compare the stipulation, and see what's being
17 done, and if what's being done is not that,
18 then -- I mean, I went to a Planning Board
19 meeting, and in that Planning Board meeting, the
20 Planning -- the Head of the Planning Board said,
21 "Well, it's amazing that I haven't seen your
22 plans, sir, but I now find out that the
23 foundation is in."

24 So I've done building, I've built houses
25 here. I could never put -- dig a hole and put

1 foundation in unless architects drawings, the
2 Planning Board, the Review, everybody. So what
3 he did was he said, "I'm going to go with the
4 stipulation, which is why I can dig the hole and
5 put the foundation in," right? But we don't know
6 what he's building. If he's building what the
7 stipulation says, guess what, there's no detail
8 in that stipulation, none. You can't see
9 bathrooms, you don't see drainage, you don't see
10 height that's changed since 2007 to 2020, you
11 know, the environmental changes that are there he
12 says he's according to FEMA.

13 So all of that being said is a reason to
14 stop and review and say, "Hey, let's look at
15 this, you know, and see what he wants to do, and
16 make sure that he goes through the same process
17 that if I want to do something to my garage, I'm
18 in an historic location, I can't just do
19 something to the garage, I have to come here.

20 And I think that I understand what we've
21 heard, but when Paul came here, it was all about
22 the stipulation and a little change, it's the
23 stipulation and another little change. Oh, you
24 know, those five affordable units, we're going to
25 put them offsite. That's not a -- that's not --

1 the spirit of affordable housing is that those
2 five units are inside that building. That
3 matters to me. No, I'm not going to be unhappy
4 when there are five affordable units at the end
5 of my street, I'm going to be very proud, and
6 that's what Ellen, and Susan, and the whole
7 neighborhood fought for. So let's keep what they
8 fought for, but don't let him build something
9 that's unspecified. That's dangerous for the
10 environment.

11 People are going to flood. First of all,
12 he claims that's not a flood zone. That is a
13 flood zone, it absolutely is a flood zone. He
14 said it didn't flood during Sandy. It absolutely
15 did flood during Sandy, ask anybody who lives
16 there. So if you build something and make it
17 taller, which he's going to have to do, then
18 where -- where are all the -- where's the
19 drainage going to go? It's going to go right
20 back into Sterling Avenue, which is just going to
21 be a blight for us.

22 So I just want all those things. We have
23 all these wonderful Boards, let's go through them
24 and see what he's going to do. Thank you.

25 MAYOR HUBBARD: Thank you.

1 (Applause)

2 MAYOR HUBBARD: Go ahead, John.

3 MR. SALADINO: John Saladino, Sixth Street.
4 I'm not, I'm not voicing an opinion here either
5 in favor of or opposed to it. I don't want to
6 jeopardize my position. I'm a volunteer. For
7 those that don't know, I'm a volunteer on the
8 Zoning Board. I don't want to, I don't want to
9 say anything or do anything that would force me
10 to recuse myself.

11 I have a question for the Board, for the
12 Attorney through the Board, if that's okay.
13 Tonight we saw an act of emotion. I understand
14 somebody gets upset. How binding is this, that
15 the applicant says here and now in front of the
16 public that he's withdrawing his application
17 and -- help me out. Withdrawing his --

18 CLERK PIRILLO: He's going to the original.

19 MR. SALADINO: And going to the original
20 plan. So how binding is the applicants's
21 statement that the application is withdrawn?
22 We've heard -- I've see a lot of modifications.
23 Tonight I heard about a modification that might
24 come in front of the Zoning Board. In my mind,
25 the word modification doesn't equate to a

1 variance. You know, there was no mention of a
2 variance, which certainly would have to come in
3 front of the Zoning Board to build a multi-family
4 dwelling in a residential district. And I'm not
5 making a comment on that, I'm just citing the
6 code.

7 So I'm curious to know if, after Paul
8 perhaps cools off, or whatever, decides that,
9 "Well, I spoke out of turn," how binding is his
10 statement tonight? And I would ask Joe through
11 the Board to perhaps explain that to me.

12 MAYOR HUBBARD: Do you want to answer, Joe?

13 MR. PROKOP: The Board's consideration of
14 this application was not by any statute. There's
15 no, there's no provision in law for this Board to
16 be mandated to consider this application, the
17 application consideration was discretionary only.
18 So for that reason, the -- the applicant stating
19 that his application is withdrawn I consider to
20 be binding and the Board should consider the
21 application withdrawn.

22 (Applause)

23 MAYOR HUBBARD: Okay. Does he have to put
24 it in writing tomorrow, or come back into the
25 Building Department, put that in?

1 MR. PROKOP: We should, we should have
2 an -- we should have a letter in the file, but we
3 also have the transcript.

4 MAYOR HUBBARD: Okay.

5 ATTORNEY PROKOP: We have the -- you know,
6 if we get a transcript from the reporter tonight,
7 we have the written transcript.

8 MR. SALADINO: Thank you for that. Captain Dave
9 made a comment about, about a different -- about
10 a different agenda item, so is this the
11 appropriate time or I'll wait for that?

12 MAYOR HUBBARD: Well, we're going to do the
13 public hearing, then we'll --

14 MR. SALADINO: Thank you.

15 MAYOR HUBBARD: People can talk about any
16 topic. Okay. Anybody else wish to address the
17 Board? Yeah.

18 MS. HAMMES: Hi. Tricia Hammes, 603 Main
19 Street. I, similarly to John, am on the Planning
20 Board, so this is not in any way intended to
21 create any kind of a conflict, but just to
22 clarify the conversation that just took place.

23 I understand that the view is that it's
24 withdrawn, but that doesn't mean that he couldn't
25 resubmit for another modification of the

1 stipulation agreement, does it?

2 ATTORNEY PROKOP: Well, he could, he could
3 resubmit a different application.

4 MS. HAMMES: Right. I just want -- I don't
5 want everybody to think like that this -- I mean,
6 my view is he is dropping it, but I just
7 wanted -- I don't -- I don't think people should
8 go home thinking that he doesn't always have the
9 right to come back and ask for an amendment to
10 the stipulation agreement again.

11 MAYOR HUBBARD: I believe at any
12 time anybody could apply for something. But, I
13 mean, the plans that the Village -- the Building
14 Department has --

15 MS. HAMMES: Understood, understood.

16 MAYOR HUBBARD: -- will be the plans if he
17 will go forward --

18 MS. HAMMES: Understood.

19 MAYOR HUBBARD: -- on building it per the
20 stipulation.

21 MS. HAMMES: Understood, understood.

22 MAYOR HUBBARD: And that's it. Okay.
23 Thank you. Anybody else wish to address the
24 Board on the public hearing?

25 (No Response)

1 MAYOR HUBBARD: Okay.

2 MR. FLOTTERON: Sorry, guys. My name is
3 Joe Flotteron, I own 127 Sterling, right next
4 door. I hate public speaking.

5 Somebody just mentioned plans. Are there
6 plans for this right now? Do you guys have plans
7 filed? Like you guys know what's being built?
8 Are those plans publicly available?

9 MAYOR HUBBARD: Yes, they are, at Village
10 Hall.

11 MR. FLOTTERON: And we could pull those and
12 take a look at them?

13 MAYOR HUBBARD: That's fine. You just have
14 to do a file -- a FOIL. Several of the people in
15 the group have already filed that and they've
16 gotten them, so --

17 MR. FLOTTERON: All right. I just wanted
18 to make sure. We're like outside in the rain.

19 I also -- everybody's talking about like
20 their thoughts on this, and I think there's a lot
21 of good thoughts here, I'm sure you guys have
22 heard it, but nobody had brought this up, and I
23 think this is really important that it be on
24 record.

25 You guys have a lot going on. I know

1 there's a lot going right now. I know
2 Coronavirus sucks. I hate public speaking, I
3 don't want to have this mask on. This is all
4 really tough and intense. You guys are in a
5 really important position, and you're in that
6 position as our servants of the community, and
7 you really owe us this due diligence on this
8 project, I mean, for the amount of stuff that is
9 happening ad hoc, and the changes and the scale
10 of it.

11 I mean, I live right next to this thing.
12 My street's getting blocked by like giant steel
13 trucks. There's no building permit there,
14 there's no supervision. It really feels, as a
15 citizen who lives here and watches this every
16 day, that there is nobody watching this and
17 protecting us right now, and that is you. And
18 you guys, it's not that you should do it or
19 you're supposed to, you owe it to us. You
20 literally owe us that this is going to be done
21 right and it is going to go through all of the
22 proper processes. And if he's going to build
23 that stipulation, you need to watch him and make
24 sure that he builds that, because I don't think
25 he wants to build it. I think that's not the

1 impression that anyone's gotten from this, and I
2 think any opportunity to change it, or improve,
3 or make more profitable he's going to take. And
4 you guys owe us that you're going to do your jobs
5 and protect us, and, you know, protect our
6 community and protect our street, and I just
7 really hope that you follow through and do that.
8 I don't want to feel like it's just the wild west
9 out there and whatever this guy wants to do he's
10 going to get to do, you know?

11 That's pretty much it. Thank you.

12 MAYOR HUBBARD: Okay. Thank you.

13 (Applause)

14 MAYOR HUBBARD: Could we close the public
15 hearing now, Joe?

16 ATTORNEY PROKOP: Pardon me?

17 MAYOR HUBBARD: We can close the public
18 hearing with those comments, right?

19 MR. PROKOP: You can close it.

20 MR. BUBKA: I have another one.

21 MAYOR HUBBARD: Go ahead.

22 MR. BUBKA: Good evening. My name is
23 Lane Bubka. I represent the owner of 130
24 Sterling Avenue with regards to his interest in
25 this property.

1 TRUSTEE CLARKE: I'm sorry, I didn't hear
2 you.

3 MR. BUBKA: Sure. Lane Bubka, B-U-B-K-A.

4 TRUSTEE CLARKE: Thank you. And who do you
5 represent?

6 MR. BUBKA: I'm an attorney. I represent
7 the owner of 130 Sterling Avenue, Stephen Guyer.

8 TRUSTEE CLARKE: And who is that owner?

9 MR. BUBKA: Stephen Guyer.

10 TRUSTEE CLARKE: Thank you.

11 MR. BUBKA: G-U-Y-E-R.

12 TRUSTEE CLARKE: Thank you.

13 MR. BUBKA: We have now been in litigation
14 with regards to this particular parcel, based on
15 the approval of the building permit, since
16 October, I believe, of 2019. The real concern is
17 the fact that this is a stipulation that was
18 agreed to back in 2007, and the building permit
19 wasn't issued until 2019, completely ignoring the
20 fact of all of the changes that have happened
21 through climate change, through flooding, through
22 flood zones, through FEMA maps, through
23 everything that took place over those 12 years,
24 and that's the basis of some current pending
25 litigation currently with regards to that.

1 The current issue that we're having now is
2 that he's -- there is no Stop Work Order pending
3 that litigation. And he is continuing to build
4 what he says to be the stipulated plans, but, at
5 the same time, he's made numerous efforts over
6 the past year or so to make any modification he
7 possibly could to make it a more profitable
8 endeavor for himself.

9 And, at this point in time, there is reason
10 to believe that the elevation of the actual
11 foundation, that the grade has been raised up to
12 that elevation. There's been no oversight or
13 inspection of that.

14 With regards to whenever we have our next
15 super storm that brings in flood waters, if
16 that's, in fact, true, all of that flooding is
17 going to hit everybody else on Sterling Avenue,
18 all those properties are going to flood.

19 Additionally, the steel that's been put in
20 place, we have no actual engineer to distinguish
21 yet, as it's only been put up over the last three
22 days. But just from a layman's point of view and
23 looking at what the plans show, and the height of
24 the steel and where the steel's been place, it
25 already appears that it's not going to be in

1 conformity to the actual plans that were put
2 forth to the Town.

3 So what we're really asking, understanding
4 that I do applaud the Board in having put forth
5 all of those meetings with the understanding that
6 the stipulation does advise on how a modification
7 must be addressed. And we had no idea before
8 tonight how that was going to be addressed, and I
9 do applaud the Board for putting it through all
10 of those chains that need to be done with regard
11 to the stipulation. But, additionally, if that's
12 going to be modified, it would also have to be
13 agreed to be modified by all the parties to that
14 stip. But, also, we need to make sure that if he
15 is going to build to the stip, there's somebody
16 watching and making sure that happens.

17 And right now, it appears that he's over
18 there doing whatever he possibly wants without
19 any oversight, and I think that's what's causing
20 a lot of the concern of the community. And if
21 somebody were to get over there and actually
22 double-check all these things and be able to
23 assure everybody that it is, in fact, going to
24 those plans, you might alleviate a lot of the
25 public comment and concern that you have going on

1 right now.

2 That's all I have to say. Thank you.

3 MAYOR HUBBARD: Okay. Thank you.

4 (Applause)

5 TRUSTEE CLARKE: Mr. Mayor.

6 MAYOR HUBBARD: Go ahead.

7 TRUSTEE CLARKE: Would it perhaps be in the
8 Board's interest to share the factual information
9 that's occurred? Everyone is talking about
10 unsupervised, unchecked, uncontrolled activity,
11 when, to my knowledge, we have retained and had a
12 certified engineering firm --

13 TRUSTEE PHILLIPS: Engineering firm.

14 TRUSTEE CLARKE: -- certifying each step
15 that the owner has taken, and that those reports
16 are filed with the Administrator and the Building
17 Department, and that any inconsistencies with the
18 approved plans are noted and rectified. That is
19 my understanding as a Board Member. And to sit
20 through now 40 minutes of having the public
21 misrepresent the fact that we have an unchecked,
22 unbridled construction zone, operating with no
23 supervision, is not sitting well with me. And if
24 you would indulge me, I would like to have either
25 you or the Administrator explain the oversight

1 process that's currently in place, so that those
2 who choose to speak in the public hearing for the
3 remainder of tonight are better informed.

4 MAYOR HUBBARD: Yeah.

5 TRUSTEE CLARKE: Just to save everyone time
6 and energy, so that we're speaking factually to
7 each other.

8 ADMINISTRATOR PALLAS: I think, to be
9 honest, Trustee Clarke actually detailed anything
10 that I would have said anyway. We do have an
11 engineer, he is doing inspections. I don't know
12 if he's done a steel inspection yet, I don't
13 think there's enough steel to inspect yet. He
14 certainly would inspect, and he's doing it to the
15 plans that were submitted and what the building
16 permit is based on. If there's any issue with
17 that, he would obviously report it, we would stop
18 the work, and it would be either fixed, or
19 whatever mitigation would have to take place.

20 TRUSTEE CLARKE: Thank you very much,
21 Administrator Pallas. Thank you, Mr. Mayor.

22 TRUSTEE PHILLIPS: Paul. Paul, can I just
23 ask a question? Could we have the name of the
24 company, so people realize that we hired, we
25 hired this -- is it -- which company is doing it?

1 ADMINISTRATOR PALLAS: It's J.R.

2 Holzmacher, Incorporated.

3 TRUSTEE PHILLIPS: Right, that we -- given
4 from the comments that were taken way back when
5 the original activity started on that property.
6 We did listen to the community and we went out
7 and hired this company to do exactly what people
8 are asking us to do. And, also, that the
9 applicant is actually paying for that, because
10 that's part of our code, that the applicant or
11 the -- if we have to hire consultants to deal
12 with a project, that the applicant, or the
13 permittee in this case, has to foot the bill.

14 ADMINISTRATOR PALLAS: That is correct,
15 yes.

16 TRUSTEE CLARKE: Thank you.

17 MAYOR HUBBARD: Okay.

18 MS. MUNDUS: Pat Mundus, 182 Sterling
19 Street. I'm sorry, I don't have my notes with me
20 to refresh my memory, but is it true that the
21 engineering firm that was hired was at -- the
22 resolution was passed after the foundation was
23 put in. So thank you very much for hiring the
24 engineering firm, and it was really at the
25 bequest of concerned neighbors, and we thank you

1 very much for doing that. But I believe that the
2 firm was finally hired after the foundation was
3 already poured and backfilled.

4 MAYOR HUBBARD: That is correct.

5 MS. MUNDUS: The backfill is very
6 important.

7 MAYOR HUBBARD: Right, the foundation was
8 in, and then when that had happened fast, we
9 went -- our next Board meeting we took action to
10 hire somebody to go and review it and be on top
11 of the project from that point on.

12 MS. MUNDUS: Okay, thank you. Because
13 Mr. Pawlowski stood right here at this microphone
14 and promised you, you, all of us, that he was not
15 going to mound around the foundation. Two days
16 after the hearing was over, he mounded around the
17 foundation. Thank you very much.

18 MAYOR HUBBARD: Okay, thank you. We got --
19 we're not going to repeat back over. I mean --

20 MR. SPIRIDAKIS: So, no, I just -- I just
21 want to take issue with that, Peter, because I
22 really think that you don't know if -- are five
23 affordable houses going to be in that structure
24 or are they going to be somewhere else?

25 TRUSTEE MARTILOTTA: No, they're going to

1 be there.

2 MR. SPIRIDAKIS: I'm sorry?

3 TRUSTEE PHILLIPS: They're going to be in
4 the structure.

5 MAYOR HUBBARD: The stipulation says it's
6 in that building.

7 MR. SPIRIDAKIS: Okay. So those were
8 things that were -- we didn't hear that from
9 Paul. We heard that the five affordable housing
10 units were going to be offsite. Does everybody
11 understand that?

12 MAYOR HUBBARD: Yes.

13 MR. SPIRIDAKIS: I mean, that isn't
14 something we made up.

15 MAYOR HUBBARD: The stipulation doesn't say
16 that.

17 MR. SPIRIDAKIS: It's not -- we're not
18 being paranoid or troublemakers. We're not being
19 unfactual, we're just trying to stick to the
20 stipulation, that's all. And so nobody's --
21 nobody's doing anything to say we should know
22 what's happening.

23 TRUSTEE CLARKE: Absolutely.

24 MR. SPIRIDAKIS: I didn't even know steel
25 was allowed from the original stipulation to

1 today.

2 TRUSTEE CLARKE: Absolutely.

3 MR. SPIRIDAKIS: And I was saying before
4 you should check that. So something like that is
5 what we're talking about.

6 TRUSTEE CLARKE: Absolutely. But I will
7 say again, and to Mrs. Mundus' point as well, the
8 assertions from speakers that things are being
9 built and done that are not in the stipulation is
10 not accurate, and that it is unsupervised is
11 inaccurate. So I wanted to make sure that people
12 had correct information. That's all I'm saying,
13 I'm not insinuating anything else.

14 MR. MACKEN: Okay. I just wanted to
15 respond to that briefly.

16 TRUSTEE CLARKE: You know, I apologize, but
17 I don't see that this is the way this hearing is
18 run.

19 MR. MACKEN: He's wrong. He's saying --
20 but he's I'm wrong, but I'm right. I'm right and
21 you'll find out.

22 MS. ALLEN: No, you're not. There's other
23 people that were wrong.

24 TRUSTEE CLARKE: Yes. This is not a --

25 MR. MACKEN: You're saying you don't know

1 anything about construction, I do.

2 TRUSTEE CLARKE: I did not --

3 MR. MACKEN: And you're saying that what
4 I'm saying and that other people are saying is
5 completely wrong.

6 MAYOR HUBBARD: That's --

7 MR. MACKEN: I bet you haven't even gone
8 down there and looked at it.

9 TRUSTEE CLARKE: You're out of order,
10 Mr. Macken.

11 MR. MACKEN: You haven't looked at it.

12 TRUSTEE CLARKE: Sit down.

13 MR. MACKEN: And you haven't seen that
14 there is -- that there is no --

15 TRUSTEE CLARKE: Sit down, Mr. Macken.

16 MR. MACKEN: How could it be supervised if
17 there's no permit?

18 TRUSTEE CLARKE: Mr. Macken, you are Out of
19 order. Out of respect to the Mayor, he asked
20 that this be a public hearing with people to
21 speak one at a time correctly and politely, and
22 to allow other people waiting in a thunderstorm
23 to come in and speak.

24 I didn't mean to enrage anyone. All I
25 wanted to let everyone know, who seems not to

1 know it, is that there is an engineer hired who
2 is supervising the construction to make sure it's
3 according to plan. That is all I said. I have
4 no further insinuation on the project other than
5 that fact. Thank you.

6 MAYOR HUBBARD: Okay. Three people left.
7 Would three people like to come in? Three
8 people, three people left, there's three empty
9 chairs.

10 MR. WEISS: I didn't want to be here, I
11 don't want to stay here. I don't think I should
12 be here.

13 MAYOR HUBBARD: All right. Well, maybe
14 some people behind you might want to come in and
15 take a seat.

16 MR. WEISS: I'm holding the door, but I'd
17 like to take the microphone for a second.

18 MAYOR HUBBARD: You're pulling the
19 carpet up.

20 MR. WEISS: My name is Stephen Weiss, I
21 live at 117 Sterling Street, Greenport. I am not
22 a professional engineer, but I've probably built
23 more high-rise buildings in New York City than
24 most people here have been in. And I can tell
25 you, Peter, if Holzmacher is doing his job, he

1 should have looked at the structural steel
2 drawings before they went up and seen they are
3 not what the stip building is. That's it.

4 TRUSTEE CLARKE: Thank you, Mr. Weiss.
5 Thank you.

6 (Applause)

7 MAYOR HUBBARD: Is there anybody else
8 outside that would like to come inside?

9 (No Response)

10 MAYOR HUBBARD: Okay.

11 TRUSTEE PHILLIPS: Mr. Mayor, are you
12 looking for a motion to close the public hearing?

13 MAYOR HUBBARD: Yes, I am. I just wanted
14 to --

15 TRUSTEE PHILLIPS: I'll so make that
16 motion.

17 MAYOR HUBBARD: What's that?

18 TRUSTEE PHILLIPS: I'll make that motion to
19 close the public hearing.

20 TRUSTEE ROBINS: I'll second the motion.

21 MAYOR HUBBARD: Okay. I have a motion by
22 Trustee Phillips, second by Trustee Robins, to
23 close the public hearing. All in favor?

24 TRUSTEE CLARK: Aye.

25 TRUSTEE ROBINS: Aye.

1 TRUSTEE MARTILOTTA: Aye.

2 TRUSTEE PHILLIPS: Aye.

3 MAYOR HUBBARD: Aye.

4 Opposed?

5 (No Response)

6 MAYOR HUBBARD: Motion carried. Public
7 hearing is closed.

8 Just give them a second to go. Okay. Now
9 we're going to open it up to the public to
10 address the Board on any topic. Does anybody
11 wish to address the Board?

12 MS. HAMMES: Tricia Hammes, 603 Main
13 Street. I just wanted to follow up. I have sent
14 several letters to the Board on a couple of
15 issues, and I guess I just want to reiterate
16 them, the points that I had raised in public.

17 The first one is with respect to the public
18 hearing process. I think, again, this evening
19 gave us a good example of the need to really try
20 to think of other ways outside the box to
21 encourage public involvement. It may be, since
22 this application has been withdrawn and passed as
23 also off the table, that we won't be having large
24 numbers of people showing up. But we're going to
25 go into the winter months and it's possible other

1 controversial hearings will come in. And I don't
2 think that it's really in the public's best
3 interest to be having 39 people standing outside
4 in a thunderstorm for something that is obviously
5 this important to the public. So that's the
6 first point.

7 I mean, I raised a number of points that
8 relate to that in the letter that I wrote the
9 Board. I had asked for it to be entered into the
10 public record, I'm trusting that you did that.
11 But that was one of my related points, because,
12 you know, when I've raised this before, people
13 have said, "Well, write a letter." But, frankly,
14 you send the letters in, and thank you, Trustee
15 Clarke, and thank you, Trustee Phillips, have
16 acknowledged them recently, but in the past
17 there's no acknowledgement even that you've sent
18 the letters in. They don't get read into the
19 public record. Therefore, the public doesn't
20 know about them, and it becomes kind of a
21 circular issue. So that's one point I just
22 wanted to highlight and raise.

23 The other point, really, it's to the noise
24 ordinance amendments, which are before the Board
25 this evening. I know that the public hearing was

1 held -- closed on that. I couldn't make it to
2 last week's meeting, although I was watching it.
3 I did write a letter on that as well, which
4 Trustee Phillips referred to in that meeting.

5 I am on the Planning Board. I am a little
6 bit concerned and puzzled by the -- what the
7 Planning Board is supposed to be doing with
8 respect to issuing music permits, and whether or
9 not that applies to all existing businesses in
10 the Village that will this winter, therefore,
11 have to come before the Board.

12 I -- you know, there were a number of
13 points, technical, that I raised in that letter,
14 because, unfortunately for all of us, I have a
15 legal background, so sometimes I read things a
16 little too closely for my own good. But a
17 related point, I do have to say I was a little
18 taken a back at last week's meeting in terms of
19 it seemed to me that at least a couple of
20 Trustees raised some valid points that needed to
21 be discussed. The public did, and it seems to be
22 that there's a rush to adopt those amendments and
23 take kind of a view that we'll modify them later
24 on, because there's some things in them that we
25 may have to fix. That to me, that approach

1 doesn't really give me a lot of confidence,
2 frankly, in governance. I would like to see that
3 we're passing laws that we think work when we
4 pass them. And particularly, given where we are
5 in the season, it seems to me we're not likely to
6 have a lot of fines going out right now, and so
7 there is some time to addresses some of those
8 issues. So since you guys are voting on it
9 tonight, I just wanted to raise those points.
10 Thank you.

11 TRUSTEE CLARKE: Thank you.

12 MS. KREAHLING: Hi. Lorraine Kreaahling,
13 157 Central Avenue. Thank you all for your --

14 MAYOR HUBBARD: Could you just say your
15 name again so she can get it? I'm sorry.

16 MS. KREAHLING: Kreaahling,
17 K-R-E-A-H-L-I-N-G.

18 I really respect the fact that you guys are
19 working through difficult times, so I just wanted
20 to say that. And I know that your job isn't
21 easy, because I know you are always confronted by
22 people who have different issues to deal with it,
23 so I appreciate your service, I really do, I know
24 how hard it is.

25 We Quakers say, "This friend doth speak my

1 mind," that is the person who just spoke. The --
2 I understand the need to try to make things get
3 through a process, I do. I feel like I should
4 say that with Quakers, there's this thing called
5 a sense of the meeting and you really listen to
6 what everyone says, and by listening with your
7 whole person, rather than just trying to get them
8 off, somehow you find some middle ground.

9 And with this noise ordinance, I tried to
10 attend the virtual meeting when I first heard it
11 was being revised and I couldn't get online, I
12 tried everything. And then when I came to the
13 public hearing, I didn't realize that it was the
14 last time to speak on the issue, and I was not
15 familiar with the changes. And I finally did get
16 a copy from the Village and I did go through it
17 to see exactly what was being changed. And I
18 wrote all of you a letter.

19 Those of us who have lived for a long time
20 in the Historic District have a very different
21 experience of noise than people who live really
22 even a couple of blocks away, and Claudio's
23 usually the worst. But it's really, particularly
24 in this time of -- when so many things are
25 unknown and when people are being tried on every

1 level emotionally, financially, missing their
2 families, the notion that you should be barraged
3 with loud music while you're having dinner or
4 while you're trying to sleep is really sort of
5 above and beyond. And everybody who lives on
6 the -- on the blocks that I live on, Bay and
7 Central and Sterling, have had this experience of
8 thinking there's a band next door playing because
9 of the way music travels across the water.

10 So one of the things that you're doing, and
11 I'll just stop after this, is increasing the
12 decibel level to 85, and that is -- as I said in
13 my note to you today, you're putting yourself in
14 jeopardy for a lawsuit, because the CDC, which is
15 a Federal agency, it's not a left wing, or a
16 radical, or a liberal organization, Centers for
17 Disease Control, Washington Government, says,
18 based on science, that 85 decibels for a two-hour
19 period of time can damage hearing. That means
20 that people who are on the wait staff at
21 Claudio's who have an eight-hour shift are likely
22 getting permanent hearing damage, not to mention
23 the rest of us, but let's just start there.

24 So that why would -- why would you even
25 consider raising the decibel level when we

1 already have too much noise in our environment in
2 this wonderful Village? So I think that, and as
3 I -- if I had known that that's what you were
4 doing, I would have spoken sooner before -- when
5 it was still a public issue.

6 And I just think that the person who just
7 spoke is right, that there's no reason that you
8 have to vote on this tonight. The season is
9 over. At least if you really want to represent
10 your -- the people who are in your community,
11 listen to them and you'll find a middle ground,
12 you'll find a way to make this work for everyone.
13 Thank you.

14 TRUSTEE CLARKE: Thank you.

15 MAYOR HUBBARD: Thank you. Anybody else
16 wish to address the Board?

17 MS. ALLEN: Chatty Allen, Third Street.
18 First, I want to say all the banners that have
19 gone up, I had to go out today, I normally only
20 go out like once a week, and I got up to go into
21 my living room and went, "Wow," because there's
22 one right outside my window, and I saw the banner
23 was hanging. So thank you for getting those.
24 Hopefully, everyone now can't complain that they
25 don't know about the mask mandate. You did a

1 great job on that.

2 And I just want to thank all of you and our
3 amazing crews. They have been working so hard.
4 Something happens, they're right there and
5 they're fixing them. We've got amazing people
6 that work for this Village. And at a time when
7 life is so uncertain, you never know from one day
8 to the next what's going to happen. But to see
9 the good that has been coming out -- and I also
10 want to stand here and say it was before COVID
11 hit us, I don't know how many months before, and
12 we've been in this since March, so it was way
13 before March that the Board made the decision to
14 hire someone for the property.

15 So I'm glad, Peter, that you spoke up about
16 that, because it was at a meeting, it was
17 discussed. And I think that's what's been
18 bothering me tonight is people not having their
19 facts straight, and then coming up to this
20 microphone and being disrespectful the way I've
21 seen this evening. It took everything in me to
22 come to this meeting tonight, and to have people
23 speak the way that they did, it's uncalled for.
24 You guys are doing an amazing job. Thank you.

25 TRUSTEE CLARKE: Thank you.

1 MAYOR HUBBARD: Thank you.

2 MR. SWISKEY: Do we have room now?

3 MAYOR HUBBARD: There's room.

4 MR. SWISKEY: Is it still time to speak to
5 you?

6 MAYOR HUBBARD: Yes, it is.

7 MR. SWISKEY: All right.

8 MAYOR HUBBARD: Well, hang on, somebody's
9 ahead of you.

10 MR. SWISKEY: All right, not a problem.
11 That's okay, that's my friend.

12 MR. SALADINO: Says you.

13 (Laughter)

14 MR. SWISKEY: All right. I'll pay you the
15 five bucks, okay, John?

16 MR. SALADINO: John Saladino, Sixth Street.
17 This evening you're going to vote on a SEQRA
18 resolution and a wetlands permit. I had my say
19 about it, I'm not going to rehash it. I have a
20 question about the process.

21 The applicant had a wetlands -- had a
22 public hearing for a wetlands permit, this Board
23 imposed conditions on it. The public hearing was
24 closed. And then the applicant, because he was
25 dissatisfied with the decision of this Board,

1 asked for a modification of that, of that
2 wetlands permit.

3 Everyone here probably knows our code is
4 permissive. There's no mention of a modification
5 in our code to a wetlands permit. The remedy, if
6 the applicant doesn't like it, is judicial
7 review, an Article 78. I'm just curious how we
8 stepped over that process, which I'm not sure if
9 I should even say, which is a deterrent. I mean,
10 you know, to go and spend 15, 20, \$30,000 on an
11 Article 78 a lot of times is a deterrent to both
12 the Village or to the applicant.

13 I'm not sure how we got to the point of a
14 second wetlands permit, because the applicant
15 didn't like the decision by this Board of the
16 first wetlands permit. Again, there's no mention
17 in our code about a modification. The remedy to
18 a dissatisfied applicant or the dissatisfied
19 members of this Board is judicial -- is an
20 Article 78. So I'm kind of curious about how we
21 got to the point of a second wetlands permit
22 hearing to modify the first one.

23 MAYOR HUBBARD: Uh-huh. Anything in the
24 procedure? I mean --

25 MR. PROKOP: No, it was -- everything the

1 Board did was procedurally correct. I disagree.

2 MAYOR HUBBARD: All right. So it might not
3 be in the code, but he asked for a change on
4 that, and it came back to the Building
5 Department, it went through.

6 MR. SALADINO: Yeah, but that's not what
7 the code says. The code says the remedy to an
8 applicant that's denied is judicial review, not a
9 modification, not like, "Well, I wasn't here,"
10 or, "I'm unhappy." And, again, I had my say
11 about it. You guys made up your mind, I'm okay
12 with it, but it's going to happen again. And the
13 process, we have a process in place, we should
14 follow it, is what I'm saying.

15 MAYOR HUBBARD: We'll have to reread the
16 code and review it again and just go over it.
17 But, I mean, we followed the procedure, and
18 according to everything we've got, it was done
19 properly, so.

20 MR. PROKOP: He's just --

21 MAYOR HUBBARD: Yes.

22 ATTORNEY PROKOP: He's talking about two
23 different things, it's not -- I disagree. I
24 think everything the Board did was proper.

25 MAYOR HUBBARD: Right.

1 MR. SALADINO: Thank you. Thank you.

2 MAYOR HUBBARD: Thank you.

3 MR. SWISKEY: William Swiskey, 184 Fifth
4 Street. I'm sorry I'm late. I was -- when I got
5 here, the crowd we saw, I went home and I watched
6 on TV, and I'm glad I made.

7 Anyway, at the last regular meeting, I
8 asked a couple of questions. Well, I'd like to
9 repeat a couple. How are we making out with the
10 Genesys lawsuit?

11 MR. PROKOP: The report was given at the
12 work session. The -- we received the full
13 project file from the -- the report was given at
14 the work session by me, as it is every month.
15 This month, what the -- what the update was,
16 which it continues to be accurate as of today,
17 as-of-right now, actually, the -- we received the
18 entire project file from Mr. Braun and Genesys.
19 We had to go to an office in Westchester County,
20 picked up four boxes of materials. The engineer,
21 who you mentioned the last time --

22 MR. SWISKEY: Okay.

23 ATTORNEY PROKOP: -- you remember who he
24 is, is in the process of reviewing those files
25 and will issue a report to the Village on the

1 files on what he comes up with.

2 MR. SWISKEY: Will that report be public
3 knowledge or --

4 ATTORNEY PROKOP: It's in -- it's in
5 litigation and it's attorney work product, so
6 probably will not be -- that report will probably
7 not be public.

8 MR. SWISKEY: Even if the litigation is
9 over?

10 MR. PROKOP: When the litigation is over,
11 it may become public, I'm not sure. I have to
12 look -- check into that.

13 MR. SWISKEY: All right, thank you. There
14 was two other items I mentioned. One of them was
15 did anybody go to Monsell Place and look at that
16 tree growing through the hospital feed of
17 primaries?

18 MAYOR HUBBARD: Say that again, Bill. I
19 called --

20 ADMINISTRATOR PALLAS: Yeah. I had my --
21 my crew is looking at all the circuits right now.
22 Any major problem they will be addressing.

23 MR. SWISKEY: It's been a month, Paul, give
24 me a break. I mean, that tree could have been
25 taken out of there in two hours. I mean,

1 what's -- you're not trimming any trees in
2 this -- in Greenport. I'm going to tell you
3 something. You get a major hurricane, something
4 with 120 mile an hour winds, the lights are going
5 to be out for a long time. But I would urge each
6 Board member to go down there and look at that
7 tree. Did you look at it, Mary Bess?

8 TRUSTEE PHILLIPS: Yes, I've seen it, Bill.

9 MR. SWISKEY: It didn't concern you?

10 TRUSTEE PHILLIPS: I've made my mention
11 about it, so -- and Mr. Pallas just answered you
12 that they are looking at it.

13 MR. SWISKEY: Looking? You're looking
14 at --

15 TRUSTEE PHILLIPS: I can't cut the tree
16 down, Bill, I can only pass it on to the Village
17 Administrator.

18 MR. SWISKEY: We pay line crews with part
19 of their duties under Civil Service, if you look
20 at their job description, is to trim trees, and
21 we can't get that tree out of there in over a
22 month? There's something wrong here. You better
23 look at the way your department is run.

24 MAYOR HUBBARD: Okay. Anybody else wish to
25 address the Board on any topic?

1 (No Response)

2 MAYOR HUBBARD: All right. We'll move on
3 to our regular agenda.

4 I'll offer *RESOLUTION #08-2020-1*,
5 *RESOLUTION adopting the August, 2020 agenda as*
6 *printed*. So moved.

7 TRUSTEE MARTILOTTA: Second.

8 MAYOR HUBBARD: All in favor?

9 TRUSTEE CLARKE: Aye.

10 TRUSTEE ROBINS: Aye.

11 TRUSTEE MARTILOTTA: Aye.

12 TRUSTEE PHILLIPS: Aye.

13 MAYOR HUBBARD: Aye.

14 Opposed?

15 (No Response)

16 MAYOR HUBBARD: Motion carried.

17 Trustee Clarke.

18 TRUSTEE CLARKE: *RESOLUTION #08-2020-2*,
19 *Accepting the monthly reports of the Greenport*
20 *Fire Department, Village Administrator, Village*
21 *Treasurer, Village Clerk, Village Attorney, Mayor*
22 *and Board of Trustees*. So moved.

23 TRUSTEE MARTILOTTA: Second.

24 MAYOR HUBBARD: All in favor?

25 TRUSTEE CLARKE: Aye.

1 TRUSTEE ROBINS: Aye.

2 TRUSTEE MARTILOTTA: Aye.

3 TRUSTEE PHILLIPS: Aye.

4 MAYOR HUBBARD: Aye.

5 Opposed?

6 (No Response)

7 MAYOR HUBBARD: Motion carried.

8 TRUSTEE MARTILOTTA: *RESOLUTION #08-2020-3,*
9 *RESOLUTION accepting the application for*
10 *membership of Juan Diaz to the Standard Hose*
11 *Company of the Greenport Fire Department, as*
12 *approved by the Village of Greenport Fire*
13 *Department Board of Wardens on August 19th, 2020.*

14 So moved.

15 TRUSTEE PHILLIPS: Second.

16 MAYOR HUBBARD: All in favor?

17 TRUSTEE CLARKE: Aye.

18 TRUSTEE ROBINS: Aye.

19 TRUSTEE MARTILOTTA: Aye.

20 TRUSTEE PHILLIPS: Aye.

21 MAYOR HUBBARD: Aye.

22 Opposed?

23 (No Response)

24 MAYOR HUBBARD: Motion carried.

25 TRUSTEE PHILLIPS: *RESOLUTION #08-2020-4,*

1 *RESOLUTION accepting the application for*
2 *membership of Linda Mysliborski to the Relief*
3 *Hose Company of the Greenport Village --*
4 *Greenport Fire Department, as approved by the*
5 *Village of Greenport Fire Department Board of*
6 *Wardens on August 19th, 2020. So moved.*

7 TRUSTEE ROBINS: Second

8 MAYOR HUBBARD: All in favor?

9 TRUSTEE CLARKE: Aye.

10 TRUSTEE ROBINS: Aye.

11 TRUSTEE MARTILOTTA: Aye.

12 TRUSTEE PHILLIPS: Aye.

13 MAYOR HUBBARD: Aye.

14 Opposed?

15 (No Response)

16 MAYOR HUBBARD: Motion carried.

17 TRUSTEE ROBINS: *RESOLUTION 05 --*

18 *08-2020-5, RESOLUTION accepting the application*
19 *for membership of Robert J. Corwin to the Relief*
20 *Hose Company of the Greenport Fire Department, as*
21 *approved by the Village of Greenport Fire*
22 *Department Board of Wardens on August 19th, 2020.*
23 *So moved.*

24 TRUSTEE CLARKE: Second.

25 MAYOR HUBBARD: All in favor?

1 TRUSTEE CLARKE: Aye.

2 TRUSTEE ROBINS: Aye.

3 TRUSTEE MARTILOTTA: Aye.

4 TRUSTEE PHILLIPS: Aye.

5 MAYOR HUBBARD: Aye.

6 Opposed?

7 (No Response)

8 MAYOR HUBBARD: Motion carried.

9 TRUSTEE CLARKE: *RESOLUTION #08-2020-6,*
10 *Accepting with regret the resignation of Gary*
11 *Stoner from the Relief Hose Company of the*
12 *Greenport Fire Department, as accepted by the*
13 *Relief Hose Company on August 3rd, 2020, and the*
14 *Village of Greenport Fire Department Board of*
15 *Wardens on August 19th, 2020. So moved.*

16 TRUSTEE MARTILOTTA: Second.

17 MAYOR HUBBARD: All in favor?

18 TRUSTEE CLARKE: Aye.

19 TRUSTEE ROBINS: Aye.

20 TRUSTEE MARTILOTTA: Aye.

21 TRUSTEE PHILLIPS: Aye.

22 MAYOR HUBBARD: Aye.

23 Opposed?

24 (No Response)

25 MAYOR HUBBARD: Motion carried.

1 TRUSTEE MARTILOTTA: *RESOLUTION #08-2020-7,*
2 *RESOLUTION accepting the attached North Ferry*
3 *queue re-design known as "Alternative 4", as*
4 *developed and recommended by L.K. Mclean*
5 *Associates, as the ferry queue re-design*
6 *selection from the Village of Greenport Board of*
7 *Trustees to the New York State Department of*
8 *Transportation. So moved.*

9 TRUSTEE PHILLIPS: Second.

10 MAYOR HUBBARD: All in favor?

11 TRUSTEE CLARKE: Aye.

12 TRUSTEE ROBINS: Aye.

13 TRUSTEE MARTILOTTA: Aye.

14 TRUSTEE PHILLIPS: Aye.

15 MAYOR HUBBARD: Aye.

16 Opposed?

17 (No Response)

18 MAYOR HUBBARD: Motion carried.

19 TRUSTEE PHILLIPS: *RESOLUTION #08-2020-8,*
20 *RESOLUTION authorizing Treasurer Brandt to*
21 *perform attached Budget Transfer #4559, to*
22 *appropriate reserves to fund the temporary*
23 *emergency rental of a generator for the Central*
24 *Pump Station, and directing that Budget Transfer*
25 *#4559 to be included as part of the formal*

1 *meeting minutes of the August 27th, 2020 Regular*
2 *Meeting of the Board of Trustees. So moved.*

3 TRUSTEE ROBINS: Second.

4 MAYOR HUBBARD: All in favor?

5 TRUSTEE CLARKE: Aye.

6 TRUSTEE ROBINS: Aye.

7 TRUSTEE MARTILOTTA: Aye.

8 TRUSTEE PHILLIPS: Aye.

9 MAYOR HUBBARD: Aye.

10 Opposed?

11 (No Response)

12 MAYOR HUBBARD: Motion carried.

13 TRUSTEE ROBINS: *RESOLUTION #08-2020-9,*

14 *RESOLUTION approving the attached SEQRA*

15 *resolution regarding the approval of the Wetlands*

16 *Permit Application submitted by applicant Paul*

17 *Pawlowski on behalf of 123 Sterling Avenue*

18 *Corporation for the property at 123 Sterling*

19 *Avenue, Greenport, New York, 11944; adopting lead*

20 *agency status, determining that the approval of*

21 *the application is an Unlimited (sic) (Unlisted)*

22 *Action for purposes of SEQRA, and adopting a*

23 *Negative Declaration determining that the*

24 *approval of the Wetlands Permit Application will*

25 *not have a significant negative impact on the*

1 *environment.* So moved.

2 TRUSTEE CLARKE: Second.

3 MAYOR HUBBARD: All in favor?

4 TRUSTEE CLARKE: Aye.

5 TRUSTEE ROBINS: Aye.

6 TRUSTEE MARTILOTTA: Aye.

7 TRUSTEE PHILLIPS: Aye.

8 MAYOR HUBBARD: Aye.

9 Opposed?

10 (No Response)

11 MAYOR HUBBARD: Motion carried.

12 TRUSTEE CLARKE: *RESOLUTION #08-2020-10,*

13 *RESOLUTION approving the Wetlands Permit*

14 *Application submitted by applicant Paul Pawlowski*

15 *on behalf of 123 Sterling Avenue Corp. for the*

16 *property at 123 Sterling Avenue, Greenport, NY*

17 *11944 to modify the conditions of the original*

18 *approval of the approved wetlands permit to allow*

19 *for dockage along the east bulkhead. Per the*

20 *Village of Greenport Conservation Advisory*

21 *Council, the following conditions shall also*

22 *apply to the approval of this permit application:*

23 • *The approved Wetlands Permit Application*

24 *will have an expiration date of two (2) years*

25 *from the date of approval.*

1 • *The applicant must install a pump-out*
2 *station on the premises that is accessible to the*
3 *public, and*

4 *Any required fill material shall come from*
5 *site material previously removed and currently*
6 *stored on-site. So moved.*

7 TRUSTEE MARTILOTTA: Second.

8 MAYOR HUBBARD: All in favor?

9 TRUSTEE CLARKE: Aye.

10 TRUSTEE ROBINS: Aye.

11 TRUSTEE MARTILOTTA: Aye.

12 MAYOR HUBBARD: Aye.

13 Opposed?

14 TRUSTEE PHILLIPS: Opposed.

15 MAYOR HUBBARD: Motion carried.

16 TRUSTEE PHILLIPS: I oppose.

17 MAYOR HUBBARD: You oppose?

18 TRUSTEE PHILLIPS: Yes.

19 MAYOR HUBBARD: Okay, four to one. Okay.

20 Sorry. Okay.

21 TRUSTEE MARTILOTTA: *RESOLUTION #08-2020-11,*
22 *RESOLUTION adopting the attached SEQRA resolution*
23 *regarding the proposed local law of 2020 amending*
24 *Chapter 88 (Noise) of the Village of Greenport*
25 *Code; adopting lead agency status, determining*

1 *the adoption of the local law amending Chapter 88*
2 *(Noise) to be an Unlisted Action for purposes of*
3 *SEQRA, and adopting a Negative Declaration,*
4 *determining that the adoption of the Local Law*
5 *will not have a significant negative impact on*
6 *the environment. So moved.*

7 TRUSTEE PHILLIPS: Second, and discussion,
8 please.

9 MAYOR HUBBARD: Okay, go ahead.

10 TRUSTEE PHILLIPS: I would like to table
11 the SEQRA resolution. I also in advance will
12 state that I want to table the resolution on the
13 amended changes.

14 As I stated in the email earlier today to
15 you, Mayor, and the rest of the Board, I just
16 feel that after the public comments that were
17 raised at the public hearing, and some of the
18 other issues that arrived and in rethinking this,
19 I am not comfortable that we have fully met all
20 of the issues that were created in this. And it
21 raised too many questions for me to feel
22 confident that we've reached the goal that the
23 Business District and the Residential District
24 will be living in harmony with each other. So I
25 would like to make a motion to table this SEQRA

1 resolution. So moved.

2 TRUSTEE CLARKE: Second.

3 MAYOR HUBBARD: Discussion?

4 TRUSTEE ROBINS: I'd like to also comment
5 that I do agree with Trustee Phillips, that I
6 think that this resolution and code change needs
7 additional discussion.

8 We've received a number of emails and
9 request for consideration by constituents. There
10 are multiple sides to this situation and I really
11 think that it hasn't had a proper discussion on
12 the part of the Board, and I don't see the need
13 to rush at this point. So I support Trustee
14 Phillips to table this resolution.

15 MAYOR HUBBARD: Okay. I would just like to
16 add some comments on that. The whole law is not
17 just about a decibel reading. There's other
18 stuff in there increasing the fines, increasing
19 enforcement, having review to get a music permit,
20 which are all key parts of what we worked on
21 trying to get the law put together. And my
22 feeling, we should approve that. We could change
23 the decibel reading from 85 to 58 at a future
24 time. But the guts of the law, the stuff that we
25 really needed that we got the BID to approve on,

1 comments from Zoning and Planning, put together
2 the gist of the law, and I think 95% of the law
3 is what we actually -- what we wanted to
4 accomplish. It's the one decibel reading that is
5 off, and I feel that we should just vote on this
6 and we could change the decibel reading. But
7 that's fine.

8 TRUSTEE PHILLIPS: Mr. Mayor, may I comment
9 on that? I understand that some of the focus has
10 been on the decibel, but I think people have
11 raised other questions in reference to how is
12 this -- you know, why is the Planning Board doing
13 the permit process, what is the process for it to
14 go through. There are more questions than
15 just -- than just the decibel.

16 I just -- I understand that the -- that
17 there are major -- major points were
18 accomplished, but I do believe that we need to
19 just take a step back. I asked -- as I said at
20 the work session, and I do believe strongly that
21 with the public comments that came to us, that we
22 really need to to just -- I took a really good
23 second hard look at. We've all been busy with
24 the COVID-19. And I'll take ownership that
25 probably I missed a few points that I should have

1 brought up. And I think that there is no --
2 there is -- there -- code changes are important,
3 and a well written code shouldn't always have to
4 be tweaked afterwards.

5 So I -- as I said, respectfully, I think
6 that we just need to take another month and
7 another discussion to look at this, and if it has
8 to put out for another public hearing, then we
9 would doing that anyway if we're going to be
10 tweaking it afterwards. So those are my
11 feelings.

12 MAYOR HUBBARD: Okay. Any other
13 discussion?

14 (No Response)

15 MAYOR HUBBARD: I'll ask the Clerk to call
16 the roll.

17 (Roll Call by Clerk Pirillo)

18 CLERK PIRILLO: Trustee Clarke.

19 TRUSTEE PHILLIPS: We're voting on the
20 table, correct?

21 CLERK PIRILLO: We're voting on the table.

22 ATTORNEY PROKOP: Of SEQRA.

23 CLERK PIRILLO: Yes, yes or no to tabling
24 of the SEQRA.

25 MAYOR HUBBARD: Tabling the two,

1 Resolutions 11 and 12.

2 TRUSTEE CLARKE: Oh, 11 and 12, yes, I
3 would vote yes to tabling.

4 (Roll Call Continued)

5 TRUSTEE MARTILOTTA: No.

6 TRUSTEE PHILLIPS: Yes.

7 TRUSTEE ROBINS: Yes.

8 MAYOR HUBBARD: No.

9 CLERK PIRILLO: Thank you.

10 MAYOR HUBBARD: Okay. Two, those two
11 resolutions are tabled.

12 Okay. You read that, Jack, so, Trustee
13 Phillips, you read 13.

14 TRUSTEE PHILLIPS: *RESOLUTION #08-2020-13,*
15 *RESOLUTION scheduling a public hearing for*
16 *7 p.m. on September 24th, 2020 at the Third*
17 *Street Fire Station, Third and South Streets,*
18 *Greenport, New York, 11944 regarding a*
19 *modification to, and extension of, the Wetlands*
20 *Permit for Peconic Land Trust, Inc.; to perform*
21 *shoreline restoration activities at the Widow's*
22 *Hole Preserve, with such restoration including*
23 *approximately .4 acres of shoreline and adjacent*
24 *upland. So moved.*

25 TRUSTEE ROBINS: Second.

1 MAYOR HUBBARD: All in favor?

2 TRUSTEE CLARKE: Aye.

3 TRUSTEE ROBINS: Aye.

4 TRUSTEE MARTILOTTA: Aye.

5 TRUSTEE PHILLIPS: Aye.

6 MAYOR HUBBARD: Aye.

7 Opposed?

8 (No Response)

9 MAYOR HUBBARD: Motion carried.

10 TRUSTEE ROBINS: *RESOLUTION #08-2020-14,*
11 *RESOLUTION ratifying the attached annual*
12 *agreement between the Town of Southold and the*
13 *Village of Greenport regarding the Marine*
14 *Pump-Out Station, and authorizing Mayor Hubbard*
15 *to sign the agreement between the Town of*
16 *Southold and the Village of Greenport regarding*
17 *the Marine Pump-Out Station. So moved.*

18 TRUSTEE CLARKE: Second.

19 MAYOR HUBBARD: All in favor?

20 TRUSTEE CLARKE: Aye.

21 TRUSTEE ROBINS: Aye.

22 TRUSTEE MARTILOTTA: Aye.

23 TRUSTEE PHILLIPS: Aye.

24 MAYOR HUBBARD: Aye.

25 Opposed?

1 (No Response)

2 MAYOR HUBBARD: Motion carried.

3 TRUSTEE CLARKE: *RESOLUTION #08-2020-15,*
4 *Approving the attached lease agreement between*
5 *the Village of Greenport and the Clinton A.M.E.*
6 *Zion Church for the use of a portion of the*
7 *property located at 612 Third Street, Greenport*
8 *that is owned by the Clinton A.M.E. Zion Church,*
9 *for use by the Village of Greenport Recreation*
10 *Program, and authorizing Mayor Hubbard to execute*
11 *the lease agreement on behalf of the Village of*
12 *Greenport. So moved.*

13 TRUSTEE MARTILOTTA: Second.

14 MAYOR HUBBARD: All in favor?

15 TRUSTEE CLARKE: Aye.

16 TRUSTEE ROBINS: Aye.

17 TRUSTEE MARTILOTTA: Aye.

18 TRUSTEE PHILLIPS: Aye.

19 MAYOR HUBBARD: Aye.

20 Opposed?

21 (No Response)

22 MAYOR HUBBARD: Motion carried.

23 TRUSTEE MARTILOTTA: *RESOLUTION #08-2020-16,*
24 *RESOLUTION authorizing the solicitation of bids*
25 *for the purchase of a generator for the central*

1 *pump [sewer] station, to include the removal and*
2 *disposal of the existing generator, and directing*
3 *Clerk Pirillo to notice the bid solicitation*
4 *accordingly. So moved.*

5 TRUSTEE PHILLIPS: Second.

6 MAYOR HUBBARD: All in favor?

7 TRUSTEE CLARKE: Aye.

8 TRUSTEE ROBINS: Aye.

9 TRUSTEE MARTILOTTA: Aye.

10 TRUSTEE PHILLIPS: Aye.

11 MAYOR HUBBARD: Aye.

12 Opposed?

13 (No Response)

14 MAYOR HUBBARD: Motion carried.

15 TRUSTEE PHILLIPS: *RESOLUTION #08-2020-17,*
16 *RESOLUTION accepting the bid of \$18,250.00 from*
17 *Stanley F. Skrezec, the sole bidder, for the*
18 *purchase of a 2005 International 10-yard dump*
19 *truck for the Village of Greenport Road*
20 *Department, per the bid opening on July 23rd,*
21 *2020. So moved.*

22 TRUSTEE ROBINS: Second.

23 MAYOR HUBBARD: All in favor?

24 TRUSTEE CLARKE: Aye.

25 TRUSTEE ROBINS: Aye.

1 TRUSTEE MARTILOTTA: Aye.

2 TRUSTEE PHILLIPS: Aye.

3 MAYOR HUBBARD: Aye.

4 Opposed?

5 (No Response)

6 MAYOR HUBBARD: Motion carried.

7 TRUSTEE ROBINS: *RESOLUTION #08-2020-18,*
8 *RESOLUTION accepting the following bids from*
9 *Steven NorkeJun, the sole bidder, for the*
10 *purchase of a:*

11 *1989 Ford F-350 pick-up truck - bid of*
12 *\$1,000.00*

13 *2002 International 4700 dump truck - bid of*
14 *\$1,000.00,*

15 *And 2008 Ford F-450 super-diesel pick-up*
16 *truck - bid of \$1,000.00; per the bid opening on*
17 *August 6th, 2020. So moved.*

18 TRUSTEE CLARKE: Second.

19 MAYOR HUBBARD: All in favor?

20 TRUSTEE CLARKE: Aye.

21 TRUSTEE ROBINS: Aye.

22 TRUSTEE MARTILOTTA: Aye.

23 TRUSTEE PHILLIPS: Aye.

24 MAYOR HUBBARD: Aye.

25 Opposed?

1 (No Response)

2 MAYOR HUBBARD: Motion carried.

3 TRUSTEE CLARKE: *RESOLUTION #08-2020-19,*
4 *Authorizing the Village of Greenport to conduct a*
5 *lottery for five (5) deer hunting permits, by bow*
6 *and arrow only, as per New York State hunting*
7 *regulations, in the western portion of Moore's*
8 *Woods, beginning October 1, 2020.*

9 So moved.

10 TRUSTEE MARTILOTTA: Second.

11 MAYOR HUBBARD: All in favor?

12 TRUSTEE CLARKE: Aye.

13 TRUSTEE ROBINS: Aye.

14 TRUSTEE MARTILOTTA: Aye.

15 TRUSTEE PHILLIPS: Aye.

16 MAYOR HUBBARD: Aye.

17 Opposed?

18 (No Response)

19 MAYOR HUBBARD: Motion carried.

20 TRUSTEE MARTILOTTA: *RESOLUTION #08-2020-20,*
21 *RESOLUTION rejecting all proposals received for*
22 *consulting services for the Village of Greenport*
23 *Fire Department, per the proposal opening on*
24 *February 20, 2020; and directing Clerk Pirillo to*
25 *re-notice the request for proposals accordingly.*

1 So moved.

2 TRUSTEE PHILLIPS: Second

3 MAYOR HUBBARD: All in favor?

4 TRUSTEE CLARKE: Aye.

5 TRUSTEE ROBINS: Aye.

6 TRUSTEE MARTILOTTA: Aye.

7 TRUSTEE PHILLIPS: Aye.

8 MAYOR HUBBARD: Aye.

9 Opposed?

10 (No Response)

11 MAYOR HUBBARD: Motion carried.

12 TRUSTEE PHILLIPS: *RESOLUTION #08-2020-21,*

13 *RESOLUTION approving all checks for Fiscal Year*

14 *2019/2020 per the Voucher Summary Report dated*

15 *August 21st, 2020, in the total amount of*

16 *\$6,578.06 consisting of:*

17 *o All regular checks in the amount of*

18 *\$6,578.06. So moved.*

19 TRUSTEE ROBINS: Second.

20 MAYOR HUBBARD: All in favor?

21 TRUSTEE CLARKE: Aye.

22 TRUSTEE ROBINS: Aye.

23 TRUSTEE MARTILOTTA: Aye.

24 TRUSTEE PHILLIPS: Aye.

25 MAYOR HUBBARD: Aye.

1 Opposed?

2 (No Response)

3 MAYOR HUBBARD: Motion carried.

4 TRUSTEE ROBINS: *RESOLUTION #08-2020-22,*
5 *RESOLUTION approving all checks for Fiscal Year*
6 *2020/2021 per the Voucher Summary Report dated*
7 *August 24th, 2020, in the total amount of*
8 *\$1,075,257.89 consisting of:*

9 o *All regular checks in the amount of*
10 *\$563,152.04, and*

11 o *All prepaid checks (including wire*
12 *transfers) in the amount of \$512,105.85. So moved.*

13 TRUSTEE CLARKE: Second.

14 MAYOR HUBBARD: All in favor?

15 TRUSTEE CLARKE: Aye.

16 TRUSTEE ROBINS: Aye.

17 TRUSTEE MARTILOTTA: Aye.

18 TRUSTEE PHILLIPS: Aye.

19 MAYOR HUBBARD: Aye.

20 Opposed?

21 (No Response)

22 MAYOR HUBBARD: Motion carried.

23 Okay. That concludes our business for the
24 evening. I'll offer a motion to adjourn at 8:18.
25 So moved.

1 TRUSTEE MARTILOTTA: Second.

2 MAYOR HUBBARD: All in favor?

3 TRUSTEE CLARKE: Aye.

4 TRUSTEE ROBINS: Aye.

5 TRUSTEE MARTILOTTA: Aye.

6 TRUSTEE PHILLIPS: Aye.

7 MAYOR HUBBARD: Aye.

8 Opposed?

9 (No Response)

10 MAYOR HUBBARD: Motion carried. Thank you
11 all for coming. Stay safe.

12 (The meeting was adjourned at 8:18 p.m.)

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1940 Crown Land Lane – Cutchogue NY 11935
August 27, 2020

Greenport Village Board of Trustees
236 3rd Street
Greenport, NY 11944

RE: [via email to the Village Clerk]

Village Board of Trustees' Public Hearing regarding the Stipulation Agreement of 123 Sterling LLC and requests by the developers to modify the court-based agreement.

Members of the Board:

My wife and I were residents at 145 Sterling Street for 26 years and residents of the North Fork for nearly 50 years – we currently reside in Cutchogue following our move about a year ago. I was a member of the ZBA and served as Chairperson of the Board for most of my 7-year term. My service on the board commenced in 2009 so I was not involved in any ZBA actions leading up to the 2007 Stipulation Agreement.

I oppose any overarching action by the Board of Trustees to approve any amendment to the Stipulation *or* to approve any new plans *in lieu* of the Stipulation. The Stipulation Agreement clearly states that 123 Sterling has the right to modify the so-called “Modified Plan”, but must do so through the ‘ordinary channels’. Further, the Stipulation Agreement states if 123 Sterling seeks to abandon the Modified Plan, again for any new development plan, they shall apply *de novo* through the ‘ordinary channels’. Thus, whether the developers seek to modify the framework of the Modified Plan, or to seek a totally new plan, all ordinary reviews must be employed (Planning Board, Zoning Board of Appeals, Wetlands Permits and Historic Preservation Commission). The point is that the degree of modification to the Stipulation Agreement is not an issue, just that any modification to the plans will require full review as required by the stipulation. ***These new plans must be submitted *de novo* and reviewed by all of the required boards as required by the Stipulation Agreement and the Greenport Village code.***

The modifications to the original Stipulation Agreement sought by the applicants are significant, substantial and change the nature of the agreed development of this Waterfront Commercial (WC) property (including a smaller R-2 Zoned portion). The Stipulation Agreement was a compromise among the litigants not fully satisfying any of the signatories. However, the overall principle agreed to, in order to preserve a significant amount of Marine Commercial activity, was to sanction a non-permitted residential use of the property for 12 upper-story apartments and 5 workforce apartment units. None the less, 15,000 sq. ft. of WC space was assigned to the first floor of the principal building and to a smaller independent commercial structure was to be built at the rear of the property. In the new plan, the main building abandons any provision of marine commercial use in favor of in-building parking for the luxury apartments above. In addition, the developers seek to further increase residential

1940 Crown Land Lane – Cutchogue NY 11935
August 27, 2020

density with 6 additional market rate units. They also seek to move the workforce housing to a separate multifamily dwelling displacing the commercial structure planned for the rear of the property. *These new plans abandon any semblance of Waterfront Commercial use.*

Finally, the developers have repeatedly stated they have an approved footprint for development of the property. The developers do have an approved footprint, but *only* within the confines of developing the prescribed stipulation agreement. Outside of the stipulation, no footprint is preapproved. Thus, I do not think development of any structural footprint should be permitted if the developers are seeking a different development plan. Furthermore, it appears the current iron work being erected does not comply with the original stipulation and is in violation of the Stipulation Agreement building permit. *I urge the Village Board of Trustees and the Building Department to issue a Stop Work Order while any modified/alternate development plans are being proposed.*

Despite the above concerns, I do support the eventual development of this WC property. I encourage Mr. Pawlowski and associates to propose a site plan which they feel is best for their interests *and* for the interests of the Village and its residents, especially those neighbors most affected by development. However, they must fully comply with the processes required for any major development of a WC property. Too much rests on the Village and its residents if this project is not afforded the full and thorough consideration of the impact of developing this property. It will also set a precedent for future development of other Waterfront Commercial properties in the Village.

Respectfully submitted,

[signature]

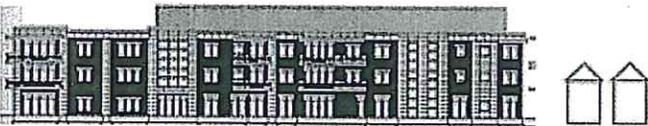
Douglas M. Moore

Sylvia Pirillo

From: Paul Henry <paulmichaelhenry@hotmail.com>
Sent: Thursday, August 27, 2020 1:09 PM
To: George Hubbard; Jack Martilotta; Peter Clarke; Mary Bess Phillips; Julia Robins; Paul Pallas; Sylvia Pirillo; Jeanmarie Oddon; Amanda Aurichio
Subject: 123 Sterling Avenue

To the Greenport Village Board, The Planning Board, Board of Appeals and all interested parties:
Please enter this letter into all appropriate Records.

In regards to the application of 123 Sterling Avenue to amend a 2007 Stipulation: The developers wish to amend the stipulation by eliminating 15,000 SqFt of commercial space by replacing it with a first floor parking garage and relocating 5 affordable housing units out of the main building. They also wish to add 5 additional market value units to the main building.



I am a strong supporter of property rights and support Mr. Powloski's rights to build out 123 Sterling Avenue. However, The neighbors and village have rights as well. The question is, what can, should and will be built there. Despite the fact that construction has begun, the foundation is in and steel has been erected, the buildings specifications have not been finalized, as the developers are asking to significantly modify the plans and the controlling stipulation. I understand that the steel that was put into place does not conform to the stipulated plan, was this allowed?

The 2007 stipulated plan was derived and agreed to, but void of the normal, required planning process. When the stipulation was signed, a court order essentially bypassed ("side stepped") all the scrutiny that normally would have ironed out many of the details that remain undefined today. These details would have and should have been worked out, but never were because this final stipulated agreement was void of the customary, required process. As I understand it, the stipulated plan was thrown together in a hurry, to end a long, tiring court battle, without any of the normal, mandatory scrutiny from The Planning Board and Zoning Board. Missing was the back and forth discussions with the boards to iron out details as well as the opportunity for the public to comment about this specific plan. In fact to my knowledge, although the Board of Appeals signed off on the stipulation, not one hearing was held to discuss the details of the stipulated plan. It's been described to me as "fudging".

This Stipulation clearly and specifically requires that any changes whatsoever to the agreed upon plan would require the whole project to go back to square one, starting over again. This would entail submitting a proposed plan to all the appropriate authorities including, The Village Board, The Planning Board for site plan review and The Zoning Board for the numerous variances required. The fact of the matter is, that this would be the first time this project's plans went through the normal, required and necessary process.

Over the past year, there have been numerous proposals to change the specifications, as defined in the stipulation. Several different renderings were presented to the public last year, where the developer showed 2 different faces of the building, one notably more attractive than the other. The less attractive version was presented as the

stipulated design and the more attractive and aesthetically pleasing version was presented as what the new, proposed building would look like, if the plans were allowed to be modified. Due to the fact that so many details were never determined to begin with, the developer is assuming much leeway and could make the building look like whatever he wants, either way. He choose to present it in such a way that the building is going to be much uglier, unless he gets his way.

Converting the waterfront Commercial usage exclusively to residential would have multifaceted problems. Years ago the village received a grant from NY State which established The Local Waterfront Revitalization Program:

https://docs.dos.ny.gov/opd-lwrp/LWRP/Greenport_V/Index.html

One of the provisions of accepting the grant was to maintain waterfront commercial zones. The purpose being to maintain the character, look and feel of a traditional Waterfront community. Naturally, this excluded Condominiums and was specifically intended to prevent our waterfront heritage morphing into walls of condominiums and Hotels. It was partially a result of and response too several condominium projects which had been recently built on Greenport's waterfront. In fact, this was why the original stipulation had to incorporated 15,000 SqFt of commercial space and this is why the project must still do so. The village is bound to this, and rightfully so.

There is Nothing "minor" about the conversion of Waterfront Commercial zoning to exclusive residential usage. There are at least 4 other major properties (between 123 Sterling Ave. and Mitchel Park, zoned Waterfront Commercial. If it is allowed to do away with the commercial component and 123 Sterling is re-zoned, the resulting precedent would be a major threat to the future character of Greenport. This would be an awful precedent to set and would require as serious a planning and variance process as has ever been. Nobody in the village, not even the Town Board, could/should allow this without an extensive process which according to the stipulation, would require the whole project, every detail, to go back to square one. The stipulation is very clear and binding.

I would add that segregating the "affordable" units out of the building and onto Ludlum Place, does not comply with the stipulation or the spirit of such. The affordable housing was specifically intended to be inclusive to this building. The developer is leaning on the stipulation as the controlling authority to allow him to be able to build, but wants to pick and choose which provisions are binding, in accordance with his convenience and bottom line. The stipulation is binding and very clear, it's all or none.

As a side note, Mr. Powlowski claims that the property is not in a flood zone. Having searched the FEMA website, I offer the following official document which contradicts that claim. Also it seems that the grade of the property was raised to the height of the new foundation. On what authority?

https://msc.fema.gov/arcgis/rest/directories/arcgisjobs/nfhl_print/mscprint_gpserver/j36f22c22fc8f4501ab03c15965017982/scratch/FIRMETTE_b8c1c71a-73ba-468a-a6d6-dfa529266533.pdf



I'm confident that the purchasers of this property were fully aware of the Stipulation's provisions and the zoning restrictions defined in the Local Waterfront Revitalization Plan. There can be no current or future claim of hardship. By its nature, the purchase of this property, with the stipulation intact, reflects a self created hardship, if any.

The magnitude of the application to rezone and bypass provisions of the stipulation are major in scope and potential impact to the future of Greenport.

So let's slow down, take a breath and think this through. I've been told that the recent construction of steel framing on site does not comply with the stipulated agreement, but is more in line with the proposed amendment to the stipulation. This, by itself would dictate that this project be halted and sent back to square one of the planning process. One way or the other, this project needs to go through the legitimate, required process of planning and zoning before any concessions are granted. It is not the Village Boards place to be re-zoning in this fashion. To do so would set a very dangerous precedent with grave ramifications for the future of the village.

Thank You for your consideration.

Paul Henry
145 Sterling Street
Greenport

Sylvia Pirillo

From: Ellen Schnepel <eschnepel@verizon.net>
Sent: Thursday, August 27, 2020 10:46 AM
To: George Hubbard; Jack Martilotta; Peter Clarke; Mary Bess Phillips; Julia Robins
Cc: Sylvia Pirillo; Pat Mundus; Susan Heaney
Subject: 123 Sterling Avenue and application for changes to 2007 Stipulation Agreement - for BOT public hearing 8/27/20

April 27, 2020

Dear Mayor Hubbard and Village of Greenport Board of Trustees Clarke, Martilotta, Phillips, and Robins,

I am one of the original signatories of the 2007 Stipulation Agreement concerning 123 Sterling Avenue. The final agreement — with a three-story, 45,000 square-foot building — was at best a compromise negotiated by the three parties involved (village, developers, and neighborhood association), and crafted by former Mayor David Kapell to conform, in part, to the foot print and look of Sharky's Fish Factory, the former tenant. Over 12 years, during which time the original developers did nothing, Greenport changed from a sleepy seaside village to a popular maritime resort.

As chair of the Sterling Basin Neighborhood Association, I would like to single out the developer Paul Pawlowski and his disingenuousness — a term first used by Walter Foote, Chair of the Planning Board — in constructing the foundation last fall to activate his permit prior to any village deliberations. And repeating this travesty by beginning the construction of the metal beam skeleton of the main building a week prior to the Board of Trustee's public hearing on 123 Sterling Avenue on Thursday, August 27th.

At no point in the developer's discussions with our neighborhood association or his deliberations with village board members — whether BOT, PB, or ZBA — has he shown a finalized site plan with his proposed changes which fly in the face of the 2007 Stipulation. How can one discuss a plan and its changes if it is not fully fleshed out? What are we to believe is the final plan when over the past 16 months it has gone through multiple iterations?

Negotiations between the SBNA and Mr. Pawlowski have ended because he was unwilling to consider the major concerns of our neighborhood, namely: (1) increased density in condos (he has proposed 30% increase in total number: this includes 42% increase in market-rate condos while the number of affordable units stay the same), and (2) the design and look of a building that has an industrial, commercial appearance which is inappropriate to the neighborhood of historic homes, specifically, and to the Greenport community, in general. We feel Mr. Pawlowski has squandered his opportunity to create a mixed-used commercial/residential property that pays homage to Greenport's maritime past *and* respects the historic architecture and integrity of the surrounding neighborhood.

The numerous proposed changes, by their very nature, require and necessitate a full review of the proposed site plan by all four boards — Trustees, Planning Board, Zone Board of Appeals, and Historic Preservation Commission — as has been initiated. We are pleased that the 123 Sterling Avenue project will have both administrative review and open public discussion at each stage. As the process goes forward, we hope that the consulting engineer who was hired by the Village and Greenport's building inspector will oversee the project and make sure it conforms to proper codes and regulations *before* it is built.

Sincerely,

Ellen Schnepel
165 Sterling Street
Landline: 631-477-8303

Cell: 917-854-5999

Email: eschnepel@verizon.net

PS Please include this e-letter in the public record at the BOT August 27 meeting. Thank you.

Sylvia Pirillo

From: Randy Wade <vision4me@me.com>
Sent: Thursday, August 27, 2020 12:24 PM
To: George Hubbard; Jack Martilotta; Peter Clarke; Mary Bess Phillips; Julia Robins; Sylvia Pirillo; Paul Pallas
Subject: Comments on 123 Sterling

George W. Hubbard Jr. Mayor
Jack Martilotta Deputy Mayor/Trustee
Mary Bess Phillips Trustee
Julia Robins Trustee
Peter Clarke Trustee

Dear Mayor Hubbard and Board,

The Stipulated agreement was extremely generous to the developer of 123 Sterling. The arbiter's Stip. states that approval was not taking the place of more thorough and detailed Board reviews. It gives an overall agreement on density and an unfortunate out-of-scale approval on height. The density should in no way be increased. The developer's concession will be valuable in meeting the more detailed needs of the reviews that should follow if the out-of-date Stip is to be considered valid. Specifically the reviews should ensure:

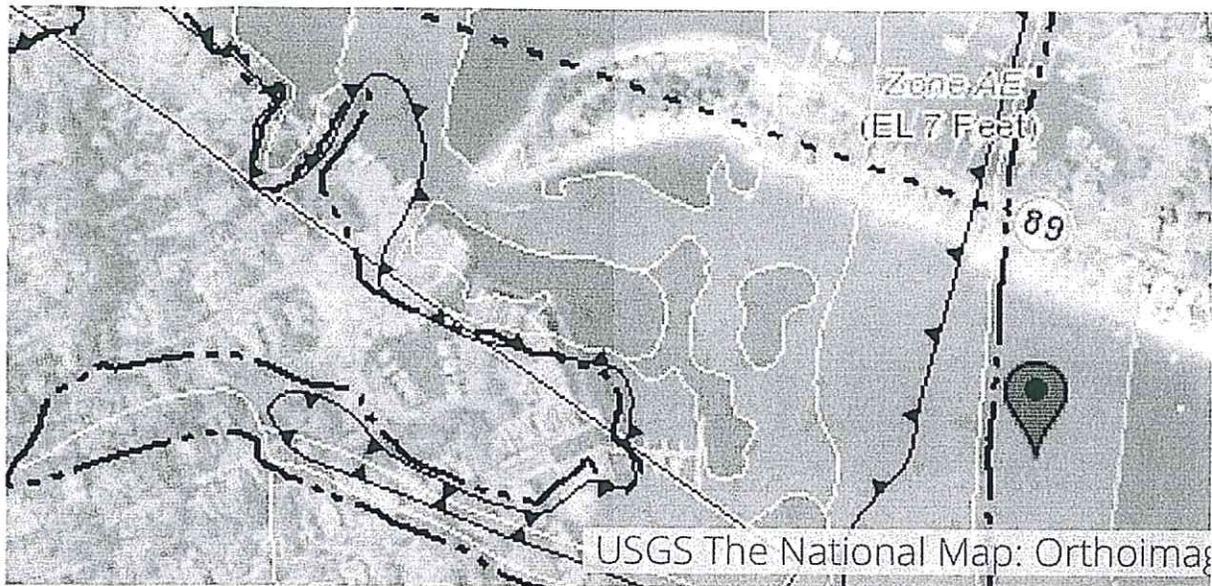
- That the exterior is appropriate to its surroundings.
- That the commercial remains with no interior parking.
- That the affordable housing, as a concession to grant multifamily with a substandard density and lot size in a zone that prohibits condos, should indeed remain affordable rentals in perpetuity.
- That the code-required recreational space be provided. Benches added to the new waterfront public walkway could serve the purpose.
- That landscaping, circulation from Ludlam Place and parking are appropriate considerations for further Board reviews and seem to be going in the right direction with the removal of on-street angled-parking and no front drive.
- Anything above the third floor should be hidden from view standing across the street, even if it means putting more utilities into the 3rd floor. The look of a 4th floor, even a partial one, should be rejected.

Also, I was surprised that the developer said publicly that he was not in a flood zone. Please note the screen shot of the FEMA flood map below. This causes some concern that his structure might not be designed to FEMA standards thus jeopardizing other Greenport properties' ability to obtain FEMA flood insurance.

Thank you. Sincerely, Randy Wade, 6th Street

Hi Sylvia or Paul,
Can you please read the above into the record. I'm sorry in advance to add to what will probably be a long meeting.
Thank you. Randy

Screenshot from FEMA website:



position based on user input
 do not represent an authoritative
 information

**SPECIAL FLOOD
 HAZARD AREAS**

Without Base Flood Elevation (BFE)
 Zone A, V, A99
 With BFE or Depth
 Regulatory Floodway Zone AE, AO, AH, V

Map Boundary

Available

Available

0.2% Annual Chance Flood Hazard, 1% of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile

Sylvia Pirillo

From: Pat Mundus <pgmundus@gmail.com>
Sent: Wednesday, August 26, 2020 8:06 PM
To: George Hubbard; Jack Martilotta; Peter Clarke; Mary Bess Phillips; Julia Robins
Cc: Ellen Schnepel; Sylvia Pirillo
Subject: 123 Sterling change of stipulation application

Dear Mayor Hubbard and Greenport Village Board of Trustees Phillips, Clarke, Robins and Martilotta,

I would like this e-letter to be part of the record at the BOT August 27 meeting.

I am grateful that a project as impactful as 123 Sterling is embarking on a full review by all Village boards. Thank you for facilitating this comprehensive review. I hope Mr. Pawlowski does not pull his application again at the eleventh hour to avoid comprehensive evaluation.

The Sterling Basin Neighborhood Association's general membership has reached a majority agreement and a separate statement is being made by them. The majority has not been able to endorse increased density and feels the building aesthetics remain a work in progress.

1. Please be aware the SBNA is an entirely separate entity from the "Save Greenport Now" group of citizens and SBNA is not affiliated with the lawsuit in any way.
2. Mr. Pawlowski has been through four different plan iterations during the last fifteen months the SBNA steering committee has been in dialogues with him. This has made it difficult to vouch our full support of a change to the 2007 Stipulation Agreement. How can we support a builder who will not tell us exactly what he is building? In fact, even Planning Board Chairman Foote publicly stated Mr. Pawlowski is being "disingenuous" in his approach.
3. How is it OK for a builder to state publicly that he wasn't going to mound soil around his foundation and then do it anyway? Now he claims he doesn't have any FEMA elevation conflict. How is it OK for a builder to be asking for increased density and major changes to his site plan and continue to build a 15,000 square foot structure while he is pursuing a review of site plan modification?

Thank you for your consideration and guiding this project with integrity.

Very sincerely,

Pat Mundus, residing at 182 Sterling Street
631-786-2734

Sylvia Pirillo

From: Stephen Medaris Bull <steve.bull@gmail.com>
Sent: Wednesday, August 26, 2020 2:27 PM
To: George Hubbard; Jack Martilotta; Peter Clarke; Mary Bess Phillips; Julia Robins; Sylvia Pirillo
Subject: 123 Sterling Avenue Project - - deny immediate alteration of stipulation and plans, and if needed

To the Greenport Village Board of Trustees:

Please deny any proposed modifications to the plans for 123 Sterling Avenue pending a Comprehensive Zoning and Planning review of this project in accordance with current Greenport Village codes and planning rules.

If needed to create sufficient investor profit for the developer to meet his costs, I am in favor of increasing the density of the 123 Sterling Avenue Project with 5 additional affordable rental-in-perpetuity units on the site. Do the right thing.

Sincerely,
Stephen Bull
24 Sandy Beach Road
Greenport NY 11944

101 Sterling Street
Greenport, NY 11944

August 24, 2020

Mayor George W. Hubbard, Jr.
Deputy Mayor Jack Martilotta
Trustee Peter Clarke
Trustee Mary Bess Phillips
Trustee Julia Robins

Village Hall
236 3rd Street
Greenport, NY 11944

To the Greenport Village Board of Trustees
Re: 123 Sterling Ave

This letter is to express my support of several proposed modifications to the 2007 Stipulation Agreement between the Sterling Basin Neighborhood Association (SBNA), the Village of Greenport and the owner/developer of 123 Sterling Avenue.

My husband and I own a house directly opposite 123 Sterling Ave. Naturally we would prefer a beautiful park for pedestrians or a few quaint houses—something more in keeping with Greenport ambience. But that is out of our control. As you know, the Village provided a building permit to the previous owner immediately prior to sale of the property for construction based on a design and Stipulation Agreement dating back to 2007. Despite considerable hue and cry, that building permit was never revoked.

In the aftermath of that sale, my husband and I became members of the SBNA Steering Committee. In fact, our names are included at the bottom of a recent letter sent to you by Ellen Schnepel, chair, and the SBNA Steering committee (dated August 3, 2020). I wish to make it perfectly clear I am now writing **not** as a representative of that Steering Committee or the larger SBNA. I am speaking for myself as a private citizen who has spent many hours trying to reach agreement as best we can under the circumstances.

The August 3 letter referred to above was written in response to a request from Paul Pawlowski. He asked that we acknowledge support in principle—not in specific detail—for issues we had discussed. It is my understanding he believed it would be helpful to the Village Boards to know there is some agreement between the parties derived from the many meetings and written communications between Mr. Pawlowski and the Steering Committee that took place over the past 15 months.

Specified issues were included in the August 3 letter to you and are as follows (in my language):

- 1) No head-in parking on Sterling Ave
- 2) Sidewalks and landscaping along Sterling Ave (made possible by eliminating head-in parking)
- 3) Additional public space on the waterfront at the end of Sterling Ave (donated by the developer)
- 4) Proposed five affordable units to be built in a separate building to allow for rental status, thereby ensuring affordability in perpetuity
- 5) Exterior design of the building to be more traditional or appropriate to residential neighborhood

Unequivocal support for those basic changes was withheld by the Steering Committee as representatives of the larger SBNA, contrary to my personal point of view and my understanding of conclusions we had arrived at. Instead, more complex and controversial issues were outlined. In the upcoming process of review by the Village Boards (Trustees, Zoning, Planning, Historical), those controversial elements will be debated and evaluated. Many decisions are facing all involved parties and will require discussion and exploration, but I fully and unequivocally support the five straightforward modifications listed above.



Judith Segal

Sylvia Pirillo

From: ellen jaffe <ekjaffe@gmail.com>
Sent: Wednesday, August 26, 2020 4:01 PM
To: George Hubbard; jackmartilotta@yahoo.com; Paul Pallas; Sylvia Pirillo; Peter Clarke; bphillips@greenportvillage.org; Julia Robins
Subject: Noise ordinance 85dBA

Dear Village of Greenport Officials,

I have seen the revised noise ordinance allowing **85 decibels** from the hours between 8PM and midnight. I have also read that it is measured across the source's property line, entering residential property.

We would like to see 85 dBA reduced to something tolerable, safe. 85 dBA is the equivalent of a power mower, possibly harmful if sustained. Residents can't be expected to tolerate that.

Fairness is what we ask.
Consideration for villagers with families who'd like a modicum of peace, safety over their precious weekends.

Respectfully,

Ellen Jaffe

Sylvia Pirillo

From: Decia Fates <df888s@optonline.net>
Sent: Thursday, August 27, 2020 11:53 AM
To: jackmartilotta@greenportvillage.org; Mary Bess Phillips; Julia Robins; pclarke@greenportvillage.com; George Hubbard
Cc: Sylvia Pirillo; Paul Pallas
Subject: Greenport Village Noise Ordinance

Dear Ms. Pirillo:

Please read the comments below aloud into the record during the public comment period of the 8/27/20 Greenport Village Board meeting.

Thank you.

Decia Fates

526 Second St., Greenport

RE: GREENPORT VILLAGE NOISE ORDINANCE

Dear Mayor Hubbard & Village Trustees,

Conceptually, there's nothing wrong with a local business providing music for patrons' enjoyment. But a codified allowable noise level of 85 decibels **at night** is excessive and unnecessary. When I can hear the music at home, blocks away, and understand the words to every song, and when it wakes me from sleep, it is WAY TOO LOUD.

Passing the pending ordinance will constitute an officially sanctioned assault on local residents' quiet enjoyment of their homes and property — just like the noise assault we still face daily, thanks to village inaction, from gas-powered leaf-blowers that fire up as early as 7 a.m.

Enough already! The existing daytime noise limit of 75 decibels is **plenty** loud enough. I urge you to simply extend that same limit to the 8 p.m.-midnight time period.

Respectfully,

Decia Fates

526 Second Street, Greenport, NY 11944

August 27, 2020

Sylvia Pirillo

From: Dave Murray <dmurray@murraydesignbuild.com>
Sent: Thursday, August 27, 2020 1:07 PM
To: Sylvia Pirillo
Subject: Fwd: Ferry Queue Comment to be read into the record

----- Forwarded message -----

From: Lisa Murray <lisakmur@gmail.com>
Date: Thu, Aug 27, 2020 at 1:06 PM
Subject: Ferry Queue Comment to be read into the record
To: David Murray <dmurray@murraydesignbuild.com>

Village of Greenport Mayor and Trustees,

We are writing with regards to the discussion concerning the ferry queue at Wiggins and Third Streets and would like my comments submitted into the Official Record in opposition to Alternate-4 being selected.

Our family owns two of the houses on the North side of Wiggins Street, in the one-way section near the Ferry. This has been our family home for almost 19 years. We have had the direction of the one-way on Wiggins Street turned, and then turned back again. We have watched the ferry line back up for blocks and blocks during the season before additional boats were added.

We have had passage to our house blocked by cars traveling the wrong way on Wiggins Street. We have seen and lived through this every year, so I feel we are in a fairly knowledgeable situation to speak to the problems and solutions which are being discussed.

The proposed solution titled Alternate-4, as recommended to be selected by the engineers, does nothing to solve the issues which precipitated this entire discussion; the efficiency factor of the traffic entering the ferry line, the confusion surrounding the entrance to the line and problems with the Third Street intersection, and, the quality of life of the residents on Wiggins Street.

The most disturbing of the problems is the absolute mess that occurs at the intersection of Third St and Wiggins St. Even with a ferry attendant trying to direct the flow, it is dangerous and Alternate-4 does nothing to solve that issue. We think it even makes it worse. It is to that issue we will direct our comments.

Alternate-4 will still cause all the same confusions at the intersection of Third Street and Wiggins Street we currently have. Currently, if drivers are unable to cut the ferry line directly at the base of Third Street, they often travel the wrong way on Wiggins to do u-turns to get themselves into the line. This is not a random occurrence, I watch it all the time from our living room windows. They will do the same thing in Alternate-4. People will make the illegal right onto Wiggins from Third Street and enter the ferry line, just like they do now. They will not do the right thing and go through the parking lot to turn right onto Wiggins, to then turn left to go North on Third St., go around the block, and, enter the line correctly. Let's not kid ourselves that this will happen.

In Alternate-4, what would stop a person from entering the parking lot and then thinking I can make a quick loop, 20 feet the wrong way into the Ferry Line? Again, they will not do the right thing and go back North on Third to go around the block. That may be the engineer's intention, but the reality is that will **not** happen.

By moving the entrance to the Ferry line to 4th Street, there is no confusion about what to do and where to enter the ferry line. A greenspace buffer is maximized between the houses and ferry lines, and no awkward turn arounds are used. Large trucks can pull directly into a straight lane to queue for the ferry. They are currently left waiting in the line on Wiggins Street, or are pulled off to the side to wait for the chance to load onto the Ferry. Alternate-4 has these same hard turns and turn-around; which means the large trucks will still be pulled over to the side to avoid making those turns. Alternate-4 is not solving problems.

Alternate 3, and the Residents Concept, seem to be the best options with moving the entry into the ferry to 4th street. The objections from residents of 4th Street and West Dublin are completely baseless. People need to make a left turn onto Wiggins Street and that doesn't seem objectionable, why is a left turn into the ferry line any different? The entrance to the new ferry line is before the railroad tracks, before the entrance to the municipal parking lot which has large buses turning left into it hourly, and does not in any way impact 4th Street residents access to and from their houses. We do not believe there will be any backup onto 4th street from the new improved staging lines and, if on the off chance it does, there is nothing stopping the residents from going over the 5th Street or 6th Street to enter/exit their neighborhood. They are not locked in at all. This is the transportation hub of Greenport, not the private entry into the West Dublin neighborhood.

Please consider the reality of what drivers using the ferry actually do, versus the engineers intention for what they will do. Reject Alternate-4 and reconsider entering the ferry line from 4th Street.

Thank you,
David and Lisa Murray
332 5th Avenue
Greenport, NY 11944

--
Dave Murray
Murray Design & Build
449 Main Street
Greenport, NY 11944
murraydesignbuild.com
631.477.0075

BOARD OF TRUSTEES
VILLAGE OF GREENPORT

SEQRA RESOLUTION REGARDING THE WETLANDS PERMIT APPLICATION
OF APPLICANT PAUL PAWLOWSKI ON BEHALF OF 123 STERLING AVENUECORP.

WHEREAS an application for a wetlands permit approval was filed by applicant Paul Pawlowski on behalf of 123 Sterling Avenue Corp. with the Board of Trustees of the Village of Greenport; and

WHEREAS the Board of Trustees of the Village of Greenport has duly considered the obligations of the Village of Greenport with respect to the wetlands permit application and the Board of Trustees of the Village of Greenport with regard to SEQRA, and completed a short form EAF for purposes of SEQRA, it is therefore;

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with regard to the consideration and approval of the wetlands permit application and it is further

RESOLVED that the Board of Trustees hereby determines that the approval of the wetlands permit application is an Unlisted Action for purposes of SEQRA; it is further;

RESOLVED that the Board of Trustees of the Village of Greenport hereby determines that the approval of the wetlands permit application;

Will not have a significant negative impact on the environment in the action, and;

Will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems, and;

Will not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on habitats, or other significant adverse impact on natural resources, impairment of a critical environmental area and;

Will not result in the creation of a material conflict with a community's current plans or goals, and;

Will not result in the creation of a hazard to human health, and;

Will not result in a substantial change in land use, and;

Will not encourage or attract an additional large number of people to a place for more than

a few days, and;

Will not result in the creation of a material demand for other actions, and;

Will not result in changes in two or more elements of the environment, each of which is not significant but when reviewed together are significant two or more related actions each of which is not significant but when reviewed together are significant.

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

Upon motion by Trustee

seconded by Trustee

this resolution is carried as follows:

Dated: July 9, 2020

BOARD OF TRUSTEES - VILLAGE OF GREENPORT
SEQRA RESOLUTION REGARDING THE AMENDMENT OF CHAPTER 88 (NOISE)
OF THE VILLAGE OF GREENPORT CODE

WHEREAS THE Village of Greenport intends to amend Chapter 88 (Noise), of the Village of Greenport Code to adopt new regulations for the regulation of noise in the Village of Greenport ; and

WHEREAS the Board of Trustees of the Village of Greenport has duly considered the obligations of the Village of Greenport with respect to the amendment of Chapter 88 (Noise) and completed a short form EAF for purposes of SEQRA, it is therefore;

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with regard to the amendment of Chapter 88 (Noise), of the Village of Greenport Code to adopt new regulations for the regulation of noise in the Village of Greenport; and it is further

RESOLVED that the Board of Trustees hereby determines that the amendment of Chapter 88 (Noise) of the Village of Greenport Code to adopt new regulations for the regulation of noise in the Village of Greenport; it is further

RESOLVED that the Board of Trustees of the Village of Greenport hereby determines that the amendment of Chapter 88 (Noise) of the Village of Greenport Code to adopt new regulations for the regulation of noise in the Village of Greenport is an Unlisted Action for purposes of SEQRA;

Will not have a significant negative impact on the environment in the action, and;
Will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems; and

Will not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or

wildlife species, impacts on habitats, or other significant adverse impact on natural resources, impairment of a critical environmental area and

Will not result in the creation of a material conflict with the community's current plans or goals, and

Will not result in the creation of a hazard to human health, and

Will not result in a substantial change in land use, and

Will not encourage or attract an additional large number of people to a place for more than a few days, and

Will not result in the creation of a material demand for other actions, and

Will not result in changes in two or more elements of the environment, each of which is not significant but when reviewed together are significant two or more related actions each of which is not significant but when reviewed together are significant.

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

Upon motion by Trustee / seconded by Trustee

this resolution is carried as follows:

Dated: August 3, 2020

**IMA Town of Southold and Village of Greenport
Town Pump Out Boats on Village Waterways**

Intermunicipal Agreement

This Agreement ("Agreement") is between the Town of Southold ("Town"), a municipal corporation of the State of New York, having an office at 53095 Route 25, Southold, New York 11971 and the Village of Greenport, a municipal corporation of the State of New York having an office at 236 Third Street, Greenport, New York 11944.

Term of Agreement: Shall be from June 24, 2020 through October 31, 2020

Total Cost of Agreement: As provided in this Agreement

Whereas, the Town presently employs individuals to operate pump out boats in the various Southold Town Waterways; and

Whereas, the Village would like to utilize those Town Pump Out Boat Services in Village Waterways during special events, when their Village Pump Out Boat is inoperable or as other emergency need arises; and

Whereas, the Town needs to have locations available to it for the offload of effluent waste from the Town Pump Out Boat;

Now, Therefore, in consideration of the mutual provisions and covenants hereafter set forth, the parties hereto agree as follows:

1. The Town will provide Pump Out Boat Services in Village Waterways when requested by the Village on an emergency basis and during special events in the Village from 11 a.m. until 5 p.m., upon advanced seven (7) days written notice beginning June 24, 2020 through October 31, 2020, conditioned upon the availability of the Town's Pump Out Boat's regular duties, and as may otherwise be agreed by the Town and the Village.
2. The pump out boat and staff thereon provided by the Town under this Agreement shall have all appropriate certifications as required and appropriate for employment as a pump out boat operator during all times that they are providing services under this Agreement.
3. The individuals that are provided to the Village by the Town to work at the Village waterways shall at all times be and remain employees of the Town, and covered by all required and respective Town insurance and benefit plans, and have all salary and other compensation and other payments that may accrue or be due to them paid to them by the Town. The individuals shall at all times remain and considered to be employees of the Town.
4. In consideration of this agreement the Village shall waive any and all pump out boat offload fees for the Town at their Village pump station at Mitchell Marina during a period of special event service and/or emergency service. All other times the Town shall be permitted to offload, and the Village shall accept, effluent waste from the Town Trustees' Pump Out Boat at the Village Pump

**IMA Town of Southold and Village of Greenport
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Out Station at a rate of fifty cents (\$0.50) per gallon. The Mitchell Marina Dock Master or his/ her designee and the Town Pump Out Boat Operator shall jointly agree on the amount of waste off loaded and shall note their records accordingly.

5. **Indemnification:** The Village agrees to hold harmless and indemnify the Town and its employees for any final judgment of a court of competent jurisdiction to the extent attributable to the negligence of the Village or its officers or employees while acting within their scope or capacity of this agreement. The Town agrees to hold harmless and indemnify the Village and its employees for any final judgment of a court of competent jurisdiction to the extent attributable to the negligence of the Town or its officers or employees while acting within their scope or capacity of this agreement.

6. The Village of Greenport agrees to carry appropriate insurance coverage from claims of bodily injury, death or property damage that may arise from the performance of services under this agreement in limits of \$1,000,000 and \$1,000,000 aggregate liability for bodily injury and property damage. The Town shall be named as additional insured and a certificate of insurance shall be provided to the Office of the Town Clerk within 48 hours of execution of this Agreement.

7. It is expressly agreed that if any term or provision of this Agreement, or the application thereof to any person or circumstance, shall be held invalid or unenforceable to any extent, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

8. It is expressly agreed that this Agreement represents the entire agreement of the parties, that all previous understandings are merged in this Agreement. No modification of this Agreement shall be valid unless written in the form of an Amendment and executed by both parties.

In Witness Whereof, the parties hereto have executed this Agreement as of the latest date written below.

Town of Southold

Village of Greenport

By: _____
Hon. Scott A. Russell
Supervisor

By: _____
Hon. George W. Hubbard, Jr.
Mayor

Date: _____

Date: _____

**IMA Town of Southold and Village of Greenport
Town Pump Out Boats on Village Waterways**

STATE OF NEW YORK, COUNTY OF SUFFOLK ss.:

On the day of June, in the year 2020, before me, the undersigned, personally appeared George W. Hubbard, Jr, Mayor of the Village of Greenport, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she the executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and office of person taking the
Acknowledgement

STATE OF NEW YORK, COUNTY OF SUFFOLK ss.:

On the day of June, in the year 2020, before me, the undersigned, personally appeared Scott A. Russell, Supervisor of the Town of Southold, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she the executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and office of person taking the
Acknowledgement

LEASE AGREEMENT

AGREEMENT OF LEASE made this _____ day of _____ 2020, by and between the Clinton Memorial A.M.E. Zion Church, 614 Third Street, Greenport, New York 11944 (the "Church" or the "Lessor"), and the Village of Greenport, 236 Third Street, Greenport, New York 11944, party of the first part (the "Village" or "Lessee") as follows:

1. The Lessor agrees to lease to the Village and the Village agrees to lease from the Lessor the portion of Church premises at 614 Third Street which is known as the Perry Day Care Center (the "Premises") as provided in this Lease Agreement.
2. The term of this Lease shall be for one year commencing on April 19, 2020 and ending on April 30, 2021. The Lease shall automatically renew for an additional four one year renewal terms (for a total of five years), with the first such one year renewal term beginning May 1, 2021 and the last renewal term ending on April 30, 2025), unless either party should send the other party written notice by February 15th prior to the end of the initial term or one of the renewal terms that the party does not want the lease to renew for an additional term or terms, whereupon the term of the lease shall end on the April 18th, of that term.
3. The Village agrees to accept the Premises in as is condition.
4. The Village shall make only cosmetic and nonstructural changes to the Premises, such as painting, general cleaning and carpet cleaning. At the end of the term of this Lease the Village shall return the Premises in clean and good condition, free of any personal property and restored to the condition at the commencement of the Lease, less any reasonable wear and tear.
5. The Village shall make a monthly payment to the Church in the amount of \$1,000 per month for the initial term and any renewal term of this Lease. It is agreed that in the event that the Lessee defaults in respect of any of the terms, provisions and conditions of this agreement, including the payment of rent, the Lessor may use, apply or retain the whole or any part of the security so deposited to the extent required for the payment of any rent or for any sum which the Lessor may expend or be required to expend by reason of the Lessee's default in respect to any of the terms, covenants and conditions of this agreement. In the event that the Lessee shall fully and faithfully comply with all of the terms, provisions covenants and conditions of this agreement, the security shall be returned to the Lessee after the end of the term of the agreement, after delivery of entire possession of the demised premises to the Lessor.

The parties acknowledge that the monthly payment is meant to be an offset against the expenses that may be incurred by the Church due to the Lease. In the event that there is an increase in the real estate taxes for the property due to an adjustment to the real property tax

assessment on the property by the Town of Southold that results from this Lease, the monthly payments of the Village of Greenport shall be adjusted to reimburse the Church for that increase which shall be deemed additional rent hereunder. It is acknowledged and agreed that, at present, no real property taxes are payable on the said property by the Church and any taxes assessed represent an increase in real estate taxes under this paragraph.

6. The Village shall be responsible for the payment of all utilities used at the Premises and shall be responsible for weekly refuse removal.

7. The Village shall use the Premises for the operation of Village related or Village sponsored activities only.

8. The Village of Greenport shall add and maintain, for the term of the Lease and any extensions thereto, the Church to the Village liability insurance policy as named additional insured with respect to the Premises and use. The Village, at its expense, shall maintain at all times during the term of this lease public liability insurance in respect of the demised premises and the conduct or operation of business or activities therein, not less than \$1,000,000.00 for bodily injury, death and/or property damage in any one occurrence, and not less than a \$2,000,000.00 in general aggregate naming Clinton Memorial A.M.E. Zion Church, as an additional insured. Lessee shall promptly deliver to Lessor certificates of insurance evidencing such policies on or before occupancy. Failure to deliver said certificates, and any extensions thereof, shall constitute a default under the terms hereof.

9. Lessee shall procure and pay for renewals of such insurance from time to time before the expiration thereof, and Lessee shall deliver to Lessor said renewal policy at least thirty (30) days before the expiration of any existing policy. All the policies shall be issued by companies satisfactory to Lessor and all the policies shall contain a provision whereby the same cannot be canceled or modified unless Lessor is given at least twenty (20) days' prior written notice of said cancellation or modification, including, without limitation, any cancellation resulting from non-payment of premiums.

10. Lessee agrees not to suffer any act of commission or omission on the premises which will increase the rate of insurance or cause the cancellation of any policy of insurance of any nature thereon or which is extra hazardous on account of Fire Risk; and not to permit any odors, noises or accumulation of dirt or refuse matter which may impair said building or interfere with Lessor.

11. This Lease shall not be assignable by the Village.

12. All notices shall be in writing and sent by certified mail, as follows:

To the Church:
The Reverend Natalie R. Wimberly
Julia English, Head Trustee
Clinton Memorial A.M.E. Zion Church
614 Third Street, PO Box 736
Greenport, New York 11944

To the Village:
Sylvia Pirillo, RMC, Village Clerk
Village of Greenport
236 Third Street
Greenport, New York 11944

13. Lessee agrees to defend, indemnify, and hold harmless the Lessor and its respective officials, officers, agents, and employees from and against any and all claims, suits, loss, costs or liability arising from or on account of the Village's use of the Premises except for those items that are due to the Church's negligence or willful conduct. Lessor agrees to defend, indemnify, and hold harmless the Lessee and its respective officials, officers, agents, and employees from and against any and all claims, suits, loss, costs or liability arising from the Lessor's negligence or willful conduct. Lessor shall not in any event whatsoever be liable for any injury or damage to any person happening on or about the demised premises or for any injury or damage to the demised premises, or to any property of Lessee unless caused by Lessor's negligence or willful conduct.

14. If the Lessee defaults in the observance or performance of any term or covenant on the Lessee's part to be observed or performed under any of the terms or provisions in any paragraph of this lease, then, if within ten days of Lessor providing notice of the default Lessee has not cured the default, or if the default cannot be cured within ten days, Lessee has not made a diligent effort to cure the default, the Lessor may immediately, or at any time thereafter, perform the same for the account of the Lessee and if the Lessor makes any expenditures or incurs any obligations for the payment of money in connection therewith including, but not limited to, attorney's fees in instituting, prosecuting, or defending any action or proceeding, such sums paid or obligations incurred, including real property taxes as set forth hereinabove, with interest and costs shall be deemed to additional rent hereunder. Lessor shall be required to give Lessee ten (10) days written notice of default prior to exercising its rights hereunder.

15. This Lease constitutes the entire agreement between the Church and the Village regarding this matter, no other verbal agreements have been entered into, and any modification of this Lease or any of its terms and conditions or of any matter relating to this Lease must be in writing and duly executed by the Church and the Village.

Dated:

Signatures and acknowledgement on following page

Village of Greenport

By: _____
George W. Hubbard, Jr., Mayor

Clinton Memorial A.M.E. Zion Church

By: _____
Julia English, Chair of Board of Trustees

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

On this ____ day of _____, 2020, before me personally came _____ to me known, who, being by me duly sworn did depose and say that s/he resides at _____ that s/he is the _____ of _____ described in and which executed the foregoing instrument.

(SEAL)

Notary Public

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

On this ____ day of _____, 2020, before me personally came _____ to me known, who, being by me duly sworn did depose and say that s/he resides at _____ that s/he is the _____ of _____ described in and which executed the foregoing instrument.

(SEAL)

Notary Public