

1 VILLAGE OF GREENPORT  
 2 COUNTY OF SUFFOLK : STATE OF NEW YORK  
 3 -----X  
 4 PLANNING BOARD  
 5 WORK SESSION/REGULAR SESSION  
 6 -----X  
 7 Third Street Fire Station  
 8 Greenport, New York  
 9 May 27, 2021  
 10 4:00 p.m.

11  
 12  
 13 B E F O R E:  
 14 WALTER FOOTE - CHAIRMAN  
 15 LILY DOUGHERTY-JOHNSON - MEMBER  
 16 PATRICIA HAMMES - MEMBER  
 17 REED KYRK - MEMBER

18  
 19 A B S E N T:  
 20 JOHN COTUGNO - MEMBER  
 21  
 22 ROBERT CONNOLLY - ZONING BOARD ATTORNEY  
 23 PAUL PALLAS - VILLAGE ADMINISTRATOR  
 24 AMANDA AURICHIO - CLERK TO THE BOARD

25

1 (The meeting was called to order at 4 p.m.)

2 CHAIRMAN FOOTE: Good afternoon. Welcome to  
3 the Planning Board Meeting Work Session/Regular  
4 Meeting. It's May 27th, it's 4 p.m., and we're  
5 going to get right to the agenda. It's a pretty  
6 long docket tonight, so just be mindful of that,  
7 please. And, anyway, *Item No. 1 is a motion to*  
8 *accept and approve the minutes --*

9 AUDIENCE MEMBER: Please, speak up.

10 CHAIRMAN FOOTE: I'm sorry?

11 AUDIENCE MEMBER: Please, speak into the mic.

12 CHAIRMAN FOOTE: Oh, I'm sorry. Is that  
13 better?

14 AUDIENCE MEMBER: Yes.

15 CHAIRMAN FOOTE: Okay. *Item No. 1 is a*  
16 *motion to accept and approve the minutes of the*  
17 *April 29, 2021 Planning Board Work Session and*  
18 *Regular Meeting. May I have a second?*

19 MEMBER HAMMES: Second.

20 CHAIRMAN FOOTE: All those in favor?

21 MEMBER DOUGHERTY-JOHNSON: Aye.

22 MEMBER HAMMES: Aye.

23 MEMBER KYRK: Aye.

24 CHAIRMAN FOOTE: Aye. Motion carries,  
25 accepted.

1            *Item No. 2 is a motion to schedule the*  
 2            *combined Planning Board Work Session and Regular*  
 3            *Meeting for 4 p.m. on June 24th, 2021. May I have*  
 4            *a second?*

5            MEMBER HAMMES: Second.

6            CHAIRMAN FOOTE: All those in favor?

7            AUDIENCE MEMBER: Louder.

8            MEMBER HAMMES: Aye.

9            MEMBER KYRK: Aye.

10           CHAIRMAN FOOTE: Aye. Motion carries.

11           *Item No. 3 - 37 Front Street. Motion to*  
 12           *accept the Findings and Determinations for*  
 13           *37 Front Street. This property is located in the*  
 14           *Waterfront Commercial District and is not*  
 15           *located in the Historic District, at Suffolk*  
 16           *County Tax Map 1001-5.-4-23.1. May I have a*  
 17           *second?*

18           MEMBER HAMMES: Second.

19           CHAIRMAN FOOTE: In favor?

20           MEMBER DOUGHERTY-JOHNSON: Aye.

21           MEMBER HAMMES: Aye.

22           MEMBER KYRK: Aye.

23           CHAIRMAN FOOTE: So accepted.

24           *Item No. 4 - 45 Front Street. Motion to*  
 25           *accept the Findings and Determinations of 45 Front*

1 *Street. This property is located in the*  
2 *Waterfront Commercial District and is not*  
3 *located in the Historic District, at Suffolk*  
4 *County Tax Map 1001-5.-4-20. May I have a second*  
5 *to this motion?*

6 MEMBER HAMMES: Second.

7 CHAIRMAN FOOTE: In favor?

8 MEMBER DOUGHERTY-JOHNSON: Aye.

9 MEMBER HAMMES: Aye.

10 MEMBER KYRK: Aye.

11 CHAIRMAN FOOTE: Motion has been accepted.

12 *Item No. 5 - 220 Fifth Avenue. This is a*  
13 *Pre-Submission Conference with possible motion to*  
14 *schedule a Public Hearing for June 24th, 2021*  
15 *regarding the site plan application of Ian Crowley*  
16 *and Angelo Stepnoski. The applicants propose to*  
17 *subdivide the property known as 220 Fifth Avenue.*  
18 *The subdivision will allow of a 1,665 square foot*  
19 *house, with a footprint of 838 square feet. This*  
20 *property is located in the R-2 (One and*  
21 *Two-Family) District and is not located in the*  
22 *Historic District, at Suffolk County Tax Map*  
23 *1001-5.-3-12.2.*

24 Would anybody like to speak on behalf of the  
25 applicant?

1 MR. CROWLEY: Yes. Ian Crowley.

2 CHAIRMAN FOOTE: You can go to the  
3 microphone.

4 MR. CROWLEY: I don't want to be yelled at  
5 for not being loud enough. Oh, first off, I just  
6 want to give you these plans. Who are all the  
7 Board Members?

8 MEMBER HAMMES: All of us here.

9 CHAIRMAN FOOTE: Four of us.

10 ADMINISTRATOR PALLAS: Mr. Crowley, when you  
11 come to the mic, you can take your mask down to  
12 speak.

13 MR. CROWLEY: Okay, thanks. I'm Ian  
14 Crowley. I represent half of the ownership of  
15 this property. We purchased it, I think, in  
16 November.

17 AUDIENCE MEMBER: I can't hear you. You got  
18 to talk into the mic.

19 MR. CROWLEY: Ian Crowley, I represent half  
20 the ownership of this property, the other half  
21 being the president, Angelo. We purchased this  
22 property, I believe, in November, and thought it  
23 was -- thought it was fitting for a subdivision.

24 All the lots on Fifth Avenue are 50 feet  
25 wide, which I gather is not up to code right now.

1 But we retained Eileen Wingate to prepare these  
2 set of plans, and here we are. So if you have any  
3 questions of myself or Eileen, we would like to  
4 answer them.

5 CHAIRMAN FOOTE: Okay. And what do you  
6 intend to do with the two lots?

7 MR. CROWLEY: Well, the one lot has a house  
8 on it.

9 CHAIRMAN FOOTE: Okay.

10 MR. CROWLEY: And the other lot would be a  
11 single-family dwelling, 1,665 square foot  
12 single-family dwelling.

13 CHAIRMAN FOOTE: Okay. And I noticed in the  
14 application that you're going to have to go  
15 through Zoning for the setbacks, we have on that.

16 MR. CROWLEY: Yes. I'm -- yes. Eileen  
17 would know more than I do, but yes. I was told  
18 this is step one of ten.

19 CHAIRMAN FOOTE: Yes. Does anybody have any  
20 questions?

21 MEMBER HAMMES: I don't have any questions  
22 at this time, although I would like to see the  
23 property before we make any decision on this.

24 CHAIRMAN FOOTE: Okay.

25 AUDIENCE MEMBER: Would you please speak

1 into the mic?

2 AUDIENCE MEMBER: Would you like my seat?

3 CHAIRMAN FOOTE: Okay. If nobody has any  
4 questions, we can schedule this for a public  
5 hearing.

6 MR. CONNOLLY: It needs to be referred to  
7 the Zoning Board.

8 CHAIRMAN FOOTE: Oh, referred to them first?

9 MR. CONNOLLY: (Nodded yes)

10 CHAIRMAN FOOTE: Okay. So we hereby refer  
11 it to the Zoning Board. And do I have a second on  
12 the referral?

13 MEMBER HAMMES: Second.

14 CHAIRMAN FOOTE: All those in favor?

15 MEMBER DOUGHERTY-JOHNSON: Aye.

16 MEMBER HAMMES: Aye.

17 MEMBER KYRK: Aye.

18 CHAIRMAN FOOTE: Aye. Okay.

19 MR. CROWLEY: Thank you very much.

20 CHAIRMAN FOOTE: It's so referred. You're  
21 welcome.

22 CHAIRMAN FOOTE: *Item No. 6 - 38 Front*  
23 *Street. This is a Pre-Submission Conference with*  
24 *possible motion to schedule a Public Hearing*  
25 *for June 24, 2021 regarding the site plan*

1        *application of Ben Suglia. The applicant*  
2        *proposes to amend their site plan to have the*  
3        *upstairs classified for regular restaurant dining,*  
4        *and not "special events and/or meeting rooms."*  
5        *This property is located in the Commercial Retail*  
6        *District and is not located in the Historic*  
7        *District. It's at Suffolk County Tax Map*  
8        *1001-4.-10-31.*

9                Would somebody on behalf of the applicant  
10              like to speak?

11              MR. WERTS: Yes. Hello. Good in the back?  
12              I'm H. Andrew Werts. I actually submitted the  
13              application. I am the tenant of that property.  
14              It's Ellen's on Front, it's a restaurant. Ben  
15              Suglia is the owner, and he had signed permission  
16              for us to come to you today.

17              Been in the space for almost two years, and  
18              we recently learned that the upstairs area of the  
19              space, which is connected to the downstairs and  
20              the balcony area, was in our site plan coded for,  
21              quote, special events and/or meetings. We're  
22              unclear why that happened. I understand,  
23              obviously, that's our responsibility as a tenant.  
24              Perhaps it was a holdover from the previous  
25              tenant, which was Salamander's.

1           In some of the past meetings, I know I went  
2 through and looked and it said that there would be  
3 meetings, although on a previous meeting, I'm not  
4 sure if it was a site plan meeting, she did say  
5 she wanted to put regular dining up there. But  
6 that space is used for generally larger parties,  
7 but by no means special events. Think  
8 confirmation lunches, rehearsal dinners, etcetera.

9           There's never any loud music. There's  
10 nothing that would be considered special or  
11 different. Really, it's just a space where  
12 normally we put larger parties, keep them -- give  
13 them privacy, keep them away from some of the  
14 other guests. We would like, of course, to  
15 reserve the option to use it for smaller tables,  
16 though we find that diners don't enjoy being that  
17 isolated.

18           But understand that, you know, we want to  
19 abide by the laws of the Village. I want to make  
20 sure that we correct this, so that it can be  
21 reflective of just regular restaurant dining, and  
22 potentially something that, yes, we could use as  
23 we maintain 100% capacity, but maintain spacing if  
24 people do chose to sit up there.

25           So, really, we feel like we're de-escalating

1        what it's sort of coded for now. There's no way  
2        really to have just a special event up there and  
3        not in the main body of the restaurant. It's one  
4        connected room. There would never be any loud  
5        music, anything out of the ordinary besides the  
6        regular dining that already happens on the first  
7        floor of our restaurant.

8                CHAIRMAN FOOTE: All right. Thank you.  
9        Anybody have any questions on this application?

10                MEMBER HAMMES: I mean, this would really be  
11        a question for the Building Department in terms of  
12        when the original approval for the space was put  
13        in place for Salamander's, because before that, I  
14        believe it was retail. What was the rationale, if  
15        any, for that space being excluded? Did it have  
16        something to do with the usual parking or  
17        occupancy issues? Like I just -- it seems a  
18        little odd to me that that provision, to go to  
19        your point, is in there, which would lead me to  
20        believe that there was a reason that it was in  
21        there.

22                ADMINISTRATOR PALLAS: Yeah. We did review,  
23        because I thought the same thing. I'm not --  
24        there is nothing in the minutes that I found that  
25        pointed to anything specific as far as why it was

1 segregated that way.

2 MR. WERTS: And I didn't include in the  
3 application, but when I completed a Freedom of  
4 Information request, Claudia, the previous owner,  
5 did mention she wanted to put tenants up there in  
6 the minutes of a meeting, and that was approved  
7 for regular guests up there.

8 CHAIRMAN FOOTE: What is the total number of  
9 occupancy that you're currently permitted to have?

10 MR. WERTS: Forty-nine.

11 CHAIRMAN FOOTE: Forty-nine? And you're not  
12 proposing to change that?

13 MR. WERTS: We are not.

14 CHAIRMAN FOOTE: Okay. Just kind of  
15 spreading it out, basically.

16 MR. WERTS: Yeah, and to reflect how the  
17 space really, you know, is intended to be used.

18 CHAIRMAN FOOTE: Okay. Is -- does anybody  
19 else have any other questions or comments?

20 (No Response)

21 CHAIRMAN FOOTE: Do we have to schedule a  
22 public hearing for this?

23 MR. CONNOLLY: Yes.

24 CHAIRMAN FOOTE: Yes? So, at this time,  
25 thank you very much.

1 MR. WERTS: Sure, okay. Next step, so --

2 CHAIRMAN FOOTE: Yeah, we're going -- we're  
3 going to schedule a public hearing.

4 MR. WERTS: Okay. Thank you.

5 CHAIRMAN FOOTE: You're welcome. At this  
6 time, I'd like to schedule this for the next  
7 public hearing in June. Is there a second?

8 MEMBER HAMMES: Second.

9 CHAIRMAN FOOTE: In favor?

10 MEMBER DOHERTY: Aye.

11 MEMBER HAMMES: Aye.

12 MEMBER KYRK: Aye.

13 CHAIRMAN FOOTE: It's so scheduled.

14 MR. WERTS: Thank you.

15 CHAIRMAN FOOTE: Okay. We're actually  
16 already on to Item No. 7. I guess the meeting's  
17 almost over.

18 (Laughter)

19 CHAIRMAN FOOTE: *Item No. 7 - 408 South Street.*  
20 *A Pre-Submission Conference with possible motion*  
21 *to schedule a Public Hearing for June 24, 2021*  
22 *regarding the site plan application of Darcy Gazza.*  
23 *The applicant proposes to demolish the existing*  
24 *dwelling and construct a new two-family dwelling.*  
25 *This property is located in the R-2 (One and*

1       *Two-Family) District and is not located in the*  
2       *Historic District, at Suffolk County Tax Map*  
3       1001-4.-5-9. Would somebody on behalf of the  
4       applicant like to speak?

5               MR. KIESGAN: I'm Dave Kiesgan and I'm with  
6       William Toth Construction, and I'm the contractor  
7       on the project.

8               AUDIENCE MEMBER: Would you speak a little  
9       louder, please?

10              MR. KIESGAN: Can you hear me?

11              CHAIRMAN FOOTE: What can you tell us about  
12       this project?

13              MR. KIESGAN: We've submitted, we're ready  
14       to go, ready to take down that building when you  
15       give us the approval.

16              CHAIRMAN FOOTE: What is currently there?

17              MR. KIESGAN: There is a two-story structure  
18       that's there that's beyond repair. It's actually  
19       sitting on the property line, one side of it.  
20       We're going to center a new structure.

21              CHAIRMAN FOOTE: Where is it located? I can  
22       see there --

23              MR. KIESGAN: Right down there.

24              CHAIRMAN FOOTE: On South Street?

25              MR. KIESGAN: Yep.

1 CHAIRMAN FOOTE: Okay, I got it.

2 MR. KIESGAN: I think the structure used to  
3 be a garage to the house on the corner right  
4 across the street there.

5 CHAIRMAN FOOTE: Right.

6 MEMBER KYRK: So is it currently occupied?

7 MR. KIESGAN: No, it's not. It doesn't look  
8 like it's been occupied for several years.

9 CHAIRMAN FOOTE: Okay.

10 MEMBER HAMMES: Are there currently existing  
11 parking spots, like you have drawn on this?

12 MR. KIESGAN: Yeah. I actually have my  
13 truck parked in front of it right now. There's  
14 like a -- kind of like a two parking area. It  
15 looks like there used to be a garage slab there,  
16 also. We're proposing two parking pads for --  
17 that will hold two cars each, two 20-by-20s.

18 MEMBER HAMMES: Is this going to require any  
19 variances?

20 MR. KIESGAN: I don't know.

21 ADMINISTRATOR PALLAS: Yeah, this will be --  
22 this also needs to be referred to Zoning Board for  
23 area variances.

24 MEMBER HAMMES: I would just note the same  
25 on this one, when it comes back to us for public

1 hearing, I want to go see the site.

2 CHAIRMAN FOOTE: Yeah. Okay. Thank you.

3 MR. KIESGAN: All right. Thank you.

4 CHAIRMAN FOOTE: So, at this point, we'll  
5 schedule it -- refer it to Zoning?

6 MR. CONNOLLY: Uh-huh.

7 CHAIRMAN FOOTE: Do we need a vote to refer it?

8 MR. CONNOLLY: (Nodded Yes)

9 CHAIRMAN FOOTE: Okay. I move to refer it  
10 to Zoning. Second?

11 MEMBER HAMMES: Second.

12 CHAIRMAN FOOTE: So, to approve?

13 MEMBER DOHERTY: Aye.

14 MEMBER HAMMES: Aye.

15 MEMBER KYRK: Aye.

16 CHAIRMAN FOOTE: Aye. So moved. Thank you  
17 very much.

18 MR. KIESGAN: Thank you.

19 CHAIRMAN FOOTE: Thank you.

20 Okay. *Item No. 8 - 102 Main Street. A*  
21 *Public Hearing regarding -- a public hearing*  
22 *regarding the site plan application of Nicole*  
23 *Kefalas and Michael Fortino. The applicants*  
24 *propose to continue the conditional use of a*  
25 *restaurant, replacing the restaurant formerly*

1       *known as "Barba Bianca" with "Fortino's*  
 2       *Tavern." This property is located in the*  
 3       *Waterfront Commercial District and is located in*  
 4       *the Historic District, at Suffolk County Tax Map*  
 5       *1001-5.-3-12.2.*

6                Would anybody like to speak on behalf of the  
 7       public at this time on this application?

8                        (No Response)

9                CHAIRMAN FOOTE:   Going once, going twice.  
 10       Okay.  I move to close the public hearing.  May I  
 11       have a second?

12               MEMBER HAMMES:   Second.

13               CHAIRMAN FOOTE:   In favor?

14               MEMBER DOHERTY:   Aye.

15               MEMBER HAMMES:   Aye.

16               MEMBER KYRK:   Aye.

17               CHAIRMAN FOOTE:   Okay.  At this time, I --

18               AUDIENCE MEMBER:   Do we have 314 Main Street?

19               MEMBER HAMMES:   No, we're not there yet.

20               CHAIRMAN FOOTE:   No.  Please sit down.

21       Thank you.  At this time, I would like to put it  
 22       to a vote to approve this application.  May I have  
 23       a second?

24               MEMBER HAMMES:   Second.

25               CHAIRMAN FOOTE:   All those in favor?

1 MEMBER DOHERTY: Aye.

2 MEMBER HAMMES: Aye.

3 MEMBER KYRK: Aye.

4 CHAIRMAN FOOTE: Aye. So approved.

5 And we had circulated the Findings -- the  
6 Determinations and Findings that were previously  
7 circulated. I assume the other Board Members saw  
8 those as well. May I have a vote on that as well?  
9 I'd like to -- to approve the Findings and  
10 Determinations at this time?

11 MEMBER HAMMES: Second.

12 CHAIRMAN FOOTE: All those in favor?

13 MEMBER DOHERTY: Aye.

14 MEMBER HAMMES: Aye.

15 MEMBER KYRK: Aye.

16 CHAIRMAN FOOTE: Aye. Findings and  
17 Determinations are so hereby approved. Thank you  
18 very much.

19 Next, *Item No. 9 - 314 Main Street. This is*  
20 *a Public Hearing regarding the site plan*  
21 *application of Khedouri Kzair Corp., represented*  
22 *by James Bennett. The applicant proposes to amend*  
23 *the existing site plan to become and open a*  
24 *restaurant only named "Gallery 314." This*  
25 *Property is located in the Commercial Retail*

1 *District and is located in the Historic District,*  
2 *at Suffolk County Tax Map 1001-4.-7-27.*

3 At this time, in the interest of time, I'm  
4 going to ask that your comments are limited by the  
5 public to, say, three to five minutes, okay?  
6 Thank you.

7 MR. BENNETT: Okay. I just want to say I  
8 represent the owner (inaudible).

9 MS. BRAATEN: I can't hear, I'm sorry. Can  
10 you speak into the microphone?

11 CHAIRMAN FOOTE: We can't hear you. Get  
12 closer to the microphone and speak louder. And I  
13 think you also can remove your mask.

14 MR. BENNETT: I'm James Bennett. I'm here  
15 to just reassure that we're just opening this  
16 place as a restaurant only. I know that we had  
17 our -- the last time it was --

18 AUDIENCE MEMBER: Could you speak into the  
19 mic, please? Nobody back here can hear you.

20 CHAIRMAN FOOTE: They can't hear you back  
21 there. Step a little closer.

22 MR. BENNETT: So we're going to open a  
23 restaurant, strictly a restaurant, only a  
24 restaurant. There won't be any music outside.  
25 There's no stage, there's no bars outside. And we

1 have the menu and everything we handed in.  
2 People here are going to run the place and it's  
3 going to be very quiet and a really good  
4 restaurant. So that's -- that's what we want  
5 to do.

6 CHAIRMAN FOOTE: Okay.

7 MEMBER KYRK: One thing that I had  
8 received -- one thing that I had read, it said  
9 that the -- there are rooms, and I assume --

10 AUDIENCE MEMBER: Speak into the mic. Can  
11 you speak into the mic?

12 MEMBER KYRK: Yes. Yes, I will. The second  
13 floor, there were rooms above the second floor  
14 that might be used for staff. Now that's just the  
15 second floor of the restaurant, right?

16 MR. BENNETT: That's right.

17 MEMBER KYRK: There's rooms directly above  
18 the restaurant?

19 MR. BENNETT: Only the second floor, not in  
20 the attic. And I have the statement here that  
21 says, you know --

22 MEMBER KYRK: Yes.

23 MR. BENNETT: -- from 1970, 10 people only  
24 is the maximum, because there's only one exit.

25 MEMBER KYRK: Okay. Thank you.

1           MR. RISPO: Can I? My name is Orazio Rispo,  
2 I'm the son of the owner, Carolyn Rusin. One of  
3 the issues that we had in the past year, when we  
4 opened up, was that there was a much larger sound  
5 system than was required installed, and so we had  
6 noise complaints from particularly one neighbor  
7 that was across the street, understandably so. We  
8 never had speakers outside, but it was -- every  
9 time the door would open, music would come  
10 outside. Totally new management team. The  
11 biggest speaker we have is three inches large.  
12 There's four of them in the living room area. And  
13 as James said before, purely a restaurant with a  
14 full menu. And our Chef is also present.

15           MEMBER HAMMES: No speakers outside?

16           CHAIRMAN FOOTE: So there will be no  
17 speakers outside?

18           MR. RISPO: No speakers outside.

19           CHAIRMAN FOOTE: Okay. Thank you.

20           MR. RISPO: Thank you.

21           CHAIRMAN FOOTE: You may have to respond if  
22 some people talk about it.

23           MS. RISPO: Of course.

24           CHAIRMAN FOOTE: If you have complaints.

25           Okay. Anybody else from the public like to speak

1 about this application?

2 MR. KULSZISKI: Hi. I'm Charlie Kulsziski  
3 at 433 Main Street, which is across the street --

4 AUDIENCE MEMBER: Charlie, speak closer to  
5 the mic.

6 MR. KULSZISKI: I'm Charlie Kulsziski from  
7 433 Main Street, which is across the street from  
8 this bar. The last time it opened, they said they  
9 were opening as a restaurant and it was very  
10 obviously a bar. I understand this thing is going  
11 to open as a restaurant again.

12 Any time I've talked to them in the past, I  
13 was told that there was no music happening, or  
14 that the music was being turned off, which it  
15 never was. There was disco lights outside that  
16 continued to shine into my house the entire  
17 season, they never stopped doing that.

18 The beginning of the COVID season last year,  
19 their bar/restaurant next door to my house started  
20 with the disco lights shining on my house, and  
21 they said they had no idea that that was a problem  
22 or an issue, or that the Village had just taken  
23 them to court over those issues.

24 The exact same sound system is at the bar,  
25 it's right on the outside of the building, it's

1 always been on the outside of the building. They  
2 blast music from that sound system. It's not  
3 those speakers inside with the door closed, and  
4 when the door opens, the music comes out. It's  
5 the speakers that are actually mounted on the  
6 outside of the building that are pointed at my  
7 house. And when I've asked them to perhaps locate  
8 those speakers in front of the property pointed  
9 out their own building, they've denied to do that.

10 It's been really difficult to be there,  
11 because our one Code Enforcement Officer, I think  
12 we might be hiring a second, but he's at work at  
13 7 a.m. He's not around at midnight or two in the  
14 morning, or four in the morning to check on the  
15 sound system.

16 In the earlier presentation of this, they  
17 said that there were -- was going to be outside  
18 speakers with a deejay, but at this moment they're  
19 saying there's no outside speakers. I think  
20 there's definitely outside speakers. They've got  
21 them all set up for that now, and that's it.

22 It's been very difficult to -- I e used to  
23 have a great relationship with these neighbors,  
24 and since this bar started with them, and they  
25 have been unwilling to do anything about it, it's

1       been very difficult living there. And I just  
2       don't want to have to endure another season with a  
3       Code Enforcement Officer that's not available to  
4       come check on the situation. He is doing -- you  
5       know, checking plans, doing everything else. So  
6       thank you very much.

7               CHAIRMAN FOOTE: Thank you.

8               MS. AKRAN: I'll move it down, I'm small  
9       people. Hi, everyone. My name is Amanda Akran.  
10       I grew up in Southold, and I currently am the  
11       Beverage Director at the said bar.

12              Now, I would just like to put on the record  
13       immediately that it is no longer strictly a bar.  
14       As was said, it is a restaurant, and we hope to  
15       showcase local seafood from the North Fork.

16              In terms of there being speakers outside  
17       with a deejay, like James said, there is no stage  
18       set up, there is no deejay booth set up. That was  
19       previous management. And, again, myself and the  
20       Executive Chef, who is also here today, is the new  
21       management, and we plan to abide by exactly what  
22       Greenport town's laws are.

23              In terms of the relationship between  
24       Charlie, the neighbor that just spoke to us, we  
25       have offered time and time again to come to us

1 when there is an issue, to speak to us when there  
2 is an issue, and time and time again, there has  
3 not been that. So we are also frustrated,  
4 Charlie, in the sense that we want to have a  
5 better relationship with you. We want to be able  
6 to start over and have --

7 MR. KULSZISKI: You have to talk to them,  
8 because if you're talking to me, I can start  
9 talking to you.

10 MS. AKRAN: We would like to have a  
11 respectful relationship between neighbors and  
12 operate as such, operate a restaurant, not a bar,  
13 not whatever was in the past. That is in the  
14 past, and we are hopeful that with new management,  
15 with the laws in place --

16 MR. KULSZISKI: It's the same management

17 CHAIRMAN FOOTE: Please don't interrupt.

18 MR. KULSZISKI: I'm sorry.

19 MS. AKRAN: It is not the same management.

20 314 Main Street, the location that we are  
21 discussing here today, was ran by different  
22 management, different individuals who are no  
23 longer here on the North Fork, therefore, it is  
24 not the same management.

25 Again, we hope and we are hopeful that we

1 can move forward in a respectful manner, together,  
2 having a conversation, and bringing local seafood  
3 to the community. Thank you.

4 CHAIRMAN FOOTE: All right. Thank you.

5 MR. RISPO: I would like to speak.

6 CHAIRMAN FOOTE: Hold on a second, please.

7 MEMBER KYRK: Walter, I'd like a  
8 clarification on one thing. When I look at this,  
9 on the --

10 CHAIRMAN FOOTE: Are you referring to the  
11 applicant?

12 MEMBER KYRK: Yes.

13 AUDIENCE MEMBER: Move your microphone  
14 closer, please.

15 MEMBER KYRK: Yes. I direct this to the  
16 applicant. I notice that on the applications  
17 regarded by -- signed by Carolyn Rusin, the hours  
18 were set at 11 a.m. to 11 p.m. And I noticed in a  
19 letter from the same person no date --

20 AUDIENCE MEMBER: Could you speak into the  
21 mic, please?

22 MEMBER KYRK: No date on the letter, that  
23 the hours were given as 11 a.m. to 1 a.m.

24 MR. BENNETT: I corrected that. I said last  
25 time, last month, it was my fault.

1 MEMBER KYRK: Okay. It's just --

2 MR. BENNETT: That's just 11 to 11, and I  
3 have corrected it here.

4 MEMBER KYRK: Okay. I just saw that and I  
5 thought it would be relevant to this.

6 MR. BENNETT: You can have this. Right  
7 here, 11 to 11.

8 MEMBER KYRK: Yeah, okay. Thank you.

9 MR. BENNETT: There's one other person that  
10 wanted to talk.

11 CHAIRMAN FOOTE: Yeah.

12 MR. SWEIGART: Am I allowed to speak? Can I  
13 come up?

14 CHAIRMAN FOOTE: Yes, please.

15 MR. SWEIGART: I'm a neighbor who's very  
16 good friends with Charlie.

17 CHAIRMAN FOOTE: Why don't you first  
18 announce yourself.

19 MR. SWEIGART: Okay. I'm Michael Sweigart,  
20 and 429 Main Street is The Times Vintage. We're  
21 located next to Charlie, who is a great person and  
22 a great neighbor, and I feel the same way about  
23 Cheo and Amanda. And I both feel they're very  
24 respectful to me, and they want to do the right  
25 thing for the town.

1           The only thing I'm saying now is the reason  
2           that they changed it to a restaurant, because they  
3           really are listening to Charlie. I think there's  
4           a time for compromise and burying the hatchet and  
5           not using the hatchet on each other, okay, at this  
6           time, and I really think that they can both do  
7           that. And if there's regulations on the new  
8           restaurant without speakers and without music  
9           outside, we need to move forward and forget about  
10          what happened there before and give it a chance,  
11          and, hopefully, you guys will be there to make  
12          sure that happens.

13                 CHAIRMAN FOOTE: Yep.

14                 MR. SWEIGART: Okay. If anybody has a  
15                 question, let me know. And, again, I really,  
16                 really respect Charlie, and I really, really think  
17                 Cheo's one of the most respectful restaurant  
18                 owners or chefs in town, and that's just my  
19                 opinion. And I think we have to compromise. It  
20                 can't be just one person's view and so divided,  
21                 you know. That's the way I'm looking at it.

22                 And I do understand that Charlie did have a  
23                 lot of music. They didn't listen to him. Some of  
24                 the guys that were working there prior said some  
25                 things that were really ugly to him. But I think

1 Cheo and Amanda have that in the back of their  
2 mind and they don't want that to happen again.  
3 Okay.

4 CHAIRMAN FOOTE: Okay. Thank you.

5 MR. SWEIGART: Okay. Thanks.

6 CHAIRMAN FOOTE: I appreciate it.

7 MR. SWEIGART: I hope it works out for  
8 everybody.

9 MR. LUDACER: Hi. Ken Ludacer.

10 (Siren Sounded)

11 MR. LUDACER: Yes. Ken Ludacer. I run, own  
12 and operate Beall and Bell, that's right adjacent  
13 to 314. And it's my impression that, you know, as  
14 described, that this use would be, you know, in a  
15 lot of ways less, you know, intensive, you know,  
16 as a restaurant, rather than as a club, just as  
17 far as, you know, maybe generating, you know,  
18 citizen complaints about noise and the like. So I  
19 would just like to, you know, weigh in in support  
20 of this change.

21 CHAIRMAN FOOTE: All right. Thanks, Ken. I  
22 have a question for the applicant. One of the --  
23 one of the issues that was raised, I don't recall  
24 it being discussed when you made the presentation  
25 last month, was the concern about the lighting.

1 Have you -- how have you changed your lighting?

2 MR. BENNETT: You know, it would be only  
3 very soft lighting outside for the diners. There  
4 won't be any disco lights or anything like that.  
5 There's no stage, there's no nothing, there isn't  
6 going to be any lights outside. And the tables,  
7 it's very -- that's below. All the vegetation  
8 that we have along the street, you won't even  
9 notice it.

10 CHAIRMAN FOOTE: How many tables are  
11 outside?

12 MS. AKRAN: Seven.

13 MR. BENNETT: It looks like 14.

14 CHAIRMAN FOOTE: Fourteen tables?

15 MR. BENNETT: Yeah.

16 CHAIRMAN FOOTE: And how many inside?

17 MR. BENNETT: You're allowed 50 seats  
18 outside, 50 seats inside.

19 MR. RISPO: Can I address just the lighting  
20 issue you said? There was a disco ball that was  
21 hung with a light that was pointed out, reflecting  
22 indoors. That's the light that our neighbor was  
23 referring to. It was not a professional light  
24 show by any stretch. It was my mom reminiscing of  
25 days past. It was not intended to be a nuisance,

1 and it has been removed.

2 I also want address the fact that the  
3 noise -- the speakers outside installed. They're  
4 not installed. There's no sound, amplified sound  
5 outside. The speakers that we had that caused the  
6 problems years ago were about this big  
7 (indicating) that the previous management chose to  
8 get. The new speakers that are installed are this  
9 big (indicating), and we are happy to do it  
10 together with the neighbor. Even if we wanted to,  
11 we couldn't put it anywhere close to a volume that  
12 would be a nuisance.

13 But, more importantly, whether the  
14 restaurant or the bar is success or not, it  
15 bothers us to have any negative animosity from any  
16 of our neighbors. We'd love to be able to work it  
17 out in the best way possible with the best  
18 intentions. But this is not the case of us coming  
19 back here and saying it's going to be different  
20 this time and it's not. This was one -- there was  
21 one type of management, and now there's a  
22 completely different one. So we'd like to respond  
23 to you.

24 CHAIRMAN FOOTE: So you said there's now  
25 smaller speakers, but are those outdoor speakers

1 or the indoor speakers?

2 MR. RISPO: They're indoors, and they're  
3 only around the bar. They're Sonos speakers,  
4 they're about three inches tall. And the idea  
5 is -- in the past, the other managers put two  
6 large speakers. If you have four very small  
7 speakers, you can sort of achieve the same feeling  
8 inside without having that same loudness.

9 So what the problem was last time is that  
10 the speakers were also pointed at the door. The  
11 building seems to be directly pointed at his  
12 property. And so we're not arguing with him that  
13 there was noise that was in his house. We're  
14 totally admitting to that and agreeing to that.  
15 We're saying that that has s totally changed. The  
16 use of the place has totally changed, and it's  
17 really a different conversation now.

18 CHAIRMAN FOOTE: Is the indoor space  
19 contained so that the door is not going to be  
20 open, so that the sound wouldn't be spilling out  
21 and cause the same --

22 MR. BENNETT: It's not going to be that  
23 loud. It's never going to be that loud.

24 CHAIRMAN FOOTE: Just answer the question.

25 MR. BENNETT: I'm sorry.

1           MR. RISPO: I understand your point. Every  
2 time the door opens, you're going to be able to  
3 hear the noise, but it won't be at a decibel level  
4 that will be in any way I think -- I looked at the  
5 Town ordinance, it's 65 decibels after 7 p.m.

6           We also have one gentleman that works with  
7 us that helps do security in front, not for  
8 nightclub reasons, not for anything of that, but  
9 we realize that we had a very successful turnout  
10 the first year with very little promotion, thanks  
11 to our Chef, and to the success of the hotel  
12 across the street, so there was a lot of interest  
13 for this. And, you know, we'll do everything in  
14 our power to make sure that there is never an  
15 issue with the neighbors or with the town.

16           CHAIRMAN FOOTE: But the door's not going to  
17 be propped open?

18           MR. RISPO: No. The door will be kept  
19 closed whenever no one is walking through it. It  
20 has, I believe -- what are these called?

21           MR. BENNETT: Yeah, automatic shut.

22           MR. RISPO: Yeah.

23           MR. AVILA: Maybe I can -- so the door in  
24 the front has --

25           CHAIRMAN FOOTE: Sorry.

1 MR. AVILA: So I am Cheo, Jose Avila. My  
2 nickname is Cheo, that's what I am known as a  
3 Chef.

4 CHAIRMAN FOOTE: Okay. You're going to have  
5 to slow down a little bit. Remove your mask, so  
6 she can take it.

7 MR. AVILA: So I am Cheo Avila, Jose Avila.  
8 My nickname as a Chef is Cheo, so that's where I'm  
9 known for that. I've been working at KonTiki for  
10 five years, a successful restaurant. It's been  
11 known to have very good food, and also have -- be  
12 an experience for people that -- for locals, also  
13 for outsiders to come and taste what the North  
14 Fork has to offer.

15 So I just wanted to add one thing. It was  
16 about the door in the front that you were saying.  
17 It has an arm that closes it, so it's going to be  
18 activated all the time, so whenever it's opened,  
19 and then it's going to close by itself.

20 Also, maybe one of the issues about the  
21 speakers outside, there are two speakers outside  
22 in the facade that we're going remove. It's not  
23 going to be outside. We're not going to have any  
24 sound system outside. I think that was the  
25 questions. So the music is going to be ambiance

1 in 314 all inside. I just wanted to clarify that.

2 CHAIRMAN FOOTE: Thank you.

3 MR. AVILA: You're welcome.

4 MS. MORRIS: I own the property right across  
5 the street, 312 Carpenter Street, and this impacts  
6 on my comfort at night.

7 CHAIRMAN FOOTE: Could you please give us  
8 your name?

9 MS. MORRIS: My name is Dolores Morris.

10 CHAIRMAN FOOTE: Thank you.

11 MS. MORRIS: I live at it 312 Carpenter Street.

12 CHAIRMAN FOOTE: Okay. And you're saying  
13 that --

14 MS. MORRIS: This, the noise affects my  
15 quality of life and sleep, and there's a lot of  
16 traffic on the street as well. No one has  
17 addressed that.

18 CHAIRMAN FOOTE: So you're saying that the  
19 noise from the restaurant is -- you hear it on  
20 Carpenter Street as well?

21 MS. MORRIS: Absolutely.

22 CHAIRMAN FOOTE: And is that from the noise  
23 from outdoors that was the problem?

24 MS. MORRIS: I think it's from indoors, as  
25 well as outdoors.

1           CHAIRMAN FOOTE: Okay. Okay, thank you.

2           MR. VANDENBURGH: Good afternoon. My name  
3 is Richard Vandenberg. I'm actually president of  
4 the Greenport Village BID.

5           I just also want to provide comment that  
6 I've had a number of conversations with the  
7 owners, the new owners, the new management coming  
8 into this particular facility. I've expressed to  
9 them, you know, the very significant concern that  
10 many residents have, as well as other people in  
11 the Village, relative to noise and our noise code.  
12 We are -- as you may know, we're in the process of  
13 trying to continue to work through that and make  
14 sure that it remains fair and equitable to  
15 everyone.

16           But I indicated to Cheo and his team that,  
17 you know, I certainly would not be prepared to  
18 stand up here and provide my endorsement on behalf  
19 of the BID unless I had an assurance and a strong  
20 confidence that what they intend to do is going to  
21 be the right thing in terms of running this  
22 business, this restaurant.

23           I will say that, you know, it's -- we live  
24 in a place that's an amazing place, and it gets  
25 increasingly more dense with businesses and people

1 moving into the area and residents, and it's  
2 definitely a tricky thing to navigate. But what's  
3 also equally important in my mind is that we need  
4 to continue to support what our Business District  
5 does for everyone in the Village of Greenport, and  
6 that is providing the opportunity for us to employ  
7 younger people, livelihoods for working families,  
8 as well as offering an attraction in a high  
9 quality restaurant with a high quality, you know,  
10 fare for people to come and spend money in the  
11 Village. And it ultimately just promotes kind of  
12 a great increasingly popular reputation that the  
13 Village has.

14 I've, you know, also expressed my concern  
15 that, certainly, if -- you know, as the BID, you  
16 know, we're vested with trying to promote the best  
17 business practices, and balancing kind of that  
18 relationship with our neighbors and our residents  
19 that live in and around the district. So,  
20 certainly, if this was all a charade, I'd be the  
21 first person to call them out publicly, and do  
22 whatever had to be done to revoke whatever  
23 permissions had ultimately been granted to them  
24 ultimately in their successful operation of --  
25 success in getting what they want to do as a new

1 restaurant.

2 I don't feel, and I know this always is a  
3 tricky thing, it's a crystal ball thing, I don't  
4 feel in my personal opinion that these folks are  
5 looking to hoodwink or trick anybody. I  
6 absolutely believe that they are sincere in terms  
7 of their efforts to try and run this business in a  
8 way that is a neighbor-friendly operation. So I  
9 would encourage on behalf of the BID that the  
10 Board approve their application. Thank you.

11 MEMBER KYRK: I'm sorry. Could you just  
12 identify for those of us who don't know what the  
13 acronym BID is?

14 MR. VANDENBURGH: Oh, sure. The Business  
15 Improvement District for the Village of Greenport,  
16 Business Improvement District, and they are within  
17 the district.

18 MEMBER KYRK: Great.

19 MR. VANDENBURGH: Thank you.

20 MS. KREHLING: Lorraine Krehling, 157  
21 Central Avenue.

22 I wonder, the last restaurant, I remember  
23 there was Creperie, and I wondered how it went  
24 from a very small, intimate indoor setting to such  
25 a large outdoor venue. When did that -- I heard

1 Amanda, was it, who said, when was asked how many  
2 tables, she said seven. That sounds like what it  
3 used to be. How did it become such a much more  
4 dense operation?

5 And, also, is there any guarantee that the  
6 outdoor setting isn't going to be a drinking  
7 place, it's going to be food and not a bar  
8 outdoors?

9 I would say the amount of noise that gets  
10 generated when people get hammered, young people  
11 particularly, and I was young once, it really --  
12 it doesn't seem like anything to them because  
13 they're having a good time. But for people like  
14 Dolores and Ruth, and there's a very ill person on  
15 the corner, Ingrid and her husband, you're right  
16 across the street having a huge party in their  
17 backyard, and it's just not -- it's not nice, you  
18 know.

19 And so I would just wonder if there was a  
20 way to control the amount of tables outdoors, and,  
21 also, just the density indoors, because I remember  
22 eating at the Creperie, and it was sort of like  
23 going to a Bed and Breakfast, there weren't that  
24 many tables. So that's what I have to say.

25 CHAIRMAN FOOTE: All right. Thank you.

1 MS. WADE: Randy Wade, Sixth Street. I was  
2 very excited, because I love knowing there's a new  
3 restaurant to go to. So just before the meeting,  
4 I went over to look at the space. And I'm so  
5 surprised to hear there are these little speakers,  
6 because there was a speaker this big on the  
7 outside wall, and I wasn't even looking very  
8 carefully, it just happened to be where I had  
9 looked up. So maybe it's there because they're  
10 going to remove it. I don't know.

11 CHAIRMAN FOOTE: I think that's what they  
12 just said.

13 MS. WADE: Did you ask them --

14 CHAIRMAN FOOTE: Yes, yes.

15 MS. WADE: -- if they are removing the one  
16 that is there?

17 CHAIRMAN FOOTE: That's what they said.

18 MS. WADE: Well, no. What they said is that  
19 it was the previous owner that brought in bigger  
20 speakers and they took those away.

21 MS. AKRAN: Correct.

22 CHAIRMAN FOOTE: But the Chef said that  
23 they're going to be removing the speakers that are  
24 outside.

25 MS. AKRAN: We did.

1 MR. AVILA: I did say that.

2 MS. WADE: Oh, good, great. Thanks. Then  
3 my other question is there are no restaurant  
4 tables, it's nightclub, nightclub seating inside  
5 and outside, and 50 people outside at a nightclub  
6 seems way too much. So if they're to get a C of 0  
7 for a restaurant, I think it would be appropriate  
8 for them to dining tables and chairs and not  
9 nightclub lounge seating, which is beautiful, but  
10 it's not what they're asking for.

11 And so what I'm wondering is maybe they --  
12 maybe, you know, it's risking the code, because  
13 the code doesn't really have very stiff penalties.  
14 I'm wondering can you issue a temporary C of 0 or  
15 a temporary approval, and with this summer as an  
16 experiment, and then come back in a month and just  
17 have a report on -- at each month?

18 CHAIRMAN FOOTE: We can, and I would  
19 recommend that the Board would support doing  
20 exactly that.

21 MS. WADE: Thank you so much. Thank you.

22 CHAIRMAN FOOTE: You're welcome.

23 MS. AKRAN: I would just like to respond to  
24 the table question.

25 CHAIRMAN FOOTE: Yes.

1 AUDIENCE MEMBER: Can't hear you.

2 MS. AKRAN: I would like to respond to the  
3 table question that was just brought up. We have  
4 couches outside, as per what was -- used to be.

5 MS. MORRIS: Speak in the mic.

6 MS. AKRAN: We have couches outside as per  
7 what it used to be. And so just to get it  
8 started, we put it there. But we are planning on  
9 buying proper tables for dining, because no one  
10 wants to eat a whole fish crouched over a table.

11 CHAIRMAN FOOTE: So, just to clarify, as I  
12 understood, it's just strictly going to be outdoor  
13 dining, correct, it's not going to be lounging or  
14 drinking? There's no outdoor bar, correct?

15 MS. AKRAN: There is no outdoor bar.

16 CHAIRMAN FOOTE: Okay.

17 MS. AKRAN: We have a permit that allows us  
18 to serve alcohol on the premise.

19 CHAIRMAN FOOTE: Right.

20 MS. AKRAN: So if someone would like to have  
21 a beer with their fish or their taco, whatever it  
22 may be, of course, that is in regulation with our  
23 permit in the Greenport town. But there is no  
24 clubbing, not -- none of that is happening at all.

25 CHAIRMAN FOOTE: Okay.

1 MS. AKRAN: And there is not 50 young people  
2 getting wasted, I think the term was.

3 AUDIENCE MEMBER: Hammered.

4 MS. AKRAN: Hammered, sorry. That, you  
5 know -- I'm a Master's student, I am a full-time  
6 college student. So, as someone who does not like  
7 that, I can assure you as the management that will  
8 not be happening. Thank you.

9 MS. WIESEHAHN: Ruth Wieseahn, 320  
10 Carpenter Street.

11 So my house, my front yard and their  
12 backyard are almost contingent. And I would like  
13 to say that I know if you're in business, the  
14 bottom line is very important, but, also, the  
15 quality of life of the neighbors is important as  
16 well. And I have put up with a lot of noise and  
17 aggravation in previous years, and I'm hoping that  
18 these new owners are going to be up to what they say.

19 I'm also concerned because it's all talk  
20 about Main Street. What about Carpenter Street?  
21 There's a huge parking lot of unmowed grass,  
22 various debris and so forth that's unattractive  
23 for me to look at, and there's also bright lights  
24 shine in my window. Very nicely, you got rid of  
25 the basketball hoops that used to start at

1 10 o'clock at night.

2 So I'm tolerant, but I expect it is not that  
3 difficult to be a good neighbor, and I think I'm a  
4 good neighbor. I keep up my property, I try to be  
5 friendly to my neighbors, and I try to cooperate,  
6 and I really expect the same from the new owners.  
7 And believe me, I'm going to be on it if it's not  
8 kept up.

9 MR. BENNETT: Okay.

10 MS. WIESEHAHN: Thank you.

11 CHAIRMAN FOOTE: Thank you. Would the  
12 applicant like to address her concerns about the  
13 parking lot area and what you plan to do with  
14 that?

15 MR. BENNETT: Yes.

16 CHAIRMAN FOOTE: You can remove your mask  
17 again.

18 MR. BENNETT: Thanks. We promise to get  
19 everything done, clean up the backyard, get the  
20 grass mowed. And you won't hear the music and  
21 stuff like that that you used to hear before,  
22 there won't be any of that. It's not -- it's just  
23 not a nightclub, it's just a restaurant, that's  
24 what it's going to be, and it will be very quiet  
25 and you won't even know we're there.

1 MS. WIESEHAHN: Can you put down-lighting to --

2 MR. BENNETT: And I'll take care of that

3 lighting --

4 MS. WIESEHAHN: In the COVID parts --

5 MR. BENNETT: -- in the backyard. I mean --

6 ADMINISTRATOR PALLAS: Address the Board.

7 Please address the Board, not the audience.

8 MR. BENNETT: I'm sorry. We'll take a look  
9 at that lighting. I didn't know the lighting was  
10 a problem.

11 MS. WIESEHAHN: In the back.

12 MR. BENNETT: We'll look at it tonight.

13 CHAIRMAN FOOTE: Is the parking used just  
14 for employees. Is that correct, is that what the  
15 parking is for, for the employees?

16 MR. BENNETT: Right.

17 CHAIRMAN FOOTE: And how many spaces are  
18 there? I'm just curious.

19 MR. BENNETT: I think there's eight and one  
20 handicapped.

21 CHAIRMAN FOOTE: Okay. Thank you.

22 MR. BENNETT: Okay.

23 CHAIRMAN FOOTE: Anybody else?

24 MR. SWEIGART: My question is, is why is it  
25 that you agreed that it would be temporary at this

1 evening when they basically have heard everybody --

2 CHAIRMAN FOOTE: Let me interrupt you, and  
3 I'll tell you why, because they have a very bad  
4 track record, and I think that it's incumbent on  
5 us to check in. And it wouldn't be the first  
6 time, this is not unprecedented. We have a right  
7 to --

8 MR. SWEIGART: Don't get defensive, I was  
9 just asking the question.

10 CHAIRMAN FOOTE: Okay, sure.

11 MR. SWEIGART: Okay?

12 CHAIRMAN FOOTE: All right.

13 MR. SWEIGART: I think a normal question,  
14 because I didn't realize --

15 CHAIRMAN FOOTE: All right.

16 MR. SWEIGART: -- that this was going to  
17 happen, and you made a quick answer for that. So  
18 thank you.

19 CHAIRMAN FOOTE: Sorry. I didn't mean to --

20 MR. SWEIGART: And I think everybody needs  
21 to stop thinking something bad's going to happen  
22 and being defensive when they've addressed  
23 everything over and over again. People keep  
24 asking the same questions and they're not  
25 listening. And I'm afraid that a lot of us are

1 just thinking about the bad stuff that happened  
2 and not maybe just enforcing what they say is  
3 going to happen, okay?

4 It's -- what's the difference of all these  
5 tables out front at restaurants on the street,  
6 okay? I mean, are we checking that they're not  
7 having too loud music when they open the door, and  
8 go out and serve and have some beer out on the  
9 street? They did that all last year with COVID.  
10 It seemed to work pretty well.

11 And I understand on Carpenter, okay, some of  
12 the issues you're talking about really aren't  
13 related to what they plan on doing, okay? And I  
14 think you just -- I would just like to give them  
15 the benefit of the doubt, that I think they're  
16 doing what they're doing because of all this  
17 negativity and all of what happened in the past,  
18 and all the stuff, the headaches that they gave  
19 Charlie and whatnot. And I think -- I believe  
20 that they're trying to do the right thing. So  
21 that's why I'm wondering why it has to be  
22 temporary. But you've given me an answer, and  
23 hopefully it wasn't just a defensive, reactive  
24 answer. Thank you.

25 CHAIRMAN FOOTE: You're welcome.

1 MS. KESSLER: Can everybody hear me?

2 CHAIRMAN FOOTE: Turn the mic a little bit.

3 There you go.

4 MS. KESSLER: Hi. Sorry. So my name is  
5 Emily Kessler, and I'm the Culinary Events --

6 AUDIENCE MEMBER: Step closer to the mic.

7 AUDIENCE MEMBER: We can't hear you.

8 MS. KESSLER: My name is Emily Kessler, and  
9 I am the Culinary Events Director over at Noah's  
10 in Greenport, which is a business that's been open  
11 for 12 seasons, and I think very well respected.  
12 We've also recently taken over the restaurant over  
13 at Chequit Hotel, and we are open there, as well  
14 as I am also the Events Director over at Peconic  
15 Bay Vineyard.

16 And, you know, as somebody that is  
17 professionally trained as a chef, and has grown up  
18 in this industry for over a decade, and have  
19 worked at some of the best restaurants in the  
20 country and the world, I would say, personally,  
21 you know, the number one quality of food that I  
22 have had is Chef Cheo, and as well as the mixology  
23 program that Amanda has created over there. And I  
24 have spent many nights there, and being a serious  
25 culinary professional myself, it is nothing but

1 that. Everybody there is passionate about what  
2 they do and take it very seriously, and that is  
3 all I've ever experienced there.

4 You know, I, myself, am, you know, not out  
5 partying, and I go there because of the very  
6 serious culinary program they have. And I know  
7 that the other chefs and culinary professionals  
8 choose that place as well, because it is such a  
9 pinnacle of excellence when it comes to food, and  
10 their mixology program as well. And it would be a  
11 shame to not have that gift in our community and  
12 be able to let two people that want to give back,  
13 and give back something that's art, in my opinion.

14 MS. DOUGHERTY: Just to clarify, you're  
15 talking about KonTiki?

16 MS. KESSLER: I'm talking about across the  
17 street as well.

18 MR. BENNETT: Right.

19 MS. DOUGHERTY: You're talking about --

20 MR. BENNETT: KonTiki, right.

21 MS. KESSLER: Their talents over there,  
22 which is, you know, their food and mixology  
23 program over there as well, and their talent and  
24 their professionalism over there.

25 CHAIRMAN FOOTE: All right. Thank you.

1 MS. KESSLER: Yep

2 CHAIRMAN FOOTE: Appreciate it. Yes?

3 MR. SWEIGART: One more quick thing. I'm  
4 across the street.

5 CHAIRMAN FOOTE: You have to go to the mic.

6 MR. SWEIGART: I just want to let everybody  
7 know that I'm actually one of the closest  
8 buildings to that site across the street. Okay?  
9 I just want to make sure that people know that I'm  
10 not just two blocks away, to make my comments, I'm  
11 closer than anybody, pretty much.

12 CHAIRMAN FOOTE: Okay. Thanks. Anybody  
13 else from the public like to speak?

14 (No Response)

15 CHAIRMAN FOOTE: Okay. So I guess I'm going  
16 to move to close the public hearing. Second?

17 MEMBER HAMMES: Second.

18 CHAIRMAN FOOTE: In favor?

19 MEMBER DOHERTY: Aye.

20 MEMBER HAMMES: Aye.

21 MEMBER KYRK: Aye.

22 CHAIRMAN FOOTE: Aye. Public hearing is  
23 closed.

24 Do you guys want to have any discussion  
25 among ourselves about this application and any

1 conditions or any thoughts before we --

2 MEMBER HAMMES: Yeah. I mean, I think that  
3 there are ways to structure this approval in a way  
4 that would hopefully meet some of the issues that  
5 have been raised, and I would probably be  
6 supportive in moving forward on that basis.

7 I would want to see the things that have  
8 already been stipulated included as conditions to  
9 any approval, one being, you know, no amplified  
10 outside music, the hours being stated as they  
11 propose, the 11 to 11.

12 I think in line with what we did at the --  
13 at Green Hill Kitchen, it would make sense to  
14 revisit this. I personally would prefer to give  
15 them some period of -- you know, I'm not sure that  
16 it's fair to them to do it in a month if they go  
17 out and they hire people, and stuff like that, so  
18 I'd rather said let's revisit it in mid August, or  
19 whenever. But, you know, I'm open to suggestion  
20 on that. Frankly, I would probably wait until the  
21 fall and determine it going into next summer, just  
22 because I think it's hard for small businesses to  
23 hire staff and stock up on things without any  
24 certainty in terms of their business plan. And  
25 then rely on Code Enforcement and the Police, and

1 if there's a problem, they'll be shut down next  
2 year and they won't get a second chance.

3 CHAIRMAN FOOTE: Okay.

4 MEMBER HAMMES: So that's kind of where I  
5 am. I mean, I think my sense is that they -- I  
6 did go to 314 Bar when it was there. These were  
7 not the people that were running it. I feel like  
8 they've listened to the community. I think some  
9 of the issues that have been raised, frankly, are  
10 issues that apply to the downtown area generally,  
11 and, therefore, are not things that I would hold  
12 them specifically accountable for.

13 As we know, the town is considering the  
14 overall noise ordinances, and noise in town is an  
15 issue, it has to be dealt with. But you can't  
16 penalize a specific business for that, other than  
17 if they are one of the gross offenders. And,  
18 again, I think we can deal with that by reviewing  
19 the approval, Planning Board approval at the end  
20 of the season and seeing where we are.

21 CHAIRMAN FOOTE: Yeah, I tend to agree with  
22 that. I think it would -- the review could occur,  
23 say, after Labor Day weekend. So give them the  
24 chance to prove that they're compliant, and it  
25 sounds like that will be the case. But the whole

1 point is to check in just to see how it is, and at  
2 that point, we'll -- we'll make a further  
3 determination. But if we're going to -- if we're  
4 going to propose approval of an application, it  
5 would be with that condition, with the condition  
6 of the hours that you've already proposed, so  
7 that's -- you know, that will be incorporated  
8 automatically. That there will be absolutely no  
9 sound system outdoors. There'll be no lighting  
10 outdoors, except for the ambient lighting from the  
11 tables that are strictly for -- it's intended for,  
12 you know, sit-down restaurant space.

13 MR. BENNETT: Agreed.

14 CHAIRMAN FOOTE: There's no outdoor bar.  
15 And if you wouldn't mind, it would be a nice  
16 gesture, I think, to your neighbors in the back to  
17 clean up the back. We could include that as part  
18 of your approval.

19 MR. BENNETT: That will be done.

20 CHAIRMAN FOOTE: Okay.

21 MEMBER HAMMES: Well, I think we should  
22 include the condition that the lighting would be  
23 conditional -- would be subject to the code  
24 provisions on what kind of lighting is allowed at  
25 night.

1 CHAIRMAN FOOTE: For restaurant dining.

2 MEMBER HAMMES: Yeah.

3 CHAIRMAN FOOTE: Yeah, I agree. So with  
4 that in mind, at this time, I propose to take a  
5 vote on this application. May I have a second?

6 MEMBER HAMMES: Second.

7 CHAIRMAN FOOTE: All those in favor of this  
8 application, subject to the conditions that we  
9 just discussed?

10 MEMBER DOHERTY: Aye.

11 MEMBER HAMMES: Aye.

12 MEMBER KYRK: Aye.

13 CHAIRMAN FOOTE: Aye. So carried, so  
14 approved. Thank you.

15 MR. BENNETT: Very good. Thank you.

16 CHAIRMAN FOOTE: Okay. So we're on our last  
17 item. This is Item No. 10. I propose just taking  
18 a quick five-minute break and then we'll reconvene.

19 (The meeting was recessed at 4:56 p.m. and  
20 resumed at 5:08 p.m.)

21 CHAIRMAN FOOTE: Okay. So we are now  
22 resuming our meeting. And we're moving on to the  
23 next item, *Item No. 10 - 123 Sterling Avenue.*  
24 *This is a Public Hearing regarding the site plan*  
25 *application of 123 Sterling Avenue Corp.,*

1       *represented by Paul Pawlowski. The applicant*  
2       *proposes to: Modify the parking spaces, which*  
3       *would be reduced to 12 from 21, and replace*  
4       *parking spaces on Sterling Avenue with green*  
5       *space, utilize the current curb-cut in place on*  
6       *Ludlum Place; and create twelve (12) private yacht*  
7       *club spaces, per the floor plan dated March 22nd,*  
8       *2021. This property is located in the Waterfront*  
9       *Commercial District. This property is also*  
10       *located in the Historic District, at Suffolk*  
11       *County Tax Map 1001-3.-5-16.4 and 16.5.*

12                So would any -- I just want to remind the  
13       ground rules, because we expect a lot of comments,  
14       that we would like to limit your time to three  
15       minutes, and we'll make allowances on a  
16       case-by-case bases. But having said that, would  
17       anybody on behalf of the public like to speak at  
18       this time regarding this application?

19                MR. PAWLOWSKI: Good evening. Paul  
20       Pawlowski, owner of 123 Sterling Avenue. Thanks  
21       for your time tonight, and thanks for the site  
22       visit today as well.

23                We're here tonight or I'm here tonight to  
24       identify the waterfront commercial use within the  
25       approved waterfront commercial space, review the

1 parking along Sterling and the entry on Ludlam.

2 I just want to point out that what we're  
3 proposing for a use is permissible by code. We  
4 feel that given it's a mixed use building in a  
5 more residential neighborhood, we're proposing a  
6 use and potential transparency of other uses that  
7 will be sustainable, that won't take away from the  
8 downtown, that will be an asset to the community,  
9 that will incubate professionals within the uses  
10 proposed.

11 It's an interesting situation because it's a  
12 mixed use building, so it's not something we could  
13 just jump in and do what you say, see a special  
14 exception use that you see on Main Street. So we,  
15 as the owner, want something that will work, that  
16 will be sustainable, that will be good for the  
17 Village, good within a residential neighborhood,  
18 and that's why we propose what we're proposing.

19 At the work -- at the work session last  
20 time, or the pre-submission meeting, the Board had  
21 comments on -- you know, concerns of residential  
22 use within this first floor space. We feel what  
23 we're proposing is very valuable, very good for  
24 the Village. We're not proposing any sort of  
25 residential use or living on this first floor. We

1 put in mitigating factors. There's no ability for  
2 a shower. There's -- we removed from the floor  
3 plan a kitchenette. Those things are allowed in  
4 what we're proposing, but we heard the comments.  
5 We are trying to mitigate that concern, and by not  
6 having those two assets within those spaces.

7 The unique thing about this building as  
8 well, it is a commercial building with residential  
9 spaces. It's not a garage, it's not someone's  
10 basement, there will be inspections. So if  
11 somebody is not following the code, you know,  
12 there's the Code Enforcer, there's rules that  
13 these people would have to follow. So I think  
14 there are going to be -- the Village will have  
15 transparency and checks and balances. But  
16 that's -- that's the main thing, as we're  
17 proposing something that is permissible.

18 We're also giving transparency, because it  
19 is a condo, we need to identify what it is today  
20 and what it could be. And we really feel that  
21 what we're proposing will be an asset.

22 I'm here to answer any questions. I'm  
23 here -- you know, we did the site meeting, you  
24 know, in terms of parking, Ludlam. Whatever I  
25 could do to answer any questions.



1 AUDIENCE MEMBER: Yeah.

2 MS. MUNDUS: I just wanted to say thank you  
3 very much. I know the Planning Board is  
4 volunteers, nobody's getting paid. Thank you very  
5 much for your community service. There's a lot of  
6 hours involved, and studying and becoming an  
7 expert on the 16-page, 14-year-old guide and  
8 document is pretty ambitious.

9 The project is in front of the Planning  
10 Board today, thankfully, because the Planning --  
11 it's in your wheelhouse. And if I could just take  
12 a minute to quote exactly how it's codified and  
13 how the Planning Board serves the community.  
14 It -- I think it helps explain a lot of neighbors'  
15 concerns.

16 "In considering enacting upon site  
17 development plans, the Planning Board shall take  
18 into consideration the public health, safety,  
19 welfare, comfort and convenience of the public in  
20 general, and of the residents of the immediate  
21 neighborhood in particular, and may prescribe  
22 appropriate conditions and safeguards as may be  
23 required in order that the result of its action  
24 may to the maximum extent possible further the  
25 expressed intent of this chapter and

1 accomplishment of the following objectives." And  
2 those objectives are traffic access, circulation  
3 and parking, landscaping and screening, and  
4 minimizing ecological deterioration and the  
5 natural resources of the soil, air and water.

6 So I'm here tonight to speak to you,  
7 hopefully in a persuasive way, about traffic and  
8 parking and safety on the street.

9 The issue is the 2007 stipulation agreement  
10 was written and agreed upon 14 years ago. We all  
11 know Greenport is a way different place than it  
12 was 14 years ago, and in particular, the  
13 intersection and the waterfront area of Sterling  
14 Avenue and Sterling Street is now hardscaped.  
15 There are curbs, metal fences, landscaping. The  
16 curb is a big narrow constraint curve. There's  
17 landscaping there now. And we, myself and a lot  
18 of the neighbors who live on Sterling Street, are  
19 quite concerned, even though we're thankful that  
20 the proposed plan is to remove 20 of the parking  
21 places off the street. I think -- I'd love to  
22 advocate for removing all of them off the street,  
23 because 12 cars parking straight head-in to the  
24 building have to back out into the intersection  
25 across two lanes of traffic, and people park on

1 the other side of the street.

2 I spent four years on the Planning Board  
3 myself, so I understand that a big thrust of all  
4 the planning and decisions is curb cuts and  
5 parking and how it impacts on the rest of the  
6 neighborhood. Sterling Street is already almost a  
7 one-way street. If another car is coming, there's  
8 somebody parked, the car has to dive in and allow  
9 another person to go. So you could imagine what  
10 will happen to that whole traffic flow if 12 cars  
11 have to back out, not face into the traffic so  
12 they could see what's going on, back out. Then  
13 it's already -- in its present state, it's a  
14 no-parking zone. It's a no-parking zone today for  
15 a good reason. That's a park.

16 At the very end is a dinghy dock. You could  
17 thank Mr. Pawlowski for doing some restoration  
18 work there, we appreciate it. It's used by  
19 everybody who wants to go fishing, who wants to go  
20 down there with their dog, who wants to drop stuff  
21 off to get to the dinghy to go out to the mooring.  
22 The idea of 12 parking spots backing right out  
23 into that area I think is unsafe.

24 So, I don't know. I did the parking  
25 calculations myself. I'd just like to remind the

1 Board that in the stipulation plan was another  
2 building, an outbuilding, which is no longer  
3 there. That parking space requirement, in case  
4 anybody needs to know, for every residence, it's  
5 one-and-a-half parking places. There is 17 units,  
6 that's 26 parking places, and there's 15,000  
7 square feet of commercial waterfront space. Each  
8 300 feet of that should have one parking place.  
9 It's a lot of parking, but I really don't think  
10 that the parking is absolutely necessary in this.

11 CHAIRMAN FOOTE: Yeah. I think --

12 MS. MUNDUS: And --

13 CHAIRMAN FOOTE: I think that the issue  
14 there is I think, as you know, the -- it was  
15 presented to -- because it's one of convenience.  
16 I think that for the applicant, there's got to be  
17 a certain number of spaces that are convenient to  
18 the structure, and whether there could be -- one  
19 proposal earlier that the ZBA reviewed as a change  
20 of use and turned down was to locate some of those  
21 12 slots or all of the 12 slots that you're  
22 speaking of inside the garage space. So unless  
23 there's an alternative theory, then we're going  
24 to -- you know, we're -- I don't know where you're  
25 going to create those additional 12.

1 MS. MUNDUS: I'm glad you mentioned that,  
2 because I'd like to offer an alternative theory.  
3 I'm not going to comment on the ZBA meeting,  
4 because I really don't think that the indoor  
5 parking should have gone as an application for a  
6 variance, because depending on how this Board  
7 votes on the indoor use of the ground floor, there  
8 is in the Waterfront Code, Section 150-11, in case  
9 anybody wants to look this up, it's Section F,  
10 which is Permitted Accessory Uses. "Customary  
11 accessory uses, including off-street parking and  
12 loading facilities and offices related to the  
13 principal permitted use" are allowable.

14 So once you sign off on the allowable use of  
15 Paul's plan, whatever that may be, the remainder  
16 of the space that he has already built, frankly,  
17 could be used and covered legally by Section  
18 150-11, Section F, Permitted Accessory Uses. So  
19 that is a useful alternative.

20 And then this is the 16 pages of the  
21 stipulation. It's a lot of work to comprehend it,  
22 but it pretty much lays out everything that is  
23 allowed, not allowed. And interesting, on the  
24 very, very last line of the last page, it says  
25 this under Description and Uses: Number 8, "The

1 condominium plan will be written in such a way as  
2 to allow the developer, its successors or assign,  
3 to own the first floor. The common space  
4 mentioned in No. 6 above," which describes the  
5 garage storage space, "and the work storage  
6 building mentioned in No. 5 above," which no  
7 longer exists, it's not going to be built, "and  
8 allocates such space to the waterfront commercial  
9 tenants of the first floor and/or the residential  
10 owners on the basis that the developer  
11 determines." That's interesting. So there are  
12 two possible solutions.

13 And I thank you very much for your time and  
14 concern, and I hope you guys are looking out for  
15 the residents of Sterling Street and Sterling  
16 Avenue and the Village as a whole. Thank you.

17 CHAIRMAN FOOTE: Thank you very much. Would  
18 somebody else like to speak?

19 MR. PICKMAN: Hi. My name is Mitch Pickman,  
20 I live at 187 Sterling Street. I've been involved  
21 with the Stirling Basin Association since the  
22 beginning of this project, since 2002. And the  
23 two major concerns for the neighborhood,  
24 basically, when the project was going was parking,  
25 and also having a building that's going to look

1       like a big dinosaur.

2               After many months of working with Paul, and  
3 he was very good at working with us, we thought  
4 the problem of parking on Sterling Street -- on  
5 Sterling Avenue was solved by the use of an indoor  
6 garage. I know there's been a lot of people  
7 complaining about the indoor garage, saying that  
8 no other building in Greenport has an indoor  
9 garage, but, like I said, there's always a first  
10 for everything.

11              By having an indoor garage, and the way the  
12 parking was set up before they went to the ZBA  
13 meeting, it seemed like the perfect thing for the  
14 neighborhood, that there would be no parking on  
15 Sterling Avenue for safety reasons and everything  
16 that Pat had said.

17              The other issue is the big dinosaur. We  
18 know it's a big building, it stands out. And part  
19 of the plan by not having the parking on Sterling  
20 Avenue was there's going to be a lot more  
21 landscaping and trees to basically over time hide  
22 the building, which would be much better for the  
23 neighborhood.

24              CHAIRMAN FOOTE: Thank you.

25              MS. WADE: Randy Wade, Sixth Street,

1 Greenport. Very interesting ideas. And it's  
2 going to be fun having Paul be a resident of  
3 Greenport.

4 Could I ask you, the -- a developer is  
5 allowed to buy how many parking spots? The  
6 Planning Board is authorized to sell, I believe, a  
7 certain number of spaces. I couldn't find it in  
8 the code myself.

9 CHAIRMAN FOOTE: Yeah.

10 MS. WADE: Do you know?

11 CHAIRMAN FOOTE: It's in there.

12 MEMBER HAMMES: Five or seven.

13 ADMINISTRATOR PALLAS: I think it's 20, if  
14 I'm not mistaken.

15 CHAIRMAN FOOTE: Twenty-five hundred a  
16 space, something like that.

17 MS. WADE: Right. I mean, the price should  
18 have been raised. I know many of us have been  
19 asking for the price to be raised because it's 20  
20 years old. You can't really buy parking  
21 structures or do much with the amount of money.  
22 But the code also says that there can be --

23 CHAIRMAN FOOTE: I found it.

24 MS. WADE: Oh, yeah.

25 CHAIRMAN FOOTE: It's 20, 20 spaces.

1 MS. WADE: Twenty, 20 spots, okay. The code  
2 also says there could be no entry or exit to any  
3 off-street parking area within 50 feet of an  
4 intersection. And so, really, the angled parking  
5 proposed just is -- it doesn't go with the code  
6 because it's not safe. Any engineer would know  
7 it's not recommended to have the pull-in and  
8 pull-out at an intersection. So I would -- I  
9 would ask that the Board consider allowing the  
10 developer to purchase those spots that are  
11 remaining.

12 And the other thing that is done in New York  
13 City -- I'm sorry, I worked for the Department of  
14 Transportation. When we know that there should  
15 really be parking in a place, because you need it  
16 for a large vehicle turning radius, you have a  
17 "No Parking Any Time" regulation, and that can  
18 allow people to drop off suitcases at the door and  
19 continue on. So I would highly recommend that  
20 that be the regulation there, and which it is now,  
21 you can't park there now for the turns.

22 CHAIRMAN FOOTE: Yeah. I think the problem  
23 with the buying the spaces doesn't fully solve the  
24 applicant's problem, because he needs, as I  
25 understand it, a certain minimum number of

1 conveniently located spaces to park for the Yacht  
2 Club members.

3 MS. WADE: Well, it's not -- I don't believe  
4 it's parking, because I think it's 200 feet away  
5 from a front door. There's something in the code  
6 for a developer who wants to provide parking, and  
7 it has to be within 200 feet, which the spaces on  
8 the lot certainly are. And there's a back  
9 entrance from the parking on the lot to the  
10 elevator area.

11 So what I'm suggesting is if that's not  
12 enough, that they could stop along the curb, just  
13 have it be no parking along the curb, because it  
14 was not -- there's nothing that says that in this  
15 world everybody gets to walk from their parking  
16 spot into an elevator and go up to their -- or,  
17 you know, from a driveway. I mean, it's a big  
18 building and it's understood that you may walk.  
19 This is very typical of any kind of condo that's  
20 that size, that, you know, you walk from the  
21 parking lot. It might be 150 feet away, whatever.  
22 So, yeah, I don't think that's an issue.

23 One of my issues is waterfront commercial,  
24 which I do think is very precious. And the  
25 developer was allowed to do two floors of

1 residential, which is not allowed in waterfront  
2 commercial. And to do not 2 1/2 stories, which is  
3 the max, but three full stories, so he could have  
4 the two floors of condos. And the only concession  
5 that was asked was, you know, waterfront  
6 commercial on the ground floor, because we are  
7 working waterfront and we want to have some of  
8 this cultural heritage remaining, and it's partly  
9 jobs. It's also partly we made some mistakes  
10 before and we hopefully learned from them with  
11 Stirling Cove and Oyster Point. They were condos,  
12 and it provides a dead private space for the rest  
13 of the town. It's not -- it doesn't contribute to  
14 the welfare of the Village as a whole. And so it  
15 was specifically prohibited to have residential,  
16 but we are allowing it. In the upper two floors,  
17 that's fine.

18 So I think there needs to be a more valiant  
19 effort to create waterfront commercial, and one  
20 way -- I mean, I understand your advisors said  
21 that yacht clubs are not defined in the code, but  
22 clubs are commonly defined, and what's defined in  
23 the code is a residential accessory use of a home  
24 office where the occupation is incidental to the  
25 residential use. And that's what these would be

1 if somebody owns a condo upstairs and then they  
2 have their private work space downstairs.

3 Commercial is -- you know, even if it's a  
4 private club, other people are allowed to join and  
5 get to occasionally experience the waterfront, or  
6 maybe there's an event, you know, that they have a  
7 party and it's rented and people get to go in the  
8 space, or they go into transact some kind of  
9 financial business. And then it's not where  
10 people may be on the weekends and then it's dead  
11 during the week and -- that was already decided  
12 not to do it that way.

13 So you are lawyers and I am not. I don't  
14 know what -- how you can stipulate, but it does  
15 seem that the ownership seems reasonable to be  
16 the -- all the condo owners could own jointly the  
17 commercial space, but to allow one resident, if  
18 this is a smaller space than the resident, to be  
19 an accessory, that I think is really flouting the  
20 law and wrong.

21 I also think that if it's a commercial space  
22 it's appropriate to have consolidated restaurants.  
23 And you might want to put a shower in, so that  
24 people getting off the boat can go in and shower  
25 for -- so that -- yeah, consolidate the

1 restaurants. Thank you so much.

2 CHAIRMAN FOOTE: All right. Thank you. I  
3 realize I said from the outset of a more or less  
4 three minutes. I think that's unrealistic given  
5 the nature of the issues that are being discussed.  
6 So I'm going to -- obviously, I'll be more  
7 flexible than that, I just want to let you know.

8 MR. TRUELOVE: Hi, Walter, hello. Jeff  
9 Truelove, 338 Second Street, and I am the  
10 Executive Director of a 501(c)(3) non-profit  
11 New York State registered that is just beginning,  
12 we filed in February. But anyways, our goal is  
13 to -- I can actually read it right here -- promote  
14 and preserve classic nautical skills, maritime  
15 history of the Eastern Seaboard of the United  
16 States by presentation -- presentation of  
17 educational events, workshops, seminars about  
18 historically significant boats, other programs to  
19 promote the design, use and mastery of such boats,  
20 including provision of hands-on learning  
21 opportunities involved with the restoration and  
22 construction of classic wooden boats -- excuse  
23 me -- and other historically significant boats.  
24 And this is coming from a background. I've  
25 been working with Wooden Boatworks for years as

1 one of their clients. And through Paul, we've got  
2 an amazing opportunity at Sterling Street for one  
3 of the commercial spots, including a slip for one  
4 of our boats that are currently kept in the  
5 harbor. And so our goal is now to work inclusion  
6 with Paul in the space that he's providing for us  
7 to get this 501(c)(3) up and running in a way  
8 that, you know, benefits Stirling Harbor. Its  
9 name is Stirling Harbor Foundation.

10 So anyways, I hope you take that into  
11 consideration, that I think we can do some  
12 positive stuff here.

13 CHAIRMAN FOOTE: Thanks, Jeff.

14 MR. MACKEN: Hi. Frank Macken, 138 Sterling  
15 Avenue. I just have a question. Are we  
16 discussing the parking separately and then the  
17 commercial thing, or just both together? Because  
18 it seems that they should be addressed separately.

19 CHAIRMAN FOOTE: Well, they're not, we're  
20 addressing them together.

21 MR. MACKEN: So if I spoke on the --

22 CHAIRMAN FOOTE: It's part of the same  
23 application.

24 MR. MACKEN: If I spoke on the parking, then  
25 I couldn't speak on the -- come back and speak on

1 the commercial later on?

2 CHAIRMAN FOOTE: No, you could speak about  
3 both of them. And whether you want to do it in  
4 two different sessions tonight, that's fine, it's  
5 up to you, but you can -- you could speak on both  
6 of them. I just announced that I'm not going to  
7 put a strict time limit, so feel free to --

8 MR. MACKEN: Okay. So I just want to point  
9 out a few things. Obviously, this -- everybody  
10 knows the history of this building at this point.

11 There was painful compromise that was  
12 reached in 2007 to satisfy all the parties. So  
13 they -- you know, that was for a commercial  
14 building with residential above. The previous  
15 owners abided by that. They didn't propose  
16 anything other than the commercial area.

17 Mr. Pawlowski has come in and -- with a --  
18 you know, and he was basically given cover by the  
19 Village to do this, saying there was a legal  
20 stipulation and we had to swallow it and there was  
21 nothing that could be done. It didn't come before  
22 Planning, it didn't coming before Zoning or  
23 anything, because this was all supposed to have  
24 happened. Now, whether it happened, I've never  
25 seen records of that, but whatever.

1           But the fact is that since Mr. Pawlowski  
2           came in, and he's to build a mixed use building,  
3           has done everything in his power to make it just a  
4           residential building. So if he is allowed to  
5           divide this waterfront commercial space -- and  
6           bear in mind that this was a working waterfront  
7           site until the early 2000s. So within 18 years,  
8           there was actually active -- there was a  
9           boat-building place onsite, and the fish factory  
10          thing was transferring it to -- transferred to  
11          New Bedford, whatever.

12           In any case, this guy comes in and he wants  
13          to build a residential commercial -- a residential  
14          space. Now, as Randy pointed out, that isn't  
15          allowed. The current proposal -- so normally,  
16          when you build a building like this, you build  
17          your residential, then you put the commercial area  
18          on the market, you get a tenant or several tenants  
19          and you build out to suit. You don't divide and  
20          slice and dice and make 12 little mini yacht  
21          clubs, which is a farce, it's a joke. Really,  
22          honestly, this is a joke. And if this is allowed  
23          to go through, it will be just like drive a stake  
24          through the waterfront commercial, through the  
25          working waterfront, because it sets a precedent

1 for everything else.

2 At the working session, Mr. Pawlowski was  
3 asked about other sites. He mentioned STIDD, he  
4 mentioned Greenport Yacht, and he said that he  
5 would be thinking to do hotels and restaurants  
6 there. So I'm just saying wake up, folks. Within  
7 five years, we very well may not have a working  
8 waterfront in Greenport anymore, and that's the  
9 fact.

10 And I hear some people say, "Oh, that's  
11 progress, you can't help" -- the one thing that  
12 makes Greenport unique in the East End towns is  
13 that it has a working port and it has a working  
14 waterfront. And with this kind -- if kind of  
15 development is allowed to go ahead, a neutralized  
16 working waterfront space, make it residential  
17 accessory, which I do not believe is a -- is  
18 allowable under the stipulation. As a commercial  
19 building, you can't make it each -- divide these  
20 spaces and sell them along with residential as  
21 residential accessory spaces. That is not the  
22 meaning of waterfront commercial. And I don't  
23 know if anybody's looked into this, but to me that  
24 is a crucial point.

25 We are not -- if this is allowed, and we are

1 allowed to do this -- he is allowed, rather, to  
2 basically, you know, neutralize the waterfront  
3 commercial space. So we -- I've heard other  
4 people say, "Oh, the menhaden fleets are gone."  
5 "Oh, the old days are gone." Well, the waterfront  
6 continues, and it's evolving all the time with 3-D  
7 printing, with -- certainly, with I.T., all of  
8 that stuff. But there is a lot of stuff going on,  
9 active progressive development of -- in the marine  
10 industry. And it doesn't mean heavy stuff  
11 anymore, it doesn't mean piles of oyster shells,  
12 it doesn't mean heavy machinery, but it -- what  
13 Greenport needs is a vision.

14 Greenport needs space that is available for  
15 people to develop ideas, and for -- not  
16 somebody -- for just somebody to have like a  
17 little, you know, studio, nameless thing, vague,  
18 and it's totally vague, I mean, it's completely  
19 vague.

20 And the plumbing is there. He may say the  
21 plumbing's not there, the plumbing was built in.  
22 And this is another point. This application was  
23 submitted, and the Planning Board was to hear this  
24 on the 25th of March, but the ZBA denied the  
25 indoor parking. He withdrew the indoor -- the

1 application. Then he went ahead and built it out,  
2 built out all of the stuff that he was applying,  
3 that he had in the application to the Planning  
4 Board. He went ahead and built it out, and the  
5 Village basically just like waved it through and  
6 slapped him, gave him a slap on the wrist, and  
7 said, "Oh, well, you're supposed to take down  
8 those walls, but let's see if the Planning Board  
9 approves it." It's basically presenting the  
10 Planning Board with a fete accompli. And it's a  
11 thumb in the eye to the process.

12 The Planning Board, with -- you know, with  
13 an administrate -- current administration in the  
14 Village that's very pro development, and it's all  
15 about numbers, and there is no vision there.  
16 There's no -- you know, people will say -- people  
17 even run for election saying, "Oh, I'm in favor of  
18 developing" -- "of protecting the waterfront", and  
19 all this kind of stuff. "I'm in favor of  
20 affordable housing." "I'm in favor of this."  
21 Nothing gets done. And this, all of this stuff is  
22 just being waved through.

23 And everything -- and you guys are the  
24 people we rely on, like you and the ZBA to say,  
25 "Wait a minute, we have a code." It may be Swiss

1 cheese, that code, there's a lot of holes in it,  
2 and this is just tweaking it. I mean, it's a  
3 contortion to say, "Oh, this is allowable, all  
4 these uses are allowable."

5 It's just -- it's totally vague and it's --  
6 I mean, one last thing I'm going to say, and I  
7 realize I'm probably over the three minutes, is  
8 that this building, this commercial building,  
9 right, the only entrance to this building, to  
10 those commercial -- the entire first floor is  
11 through the residential lobby. There are no doors  
12 on the waterfront apart from the stair exit door  
13 that's required on the -- on the south side.  
14 There are no exit -- there's no access to the  
15 water. So you're talking about building yacht  
16 clubs that actually have no access to the water.  
17 They have to walk out through the residential  
18 lobby. I mean, it's -- it's laughable, it really  
19 is laughable. I mean, what are we talking about  
20 here? Thank you for your time.

21 CHAIRMAN FOOTE: Thank you.

22 MR. PAWLOWSKI: Paul Pawlowski, 123  
23 Sterling. I just want to comment on a few things.

24 It's far from laughable. We honored the  
25 stipulation. We're not asking you to set a

1 precedent, we're asking to follow the code. We  
2 put a lot of money into this property. We are  
3 completely going by the code.

4 There's an -- there's three exits to the  
5 waterfront property -- there's four. There's one  
6 on the north side of the building, two on the  
7 south side of the building, and a 20-foot door to  
8 the waterfront. It's designed as a mixed use  
9 building, there's no getting around that. We're  
10 not going to have a door in every corner of this  
11 building. But it's fully ADA compliant, it's  
12 fully compliant in terms of egress, it's fully  
13 accessible to the water.

14 Ninety-five percent of my portfolio is  
15 commercial buildings, so I understand and respect  
16 commercial development. We're proposing a use  
17 that's permitted, a use that is directly involved  
18 with the waterfront commercial. We're also giving  
19 transparency for the future, the -- that where --  
20 this is a condo. You have to understand that I  
21 need to identify what it is today and what it can  
22 be, and we're proposing art studio. There's going  
23 to be -- there's already going to be pieces from  
24 local artists in there, galleries, boat sales,  
25 boat charter, boat instruction.

1           What else? Like what else does an applicant  
2 have to do? I'm honoring 7 out of 17 things in  
3 the code. And I'm actually annoyed with just, oh,  
4 this is just a cabana, and all that. It's -- we  
5 can't dictate if somebody is going to do something  
6 illegal or not.

7           And it's an approved waterfront commercial  
8 space. In any property I've ever done in my life,  
9 normally, you just give an amended permit for the  
10 floor plan inside, because it's already approved.  
11 The site plan's approved, the parking's approved,  
12 the entrance, everything's approved. So we are  
13 doing bona fide -- proposing bona fide use that's  
14 within code. We're not asking the Board to set a  
15 precedent by any means. There's full checks and  
16 balances.

17           And there's no plumbing for a kitchen or a  
18 shower. You were there today, the Code Enforcer's  
19 been there, there's none. So just for people to  
20 just say things, it gets frustrating when we're  
21 investing in a project that's not only for the  
22 neighborhood, but the Village. And I really  
23 wanted to point out that I'm not asking you to set  
24 a precedent, I'm asking you to follow the code.

25           MS. SCHNEPEL: Ellen Schnepel, 165 Sterling

1 Street. I'm also the Chair of the Neighborhood  
2 Association, which comprises the whole area around  
3 Stirling Basin. It goes as far as Bay Street and  
4 Main Street.

5 I look around the room and it's really  
6 interesting. I also look at the Planning Board  
7 members. I am the only signatory to the 2007  
8 stipulation agreement, nobody else here is. So I  
9 have a role to play in terms of understanding this  
10 whole history and development. And, also, I have  
11 a voice in how this goes and the -- sign anything  
12 that may be changed or transformed.

13 We have a reality that we have to deal with.  
14 I think being critical of everything that's taking  
15 place and offering no alternatives doesn't really  
16 make any sense. We've heard, you know, from many  
17 people, there's no waterfront taking place, or  
18 we're going to lose the waterfront. I think we  
19 need to look at reality, what is going on  
20 presently.

21 And I just want to go over a few things that  
22 the Stirling Basin neighborhood decided, and it's  
23 no little rinky-dink group. We have had over 50  
24 to 60 people in the group. It represents the  
25 neighborhood, and I think the neighborhood's voice

1 should be taken in any consideration here.

2 On January 18th of 2018, we had a meeting of  
3 the Association and we prioritized what was  
4 important for us. The two top priorities were  
5 density, lowering the density, and aesthetics.  
6 And aesthetics pertain to not only the design of  
7 the building, but also to aesthetics of the  
8 property, that included landscaping, curbing and  
9 sidewalks on Sterling Avenue, you know, shielding  
10 the building from the neighborhood, and vice  
11 versa, privacy, etcetera. I think that's  
12 important to note, because what is being decided  
13 now in terms of parking is part of the aesthetics,  
14 and that was one of the important issues that was  
15 embedded in the aesthetics.

16 Now, in the original plan that we turned  
17 down, which was a high end dry marina for 150  
18 boats, we had fears about parking, about traffic,  
19 and about noise. The compromise that we came to,  
20 which involved the Village, the Developer and our  
21 Neighborhood Association, may not have been  
22 perfect, there were a lot of flaws, but it was  
23 certainly better than a 150-boat high end dry  
24 marina.

25 These parking issues, though, are still

1 central to the current project. And as Chair of  
2 our Neighborhood Association, I would say that our  
3 group is not in support of any parking on Sterling  
4 Avenue, and let me repeat that. We are not in  
5 favor of any parking on Sterling Avenue, and I  
6 think Pat Mundus explained why. And I think we're  
7 all aware of the parking issues and traffic issues  
8 now, the congestion, and that accidents are  
9 waiting to happen.

10 There is also a formula to the number of  
11 parking spaces on the property, and in the  
12 original stipulation agreement, I think it  
13 accounted for 82, 83. That has since been changed  
14 to maybe 72, 76. I'm not going to bore you with  
15 the formula and different iterations of it. All I  
16 want to tell you is that the secondary building  
17 was eliminated, and all the parking that was  
18 necessary for the secondary maritime building was  
19 eliminated.

20 There has been work on a formula whereby the  
21 21 spaces, or the 12 spaces of this new site plan,  
22 can be moved into other areas on the lot without  
23 going against the stipulation agreement. The  
24 number of parking spaces required now has been  
25 reduced. And I think Pat Mundus has explained

1 very well that there are alternate uses to the  
2 commercial 15,000, or 10,000, or 5,000 square feet  
3 of space of waterfront commercial inside the  
4 building. It does not have to be defined so  
5 strictly that nothing can happen there.

6 There are accessory usages allowed by the  
7 waterfront commercial zoning code that support  
8 permitted uses, and I believe Pat and perhaps Paul  
9 Pawlowski have read what are some of those uses.  
10 No one, whether there's parking inside the  
11 building or out, no one is going against code.

12 And I think -- I think that's what I would  
13 like to say at this moment, because by taking the  
14 parking off of Sterling Avenue, we're decreasing  
15 the congestion and the traffic. We're providing,  
16 or we, or, you know, the community, the Village,  
17 the Developer is providing for a more aesthetic  
18 appeal to the landscape and streetscape that we're  
19 going to be dealing with.

20 The possibility of moving parking into the  
21 building is very plausible and viable, according  
22 to the waterfront commercial zone. I encourage  
23 everybody to read it, because I think we're  
24 becoming strict constructionists, and really  
25 eliminating any kind of creativity or improvement

1 to the space, whereby the parking would be removed  
2 and it would be in alternate spaces.

3 The back space has 51 spaces. Nine I think  
4 could be placed, or in some of the site plans have  
5 been placed by the entrance to the garage. There  
6 is no need for the parking to be on Sterling  
7 Avenue, and I would hope that the Planning Board  
8 members would consider that. Thank you very much.

9 CHAIRMAN FOOTE: Thank you.

10 MR. VANDENBURGH: I'm Richard Vandenburg,  
11 Greenport Village Business Improvement District.  
12 I just wanted to express my hope that there is a  
13 path to a successful resolution that incorporates,  
14 you know, a lot of the concerns that we've heard  
15 tonight.

16 I also want to say that, you know, I have  
17 come to know Mr. Pawlowski, I've worked with him  
18 on other Village matters. He's been a tremendous  
19 supporter of other things that we've tried to do  
20 in the Business Improvement District. I find him  
21 to be a very sincere and thoughtful person. So I  
22 don't know that there's anything that's nefarious  
23 about what he's trying to do, I don't believe  
24 that's the case at all.

25 I would say that I certainly appreciate the

1 fact that Greenport has a character that is, you  
2 know, steeped in waterfront, a working waterfront  
3 kind of nature, I think that is important. But I  
4 also think that you have to be prepared to do  
5 exactly what one of the earlier speakers said, you  
6 have to be prepared to be innovative. You have to  
7 be prepared to embrace what the future holds for  
8 what defines a working waterfront. Certainly,  
9 there are the traditional types of businesses that  
10 we all are aware of, and that Greenport has a rich  
11 history of, but we need to evolve.

12 And not only is the commercial aspect  
13 important to the vitality of our -- of our  
14 Village, but also the ability to continue to have  
15 spaces that offer residents opportunities. We all  
16 understand that, you know, certainly, while this  
17 may not be exactly an affordable housing  
18 arrangement, the ability to have additional  
19 residents, opportunities in the Village is  
20 critical at this time. And it -- there's no doubt  
21 in my mind that Mr. Pawlowski will continue to  
22 create a space that is aesthetically compatible  
23 and will mature into a beautiful place.

24 So I would just encourage not only the  
25 applicant, but also those concerned to work

1 towards a successful compromise. It sounds like  
2 there is a path to do so. It sounds like there's  
3 only a couple of real sticking points to the  
4 safety and aesthetic concern that I think can be  
5 accomplished. And for the sake of the Village and  
6 for the sake of our Business District, I hope that  
7 you're successful.

8 CHAIRMAN FOOTE: Thank you.

9 MR. GETCHES: So my name is Jim Getches, I  
10 live at 137 Sterling Ave. We're kind of new to  
11 the neighborhood, but not new to Greenport. My  
12 wife and I both graduated from Greenport High  
13 School many years ago, and we've been coming back  
14 to the Village for vacation forever. And it was  
15 our hope to live here eventually, and now we have  
16 that opportunity.

17 I think -- you know, I can't speak to the  
18 indoor parking. I think that would be a great  
19 solution. I guess that was turned down at the  
20 prior meeting, but it seems like something that  
21 should be reconsidered, if possible.

22 I would also say that 12 is far better than  
23 20 on Sterling Ave. So, at a minimum, moving to  
24 the 12 spaces would be a big improvement over  
25 the 20.

1           And the indoor use, you know, it's -- it is  
2 a neighborhood, it's a wonderful neighborhood,  
3 we're very fortunate to live there. And the  
4 quality of life of having minimal impact of  
5 traffic, and just businesses set up, and the ideas  
6 that I've talked to Paul about really seem to fit  
7 with the intent of making the neighborhood really  
8 livable and enjoyable, given, you know, the size  
9 of the building that they have there.

10           I could also add that I've had a few times  
11 where Paul and I worked together on something. I  
12 have found him to be nothing but honest, direct,  
13 gone out of his way to be helpful, always went the  
14 extra mile to rectify any issue that may have come  
15 up. So I have had nothing but a great experience  
16 in working with him. So there have been other  
17 meetings where I've heard other things said. From  
18 my view, again, he's been just a great neighbor to  
19 have. So thank you.

20           CHAIRMAN FOOTE: Thank you.

21           MR. KELLY: My name is Jim Kelly, I live on  
22 101 Sterling Street, which is the intersection of  
23 Sterling and Sterling, so I have sort of a birds  
24 eye view.

25           Clearly, it's been a huge adjustment for

1 everybody in the neighborhood to come to grips  
2 with the fact that we're going to have this big  
3 structure. We had a lot of difficult meetings  
4 over the years. We've -- over the last couple of  
5 years, we've struggled with Paul in different  
6 ways. But my personal opinion is I have  
7 experienced Paul as working really diligently to  
8 try to accommodate the concerns of the  
9 neighborhood. He has, in my mind, bent over  
10 backwards on many, many issues wanting to mitigate  
11 the impact, even though the impact was going to --  
12 he couldn't take it all away, it was going to  
13 happen.

14 The parking on Sterling Street is  
15 unconscionable, in my mind. What's really  
16 unconscionable is not utilizing that indoor  
17 parking to take that parking off Sterling Street.

18 AUDIENCE MEMBER: Sterling Avenue.

19 MR. KELLY: The secondary problem, the  
20 secondary problem is my understanding was that  
21 Paul was going to do a substantial screening,  
22 which would, again, tone down the impact of that  
23 building for all of us in that neighborhood. If  
24 that parking goes into Sterling Street, that  
25 cannot happen. So there will be -- not only will

1 we see the full volume of the building, we will  
2 see all these cars. And as everybody said  
3 earlier, it's problematic.

4 And I do agree, I love what Ellen said about  
5 a strict constructionist's viewpoint, because I  
6 agree with that. To not be creative in some way  
7 to find a way to take care of the neighborhood I  
8 think is a big mistake. Thank you.

9 CHAIRMAN FOOTE: All right, thanks. Any  
10 other comments?

11 MR. GILMARTIN: Good afternoon. David  
12 Gilmartin. I'm from the Law Firm Farrell Fritz,  
13 and I represent Mr. Pawlowski in connection with  
14 this application.

15 I just want to remind the Board that we  
16 spent two-plus years, I think, trying to change  
17 the stipulation, going back and forth between the  
18 Planning Board, Board of Trustees and the Zoning  
19 Board. We've tried every which way to make this a  
20 better plan. And tonight we're before you with  
21 the best plan that we can come up with that  
22 satisfies all of the Boards and as much of the  
23 neighbors' interests as we can accommodate under  
24 the stipulation and with the opinions of all the  
25 Boards. We spent two years trying to change that

1 stip and we can't.

2 There's been a lot of discussion tonight  
3 about the Waterfront Commercial District and  
4 what's happening, and I want to make two  
5 observations about that. One, this is a  
6 code-compliant application before you. I see no  
7 legal grounds or otherwise for you to deny it. So  
8 you look at the code, it's the first use that's  
9 permitted in front of you.

10 My second observation is, again, there's a  
11 lot of discussion about the parking and then  
12 adding waterfront commercial, and those two ideas  
13 are counterintuitive. The more commercial your  
14 property is, the more parking you are really going  
15 to need here. So it is -- we think the best  
16 solution for everyone is what we've come up with  
17 to accommodate the parking that's required, and  
18 still continue the waterfront commercial in what  
19 is, again, and I think the most important fact  
20 here, a permitted use.

21 So what I would ask you tonight, and I  
22 think, you know, short of demanding it, is we  
23 would like you to approve this tonight. Again,  
24 we're here for two reasons. One, to reduce the  
25 parking from 21 to 12. How can you not approve

1 that? And then two, approve the permitted use  
2 that we have proposed under the Waterfront  
3 Commercial. It's time now. We've tried  
4 everything, and I think you saw a little bit of  
5 Paul's frustration before with this process and  
6 with the efforts to try and accommodate everybody.  
7 We've been through the wringer on it, and, again,  
8 we ask for the approval tonight on this. Thank you.

9 (Siren Sounded)

10 MR. HARPER: My name is R.A. Harper,  
11 143 Sterling Avenue, Greenport. The question I  
12 wanted and I never really though we got answers,  
13 given the size of this building and what's inside  
14 it, how many parking spaces are required under the  
15 law, does anybody know?

16 CHAIRMAN FOOTE: I've heard different  
17 things.

18 MR. HARPER: So have I.

19 CHAIRMAN FOOTE: Yeah. The last -- is it --  
20 Rob, or does Paul want to speak to this?

21 MR. CONNOLLY: One, one space per 300 square  
22 feet.

23 MEMBER HAMMES: That's the one-and-a-half  
24 for the residences. I thought that it was 81, but  
25 then they're using the Landbank for some of it,

1 which reduces it down.

2 MR. PAWLOWSKI: Eighty spaces required, 80  
3 provided, 11 Landbank, based on the current  
4 footprint and residential uses spaces.

5 MR. HARPER: So it's 80 total. And there's  
6 a big piece of property behind my house that I  
7 guess is slated to be the parking lot. You can't  
8 fit 80 parking spots in there?

9 CHAIRMAN FOOTE: I'm not following you.  
10 What parcel are you talking about?

11 MEMBER HAMMES: He's talking about in the  
12 back.

13 MR. HARPER: The parking lot in the back. I  
14 thought that was big enough to handle all the  
15 parking for this project, now it's not?

16 CHAIRMAN FOOTE: I don't -- I didn't count  
17 the number of spaces back there. I don't know --

18 MR. HARPER: Did anybody look at that?

19 CHAIRMAN FOOTE: Well, I think that it's a  
20 little more complicated than that. I think  
21 that --

22 MR. HARPER: And how would that be more  
23 complicated?

24 CHAIRMAN FOOTE: Well, there's -- well,  
25 first of all, you're dealing with an existing plan

1 that calls for parking of 21 spaces on the street  
2 and we're trying to address that issue, so that's  
3 the starting point. And the applicant is offering  
4 a concession to reduce those spaces, and he's  
5 asking for relocating them in a different -- in a  
6 different spot. So that's --

7 MR. HARPER: We know.

8 CHAIRMAN FOOTE: That's where we are.

9 MR. PAWLOWSKI: That parking lot could fit  
10 47 cars, the one he's referencing. It can't fit  
11 80, it fits 47.

12 MR. HARPER: So 47, and 21 was the other  
13 number on the street, is 68. That's still short,  
14 right?

15 MR. PAWLOWSKI: And then there's 12 -- 11  
16 Landbank.

17 MR. HARPER: And where would those be?

18 MR. PAWLOWSKI: If you want, the site plan's  
19 approved, it shows the 80 provided and the 80  
20 required.

21 MR. HARPER: I just heard so many numbers  
22 about it, I'm just not sure where they all come  
23 from.

24 MR. GILMARTIN: An engineer.

25 (Laughter)

1 MR. HARPER: So when we move the 12 spaces  
2 into the building, that's no longer commercial, so  
3 you don't have to provide parking for those 12  
4 spaces, correct? That's what makes the numbers  
5 work?

6 CHAIRMAN FOOTE: I'm sorry. When you move  
7 the 12 -- if you move 12 spaces in the building --

8 MR. HARPER: Inside the building.

9 CHAIRMAN FOOTE: Yeah.

10 MR. HARPER: It's no longer commercial, so  
11 you don't have to provide parking for it, right,  
12 or it takes -- it cancels each other out, right?

13 CHAIRMAN FOOTE: What do you mean it's no  
14 longer commercial?

15 MR. HARPER: Well, you're -- this is --  
16 you're going to move 12 parking spaces inside a  
17 commercial building. If you have the commercial  
18 building for every 300 square feet, and you need  
19 one spot, correct?

20 MS. DOUGHERTY: He's not proposing right now  
21 to move them into the building. Some people have  
22 suggested it.

23 CHAIRMAN FOOTE: Yeah.

24 MR. HARPER: Okay.

25 MEMBER DOUGHERTY-JOHNSON: I don't think

1 that's the current --

2 MR. HARPER: Okay. So what is it  
3 proposal we're talking about tonight?

4 MEMBER HAMMES: To reduce the Sterling  
5 Avenue parking from 21 to 12.

6 MR. HARPER: Okay. You know, I got this  
7 notice in the mail. Nice enough for the mailman  
8 this time to actually leave it, instead of having  
9 to sign for it. And I really couldn't tell what  
10 was on the agenda for this meeting tonight. If  
11 it's just about getting Sterling -- parking on  
12 Sterling Avenue, I'm happy with that. Thank you.

13 CHAIRMAN FOOTE: Okay.

14 MS. SCHNEPEL: I'll be very quick. Patrick  
15 and Cynthia Brennan did some sketches of what the  
16 parking and traffic would look like in three  
17 different iterations. The first iteration was the  
18 stipulation agreement in 2007 with, I believe, 81  
19 spaces, and they did the traffic flow. I'm going  
20 to leave it here, if anyone wants to take a look  
21 at it. I think maybe the Board Members were sent  
22 this.

23 The second iteration concerned reduction of  
24 the parking on Sterling Avenue from 21 to 12, in  
25 other words, eliminating nine. And, again, the

1 traffic circulation was done at that intersection,  
2 because the 12 parking spaces have been moved  
3 closer to the dinghy dock than to the entrance of  
4 the -- of the lot. And the traffic circulation is  
5 difficult, but it's maybe half or what of the  
6 first 2007 stipulation.

7 Then the third iteration concerns 12 spaces  
8 being put inside the building, and then a driveway  
9 that comes in. It's just a single driveway going  
10 the length of the building one way, whereby you  
11 could drop off people, drop off packages,  
12 whatever, and exit from a second exit on the -- on  
13 the spot, which is right in front of Sterling and  
14 Sterling intersection.

15 The traffic flow is so much better with  
16 this. You can take a look at these and figure it  
17 out, and they're different iterations of numbers,  
18 but this is the sort of before, the middle and,  
19 hopefully, the after. Thank you.

20 CHAIRMAN FOOTE: Okay.

21 MR. MACKEN: Hi. I guess I don't need to  
22 introduce myself again. I spent so much time  
23 talking about the waterfront commercial issue. I  
24 agree with the parking, that there should be no  
25 parking on Sterling Avenue. I agree with what

1 Ellen just said. There was an earlier version  
2 where there was a continuous sidewalk, with just  
3 some -- lets in for a -- at either end for people  
4 to be dropped off at the building.

5 I counted up the -- I went over the various  
6 building site plans and the various modifications,  
7 and I counted up, without that small marine  
8 building there, that there were 64 spaces. Now,  
9 if there are 26 spaces needed for 17 units, and,  
10 personally, I think that should be like -- more  
11 like two per unit, the idea that you would need --  
12 that there is a formula that's written in stone,  
13 or carved, I should say, in stone that you need  
14 one -- one space per 300 square feet of waterfront  
15 commercial, that's 15,000 square feet of  
16 waterfront commercial, that's 50 cars. Now who in  
17 their right minds think -- thinks that they  
18 would -- you would need 50 spaces for that  
19 commercial space? I mean, that's just not --  
20 that's just not real.

21 So if you went with the -- allowing a more  
22 generous allotment for the residential, which I  
23 think is-- these are two and three-bedroom  
24 apartments. You know, people come, they have  
25 their kids, they have their guests, and this and

1 that, that's a fair amount of people coming, so  
2 that's not -- 26 isn't going to deal with that.  
3 But the commercial space does not need that.

4 There is adequate, there is more than  
5 adequate room on that lot. It's a huge lot. It  
6 doesn't have to be 80 -- 80. That's something  
7 that you guys could decide. It doesn't have to be  
8 80, 80 or 81, as on the original 2007 plan.

9 You know, there's adequate parking on there,  
10 and I think that hasn't been explored adequately,  
11 and certainly there is an issue. If you have  
12 parking on there, what happens when it snows?  
13 Everybody has to get their -- everybody who's --  
14 who has a house on that street, and I'm on that  
15 avenue, or anywhere in the Village, it snows, your  
16 cars have to be off the streets so they can plow  
17 the streets. So, I mean, what would happen down  
18 there in front of 123 in any case? You couldn't  
19 park there.

20 And, you know, this land parking was  
21 something -- was a hangover from something long  
22 ago, and I don't -- I just don't think it's --  
23 that, you know, all of this stuff, that we want to  
24 put parking spaces inside the building, so people  
25 have to walk to their cars, or put them outside

1 their building, so they don't have to walk to  
2 their cars. You know, exercise is good. So if  
3 you walk -- have to walk like 30, 50 feet into the  
4 parking lot to pick up your car, I think most  
5 people in New York, New York State would like feel  
6 that that is not a hardship.

7 So I feel that this parking issue is  
8 basically a nonissue, there's more than enough  
9 room. And I agree with my neighbors on this, that  
10 there shouldn't be parking in front of this  
11 building on Sterling Avenue in this same way for  
12 traffic flow and everything. Thank you.

13 CHAIRMAN FOOTE: Thank you.

14 MS. MUNDUS: Pat Mundus, 182 Sterling  
15 Street. I'm sorry I had to pop up here again a  
16 second time, but I'm sorry that I have to -- I  
17 don't think that it's completely code compliant.  
18 I don't know where it is, I'm not going to look it  
19 up on my phone in the code, but parking for  
20 commercial waterfront and residential both has to  
21 be screened, has to be landscaped. It's not code  
22 compliant, I'm sorry. Thank you.

23 MS. SIEGEL: My name is Judy Siegel and I  
24 also live at 101 Sterling Street, right across the  
25 street from the building, 123 Sterling.

1           I've only lived in town for four years, even  
2           though I've driven through for many more years,  
3           but I'm as tired as anyone is of fighting over  
4           this property. This property has been a source of  
5           contention forever, and people have spent  
6           sleepless nights figuring it out. And we're at  
7           the tail end. The building is built. Paul did a  
8           beautiful job turning something that was what I  
9           would call, you know, not very nice into something  
10          that looks nice. He's trying to make it nice for  
11          all of us. And we're down to this last thing, and  
12          I feel like it would be nice to just put it to  
13          rest.

14                I know this sounds simplistic, but put the  
15          cars inside, then go clean up Sterling Avenue, and  
16          let life go on. This is a residential  
17          neighborhood, it's been in that residential  
18          neighborhood since the fish building, fish  
19          processing plant came down over 20 years ago, long  
20          before my time. That lot sat unused, unpurchased  
21          for at least 11 years, and nobody could make a  
22          viable thing out of it. Here, we have somebody  
23          who made something viable, has brought us together  
24          in a decent way, and I feel like we should just do  
25          the right thing and move on and let everybody

1 live. Thank you.

2 CHAIRMAN FOOTE: Thank you.

3 MR. BIEMILLER: Chris Biemiller, 128  
4 Sterling Avenue. So it's all very well and good  
5 to think about, all right, we got it, it's there.  
6 Monstrous, monstrous thing in the Historic  
7 District. It's hard to believe that it's there.  
8 Maybe it's better than the fish factory 40 years  
9 ago spewing smoke all over the place, but it's  
10 still -- when I moved in two decades ago, it was a  
11 rural maritime community. Now I could barely get  
12 my car down there without the cars that are going  
13 to be occupying the 123 property.

14 So moving ahead, I guess I have to say the  
15 only thing I can see that's going -- you're going  
16 to have to deal with in the future, which hasn't  
17 come up, I don't hear any talking about it, is the  
18 cars -- the streets, the avenue and the street,  
19 they're already booked with cars parked there the  
20 last couple of years. I don't know where they all  
21 came from.

22 So, inevitably, with delivery trucks,  
23 everybody coming to visit, the inevitable thing,  
24 in my mind, you're going to have to eliminate  
25 parking on Sterling Street and Sterling Avenue so

1 that cars can park, pass by one of them, and/or  
2 make it one-streets. All right. So is that  
3 progress?

4 But as a homeowner, what do I do? I don't  
5 have a driveway. Well, my neighbor doesn't have a  
6 driveway. I have one little lane driveway. So  
7 I'm going to have to pay out of my pocket to  
8 accommodate this incredible, you know, cancer in  
9 my neighborhood. I'm going to have to pay out of  
10 my own money to enlarge my parking, my driveway so  
11 I can accommodate my cars, two cars. And I know  
12 neighbors that don't even have a driveway. How  
13 are they going to get the money at their expense  
14 to accommodate this commercial property?

15 So I'm looking forward, I'm trying to look  
16 forward at what this is going to mean to me.

17 Thank you.

18 CHAIRMAN FOOTE: Thank you.

19 MR. PAWLOWSKI: Paul Pawlowski, 123  
20 Sterling. We're not asking for anyone to  
21 accommodate more parking because of our -- we  
22 could -- we have our own parking. We have the  
23 parking lot, we have the spaces. We're trying to  
24 mitigate the issue along Sterling with the SBNA,  
25 put in several months to try and get the variance

1 request. But to answer that question, it's not  
2 because of us somebody needs a new driveway. We  
3 have our own parking, and we're putting in the  
4 infrastructure, that investment. So we are not  
5 adversely affecting anyone in terms of their own  
6 parking spaces on their block and on the block.  
7 So I just wanted to point that out.

8 CHAIRMAN FOOTE: All right. Let me ask you  
9 as a follow-up, because there's been a number of  
10 people who are still concerned about the remaining  
11 spaces. Are you amenable to investigating an  
12 option where you could eliminate those remaining  
13 12 spaces off the street, whether it's another  
14 path? I know that your issue is convenience of  
15 parking spots, right? You can't say, "Well, I'll  
16 let them all go in that back lot," I understand.

17 MR. PAWLOWSKI: Yeah, I put in -- we worked  
18 with the SBNA. I've proven to be into removing  
19 the parking, but I -- I'm not -- so, to answer  
20 your question, yes. However, I put in three  
21 months to try and get the variance. I'm going  
22 with the process that I'm told to go with.  
23 There's -- you know, we're not waiting another  
24 month or two, it's -- you know, we -- I can't  
25 force the Boards to do what we requested, so I

1 don't know that answer. I've proven to be  
2 amenable to it, but I'm not -- I'm not going to  
3 get between the Planning Board and the Zoning  
4 Board and the Village Board, by no means.

5 I've worked with the SBNA. I came up with  
6 another mitigating factor from 21 to 12. If --  
7 I'll throw it out there. I'll put \$100,000 bond  
8 up, I'll do the mitigated parking. If you guys  
9 could get it approved, I'll rip it out and put the  
10 parking inside, but that's -- that's the best I'll  
11 do. I'm not holding up the site plan any further.  
12 I've proven to try and work. I can't hold it up  
13 any further, by any means. I'm not waiting  
14 another month or two. That sounds a little  
15 unreasonable, but not after two years.

16 So, if I need to put a bond up, and you guys  
17 figure it out, because I can't force the  
18 application or the process, nor could the SBNA.  
19 We know we're in agreement, but I'm not going to  
20 sit here and reapply, period.

21 CHAIRMAN FOOTE: So how would that work?

22 MR. PAWLOWSKI: I have no idea.

23 CHAIRMAN FOOTE: Okay. And I've said it to  
24 the SBNA, and it's not my spot, I'm not going  
25 there.

1 (Laughter)

2 MEMBER KYRK: Unfortunately.

3 MR. GILMARTIN: I think what you can do  
4 tonight is approve the plan that we've put  
5 forward. I don't see how you can't, it's  
6 extremely reasonable. And then if people want to  
7 talk to us about making a change to it, an  
8 amendment to it, I think we'd certainly be open to  
9 that. But it's a real challenge, right? And  
10 we've had two-and-a-half years of that challenge  
11 trying to bring the SBNA and the Village together  
12 to get an acceptable plan, and it hasn't happened.

13 Give us approval tonight. Greenport  
14 Village, work it out amongst the Boards. Come  
15 back to us with a proposal, and we'll be open to  
16 it. The one thing that I don't want to see is  
17 some sort of approval from the Planning Board, and  
18 then the Zoning Board sues and we get stuck in the  
19 middle of that.

20 So I'd ask you for an approval on what we  
21 have tonight. You heard Paul, he's open to  
22 discussing it, investing in it, and then we'll  
23 consider it. But, you know, with all due respect,  
24 the Village, get your act together and then we'll  
25 talk.

1           MEMBER KYRK: I'd just like to make a point.  
2 I'm familiar with commercial/industrial  
3 development on Long Island, and we've waited a lot  
4 longer than two-and-a-half years for projects that  
5 were much more straightforward than a waterfront  
6 commercial/residential project. So I get that  
7 it's a long time. It's a long time for us, too.

8           MR. GILMARTIN: Right. I understand that,  
9 but remember, our starting point was with an  
10 approval. So it's two-and-a-half years with an  
11 approval. I do commercial development, too, and  
12 two-and-a-half years is about what it takes,  
13 right? But we started with an approval on this  
14 matter.

15           We tried from our end, and I've been in this  
16 room several times with the Planning Board and the  
17 Zoning Board together trying to work that out. I  
18 worked with the prior owner and now Mr. Pawlowski  
19 trying to do this. And I got to tell you, you  
20 start with an approval, and two-and-a-half years  
21 from an approval --

22           MEMBER DOUGHERTY-JOHNSON: But, if you  
23 wanted to build what was just approved, you could  
24 have. You asked for something different, which, I  
25 mean, I think is a great thing.

1 MR. GILMARTIN: As an accommodation to the  
2 SBNA.

3 MEMBER DOUGHERTY-JOHNSON: Right.

4 MR. GILMARTIN: And we believed it a better  
5 plan. Believe me, we thought that it was a better  
6 plan and we tried to make it better. It's been an  
7 extraordinary challenge in trying to make something  
8 better, which --

9 MEMBER KYRK: Yeah, and I think those  
10 efforts are -- you know, I applaud that. I think  
11 we're in a better place than we were previously.

12 MR. PAWLOWSKI: Definitely.

13 MR. GILMARTIN: Agreed, agreed.

14 MEMBER KYRK: Yeah.

15 MR. GILMARTIN: But please give us an  
16 approval tonight, and we're certainly open. If we  
17 can some, you know, resolution from the Village  
18 that that is agreed upon by everyone, and we can  
19 move forward. Again, Paul, you know, stated his  
20 openness to doing that.

21 MEMBER KYRK: Yeah.

22 MS. WADE: And I think that would be very  
23 messy to try to reopen the ZBA's denial of  
24 residential parking in waterfront commercial.  
25 However, would you be able to ask the developer if

1 he would be interested in buying, and you could  
2 settle that today, in lieu of those parking spots  
3 on Stirling, 12 spots? Would he be willing to pay  
4 the fee for the 12 spots? It's within the 20 that  
5 you are authorized, and then -- because I spoke to  
6 him also on the street and he doesn't want to put  
7 the parking on the street there, so --

8 CHAIRMAN FOOTE: Right. I mean, we can go  
9 through that formality. I'm really certain he'll  
10 say that that's not going to solve the problem.

11 MS. WADE: Could you just ask him?

12 CHAIRMAN FOOTE: Sure, sure.

13 MS. WADE: Paul?

14 MR. PAWLOWSKI: It's not about more or less  
15 parking, it's about efficient parking. It has  
16 nothing to do with buying 12 spots. I'm not  
17 making buyers or waterfront commercial people walk  
18 250 feet.

19 I'm trying to make it better. That's the  
20 best I could do. I am amicable to whatever you  
21 could figure out, but I cannot be that applicant.  
22 I will be the owner and I will do what we could do  
23 together. But it has nothing to do with buying  
24 parking spots, it has everything to do with  
25 proximity to the front door, and the garage idea

1 is what worked. Without that, they have to stay  
2 there, and we all know that. I'm -- to sum it up,  
3 take your driveway, throw it out, and walk 250  
4 feet to your front door, not happening.

5 MS. WADE: What about the back door, Paul,  
6 the back door?

7 MR. PAWLOWSKI: The back door doesn't --  
8 isn't -- it's still -- the back door to the front  
9 entrance and the ADA elevator is a 160 feet, not  
10 happening.

11 MS. WADE: Inside the building?

12 MR. PAWLOWSKI: Yeah.

13 ADMINISTRATOR PALLAS: Ms. Wade, you have to  
14 address the Board, please.

15 MS. WADE: Isn't it 160 feet inside the  
16 building. I don't think --

17 MR. PAWLOWSKI: The building is 220 feet  
18 long, 200 feet long. The elevator is 40 feet from  
19 the east side, 160 feet.

20 MR. CONNOLLY: And they would only require  
21 that an applicant buy spaces if they can't provide  
22 the parking as required by code.

23 MS. WADE: You can't -- did you just say  
24 they could -- the Planning Board could require?

25 MR. CONNOLLY: Cannot.

1 MEMBER HAMMES: We could only require it if  
2 they couldn't provide them, but they can.

3 MS. WADE: Except what they've done is  
4 provide them in a location that is not consistent  
5 with the code.

6 MEMBER HAMMES: It's an approved -- it's  
7 approved under the stipulation agreement. I mean,  
8 they have the ability to do it.

9 MS. WADE: But that really should have been  
10 looked at way back then and it should have been  
11 looked at recently, because --

12 MEMBER HAMMES: There were a lot of things  
13 that should have been looked at back then.

14 MS. WADE: It's just a safety issue. It's  
15 very unsafe to have back-out angled parking at an  
16 intersection, and the code says it should be 50  
17 feet away.

18 MS. SCHNEPEL: It's not angled, it's never  
19 been angled.

20 MS. WADE: You -- that's what you call it.  
21 Whether it's 60-degree angled, 90-degree angled,  
22 that's just what you call it. Anyway, thank you.

23 CHAIRMAN FOOTE: All right. Thank you.

24 MEMBER KYRK: Is there any way that we could  
25 Landbank additional spaces?

1 CHAIRMAN FOOTE: I don't -- go ahead.

2 MEMBER KYRK: Is there any way that we could  
3 Landbank additional spaces? I mean, I don't  
4 under -- I don't know that process and how that  
5 came to be granted.

6 CHAIRMAN FOOTE: But he needs a certain  
7 number of spaces conveniently located to the  
8 property.

9 MEMBER DOUGHERTY-JOHNSON: And also  
10 Landbanking --

11 CHAIRMAN FOOTE: And Landbanking just  
12 eliminates the need for the number, but it doesn't  
13 solve --

14 MEMBER DOUGHERTY-JOHNSON: Landbanking, you  
15 still need the land. Like you need the space, so  
16 that in the future it could be parking. I --

17 MEMBER KYRK: Is there any way that we can  
18 reconsider the parking inside the building? I  
19 mean, I've heard various things about --

20 CHAIRMAN FOOTE: Yeah, I mean, I --

21 MEMBER HAMMES: We could go back to what  
22 Pat -- one of the points Pat raised early on.  
23 And, I mean, I don't know the -- well, we haven't  
24 closed the public hearing. But, I mean, couldn't  
25 the 12 spaces be allocated one to each of the

1 commercial units, assuming we approve the 12  
2 commercial units, which would be a permitted  
3 accessory use to the waterfront commercial, right?  
4 Like that clearly would be permitted to be in the  
5 garage, is my understanding. It's just that the  
6 residential wouldn't be, because that is a  
7 different thing.

8 It's a common owner, right? And so how --  
9 who is to say whether they're using it in their  
10 capacity as waterfront commercial owner or as  
11 residential?

12 MEMBER KYRK: And they're driving the  
13 numbers up for that large area of parking in the  
14 back, you know, the waterfront commercial  
15 requirements. The three -- one per 300 foot is,  
16 you know, 50, more or less, places.

17 MEMBER HAMMES: I mean, obviously, at the  
18 end of the day, the Village would have to make --  
19 the Building Department would have to make that --

20 CHAIRMAN FOOTE: Yeah.

21 MEMBER HAMMES: -- call.

22 CHAIRMAN FOOTE: I mean, I think that would  
23 be worth pursuing. I just got the impression from  
24 the applicant is he doesn't want it get in the  
25 middle of a lawsuit over that issue. So I don't

1 think -- I think he's telling us that he's not  
2 interested in giving the Planning Board right now  
3 the opportunity to explore that, and, therefore,  
4 delay making a decision on his application. I  
5 think that's what he's saying. But what --

6 MS. MUNDUS: Pat Mundus, 182 Sterling  
7 Street. My question is I -- from the very  
8 beginning, it's not clear. Is this going to be a  
9 modification to the stipulation, or is this a  
10 Planning Board plain and simple determination?  
11 Because if it's a Planning Board -- if it's a --  
12 if it's a modification to the stipulation, which  
13 is what it appears to me, I'm not a lawyer either,  
14 but that's what it appears to be, then everybody  
15 has to sign off on it, Village Board, Trustees,  
16 SBNA, Planning Board, Zoning Board. It's another  
17 whole --

18 MEMBER HAMMES: I asked that question at the  
19 pre-submission hearing last month. I was told  
20 that this was just a Planning Board site plan  
21 review, and it was not a modification of the  
22 stipulation agreement. I would agree with you, if  
23 it's a modification of the stipulation agreement,  
24 I don't know. We're just going to keep going  
25 around in circles, because the ZBA is not going to

1 sign off on it.

2 MEMBER KYRK: I think that -- I mean, it  
3 seems to me that we're talking about an  
4 interpretation of the -- of the nature of the  
5 building, you know, whether -- if those spaces are  
6 considered to be waterfront commercial parking  
7 spaces, then it sounded to me like it's legitimate  
8 to have them inside the building.

9 MS. MUNDUS: Yeah.

10 MEMBER KYRK: And I don't know who else  
11 besides us making that determination needs to  
12 weigh in on it.

13 MS. MUNDUS: Right.

14 MEMBER KYRK: But --

15 MS. MUNDUS: And it does say -- if you have  
16 a copy of the stipulation, please allow me to read  
17 it one more time. "The condominium plan will be  
18 written in such a way as to allow the developer,  
19 its successors or assigns, to own the first floor.  
20 The common space mentioned in" the numbers above,  
21 "and allocate such space to the waterfront  
22 commercial tenants of the first floor and/or the  
23 residential owners on a basis that he determines."

24 I don't know. We have to decide, are we  
25 following the stipulation, are we following

1 current code, are we following code from 2007?

2 It's a -- it's a complicated thing. Thank you.

3 CHAIRMAN FOOTE: Well, while we're on the  
4 subject, if we're talking about whether or not the  
5 stip -- providing for indoor parking in the -- in  
6 the building, you know, obviously, the stipulation  
7 doesn't expressly contemplate it. On the other  
8 hand, it doesn't expressly prohibit it, from my  
9 reading. The only thing I read is that applies to  
10 the usage of the first floor. It says the  
11 building will have a -- will have -- and I'm  
12 quoting. "The building will have waterfront  
13 commercial operations on the first floor." Well,  
14 if you put parking in the back portion of that,  
15 that still doesn't violate that provision. If you  
16 still are in the main part, assuming that the  
17 yacht club, which is clearly a permitted use as  
18 waterfront commercial, you still have that intact.  
19 So I don't -- I think that structuring it that  
20 way, it would still be in compliance.

21 And the nice thing about accommodating that  
22 is it would -- then what we're really talking  
23 about is creating accessory use in parking for the  
24 commercial space, as Trisha was just alluding to  
25 and, as Ms. Mundus referred to earlier. So if

1 that is the case, then the question is, and I  
2 think -- when I read the application for the ZBA  
3 variance on providing indoor parking, and the  
4 application was framed completely differently. It  
5 was framed as a use variance, treating the parking  
6 as residential parking. Well, you know, that's  
7 really not what we're discussing at the moment.  
8 We're saying, well, what if the parking were  
9 categorized separately as, in essence, accessory  
10 parking for the waterfront commercial space, does  
11 that arise to require a use variance? I don't  
12 think it would, in which case I don't think the  
13 ZBA would have jurisdiction or, you know, input on  
14 this decision. I mean, they can feel free to  
15 disagree with me. But just so couched in those  
16 terms, it would appear that you'd still be subject  
17 to the rules of parking in terms of the size of  
18 the spaces in the -- in the building.

19 I mean, I don't -- I never -- I don't recall  
20 what the specifics were. I remember in reading  
21 the minutes that when you had proposed 12 spaces  
22 in the building, they were a little smaller than  
23 the 20-by-10 Town requirements. Are you able to  
24 fit 12 spaces in the 20-by-10 configuration?

25 MR. PAWLOWSKI: Twenty-by-nine, which is

1 still allowable with New York State.

2 CHAIRMAN FOOTE: Yeah, but the Village  
3 Code --

4 ADMINISTRATOR PALLAS: Mr. Chair.

5 CHAIRMAN FOOTE: -- is 20-by-10.

6 ADMINISTRATOR PALLAS: Mr. Chair, I  
7 apologize. The Stenographer has asked for a small  
8 recess. She's also going to be the Stenographer  
9 for the Village Board meeting, so if we could just  
10 have a few minutes break.

11 CHAIRMAN FOOTE: Okay. The Board -- we need  
12 to be out before 7 or --

13 ADMINISTRATOR PALLAS: A couple of minutes.  
14 We don't need --

15 CHAIRMAN FOOTE: Okay.

16 ADMINISTRATOR PALLAS: -- a long time.

17 CHAIRMAN FOOTE: Yeah, okay. We'll break  
18 for five.

19 (The meeting was recessed at 6:30 and  
20 resumed at 6:46 p.m.)

21 CHAIRMAN FOOTE: Okay. Meeting is back in  
22 session. We don't have a lot of time left. We're  
23 going to do our best to finish.

24 So we've been having some further  
25 considerations, some very interesting ideas

1 represented tonight. And could Paul,  
2 Mr. Pawlowski, would you just please come to the  
3 microphone?

4 You know, my view is that we could give you  
5 access, you know, assuming the Board goes along  
6 with this, I haven't asked them specifically to  
7 take a vote on it, but that there is a -- there  
8 could be a path to create access for parking  
9 inside the garage. It would be based upon  
10 treating it as accessory space to the commercial  
11 space, as I mentioned toward the end of the last  
12 part of the session.

13 And the only issue, I think, in reviewing  
14 the minutes, is the size of the spaces, and by  
15 code, I think they have to be 10-by-20. And we  
16 just need to make sure that if you would be  
17 willing to reduce the numbers, so it's not 12, but  
18 some number that you get --

19 MR. PAWLOWSKI: Yes, I --

20 CHAIRMAN FOOTE: -- legal size spaces  
21 that -- not just with State Code, but with Village  
22 Code --

23 MR. PAWLOWSKI: Yeah.

24 CHAIRMAN FOOTE: -- are compliant.

25 MR. PAWLOWSKI: I would -- I'd be more than

1 willing to explore that. I would -- I would want  
2 them also to be Village compliant, not just State.  
3 And if I could get, you know, 10 spaces, which  
4 I -- without -- you know, that would be very  
5 helpful.

6 CHAIRMAN FOOTE: Okay. And then -- and then  
7 how many spaces have you got -- say you could  
8 comply to get 10 spaces. How many additional  
9 spaces would you propose wanting in close  
10 proximity to the building in front of the garage?

11 MR. PAWLOWSKI: Just -- just the two.

12 CHAIRMAN FOOTE: The two?

13 MR. PAWLOWSKI: Just like a residential  
14 home.

15 CHAIRMAN FOOTE: Okay.

16 MR. PAWLOWSKI: And that could be done without  
17 head-in, by the way.

18 CHAIRMAN FOOTE: Okay. And if it turns out  
19 it can't be 10, it could be more like eight in  
20 putting forth, are you amenable to that?

21 MR. PAWLOWSKI: Without a doubt.

22 CHAIRMAN FOOTE: Okay.

23 MR. PAWLOWSKI: Yeah. And however the --  
24 you need to explore it. My goal tonight is to get  
25 over the use hurdle with the permitted use, and

1 always improve the parking. And I would be -- I  
2 would want to meet the Village Code and the State  
3 Code, whichever is greater, and those are fair  
4 numbers.

5 CHAIRMAN FOOTE: And the landscaping plan  
6 that you proposed at the time in front of the ZBA,  
7 where it would be that green space, and you'd have  
8 the drive-through, that would -- you would go back  
9 to that, that plan?

10 MR. PAWLOWSKI: One hundred percent.

11 CHAIRMAN FOOTE: Okay.

12 MR. PAWLOWSKI: And that's on record with  
13 the plan.

14 CHAIRMAN FOOTE: Okay. Thank you. Trish,  
15 do you want to talk --

16 MEMBER HAMMES: Well, we haven't closed the  
17 public hearing yet, right? Do you want to close  
18 the public hearing, or do you want me to talk  
19 about what I would like to see in any kind of  
20 approval?

21 CHAIRMAN FOOTE: You don't want to discuss  
22 these with the applicant?

23 MEMBER HAMMES: Yeah, I can go through this.  
24 Well, I guess, while the public hearing is open so  
25 that you can hear my thoughts. As you know, one

1 of my big focuses has been on the -- more on the  
2 waterfront commercial. I appreciate every effort  
3 that you've made, and I appreciated your time  
4 today walking us through the space. I think we're  
5 getting close to what has been a very long and  
6 difficult road, I know.

7 I -- having, you know, read through the  
8 materials you've sent and looked through the code,  
9 and some other things have come up with things  
10 that I would be looking for that are -- any  
11 resolution I would support would have to have as  
12 conditions.

13 The first would obviously be the -- that it  
14 would be limited to the things that you've  
15 previously stipulated, the private yacht club, the  
16 business under -- businesses relating to boat  
17 charters, boat sales, boating instruction school,  
18 maritime museum, gallery, studio. I would want to  
19 see that no such unit would be used for any  
20 conditional use ever that's permitted under the  
21 code, regardless -- that would include an artist  
22 dwelling, for instance, which is a separate  
23 permitted use.

24 MR. PAWLOWSKI: Yep.

25 MEMBER HAMMES: I would want to see that no

1 unit would include a kitchen, or a shower, or a  
2 bath, or any kind of a mechanism that would allow  
3 it to have a bathing function in it.

4 I'd want to -- you know, we talked about  
5 this, I think. My understanding has been that  
6 these waterfront commercial units are going to be  
7 associated with an owner-occupied unit, whether  
8 it's leased out long-term or not. But basically a  
9 commonality of interest, I'd like to see that  
10 maintained. And I think that, again, kind of  
11 helps on -- us on the parking analysis.

12 MR. PAWLOWSKI: Yep.

13 MEMBER HAMMES: To the extent that it's a  
14 private yacht club, it's the use. This is  
15 something that I had a lot of concern about at the  
16 last meeting, because I feel like that's just the  
17 big black hole, because there would be no  
18 definition of that.

19 So I did a little digging around to see how  
20 that has been viewed in other circumstances, and I  
21 would like to include conditions that if it's  
22 being qualified as a private yacht club, that it's  
23 basically being used by the owner or the lessor.  
24 When I say owner, I'm including if you had a  
25 long-term lease on it, right? And under no

1       circumstances would it be subleased or otherwise  
2       rented out.

3               The purpose of the private yacht club would  
4       be limited to providing an association for private  
5       members, including the owner. Engaged in an  
6       activity solely relating to water-dependent uses  
7       that have been traditionally associated with the  
8       waterfront of the Village, that's directly out of  
9       the code, including boating, boating instruction  
10      schools. Basically, similar things --

11             MR. PAWLOWSKI: Yep.

12             MEMBER HAMMES: -- to what we've discussed.

13             And then the final point is, under the  
14      Internal Revenue Code, there's a provision that  
15      relates to social clubs and how you determine  
16      whether something is really truly a social club,  
17      or some other kind of enterprise. I would want to  
18      see that those -- that basically they don't --  
19      wouldn't trip into being a commercial enterprise,  
20      basically, is the point.

21             MR. PAWLOWSKI: Correct.

22             MEMBER HAMMES: So tied to that kind of  
23      501(A)(7) of the IRC code related to that.

24             MR. PAWLOWSKI: Yep.

25             MEMBER HAMMES: And then I would finally,

1           separately, those would be my -- the yacht,  
2           private yacht club conditions that I would want to  
3           see. Separately, I'd like to, and you've already  
4           said this, but have it clear in the conditions,  
5           the Village will have the right to periodically  
6           inspect those premises. I would also ask that the  
7           Board or the managing agent certify on an annual  
8           basis that those units are in compliance with the  
9           conditions.

10           MR. PAWLOWSKI: So everything you said I  
11           agree with, and I think I addressed. I'll call it  
12           Part A of what you said has been already  
13           addressed, and we could put it in the conditions.  
14           Part B I agree with 100%. Jeff's -- you know, the  
15           person doing the sailing school, that's his own,  
16           you know, 501, okay? It has nothing to do --

17           MEMBER HAMMES: Yeah, understood.

18           MR. PAWLOWSKI: Just so we're clear. But I  
19           agree 100%. And I not only verbally agreed, I put  
20           it in front of you. And they'll also be  
21           identified in the draft to the Attorney General,  
22           which is much harder to overturn than anything you  
23           could imagine. So I agree.

24           CHAIRMAN FOOTE: Yeah. We also had this --  
25           we wanted to just talk to you about the -- the

1 idea of linking the residential with the  
2 commercial units, and that that would -- they'd  
3 always stay linked, and if you rent them out, they  
4 stay linked. You can't rent out --

5 MEMBER HAMMES: That was one of the  
6 conditions I read.

7 CHAIRMAN FOOTE: Yeah. But there's -- as  
8 you know, there's a provision that says subject to  
9 the Board's discretion to, in essence, possibly  
10 separate. That is something that we really need  
11 to make sure can't become a loophole to  
12 bifurcating the commercial --

13 MR. PAWLOWSKI: Fair, fair enough.

14 CHAIRMAN FOOTE: So I think that we have to  
15 agree that there can't be Board discretion to  
16 permit that from happening.

17 MR. PAWLOWSKI: Fair enough, absolutely.

18 CHAIRMAN FOOTE: Okay. All right. Thank  
19 you. Anybody else?

20 (No Response)

21 CHAIRMAN FOOTE: All right. So I move to  
22 close the public hearing. Do I have a second?

23 MEMBER HAMMES: Second.

24 CHAIRMAN FOOTE: All in favor?

25 MEMBER DOUGHERTY-JOHNSON: Aye.

1 MEMBER HAMMES: Aye.

2 MEMBER KYRK: Aye.

3 CHAIRMAN FOOTE: Aye. Okay.

4 MEMBER HAMMES: Now the rubber hits the  
5 road.

6 (Laughter)

7 CHAIRMAN FOOTE: So do you have -- do you  
8 guys want to discuss anything further? I mean,  
9 technically, we're still in work session. Do you  
10 want to address anything else at this point or --

11 MEMBER HAMMES: I mean, as I indicated, if  
12 those conditions are included in the approval, and  
13 I don't think I have anything else.

14 CHAIRMAN FOOTE: What is your position on  
15 the idea of making the parking amenable under  
16 the --

17 MEMBER KYRK: The parking's amenable, and  
18 those conditions are a superset of mine.

19 CHAIRMAN FOOTE: Yeah.

20 MEMBER KYRK: So --

21 ADMINISTRATOR PALLAS: Reed, into the  
22 microphone, we can't hear you.

23 MEMBER KYRK: Oh, I'm sorry. Her conditions  
24 are a superset of mine. So if the parking's made  
25 off of Sterling, and the lease conditions are met,

1 I'm fine.

2 CHAIRMAN FOOTE: Okay. So I -- at this  
3 time, I would like to put this to a vote. Do I  
4 have a second?

5 MEMBER HAMMES: Second.

6 CHAIRMAN FOOTE: Okay. So we're proposing  
7 to accept the application, subject to the  
8 conditions that we discussed, and there's two  
9 different categories. The yacht clubs, or the --  
10 you know, the maritime commercial units, subject  
11 to the conditions that were incorporated by Trish  
12 in her comments. They were very comprehensive and  
13 insightful, as well as the additional one that I  
14 added in.

15 And with respect to the parking, to permit  
16 parking of spaces in the garage as accessory use  
17 to the commercial space, but having it be legally  
18 compliant with the parking size rules of not just  
19 the State, but of the Village Code.

20 And anything else that we need to address?  
21 And that there would be no parking on Sterling.  
22 It would be totally landscaped according to the  
23 plan that was submitted earlier.

24 MR. PAWLOWSKI: Except for the two spots,  
25 but they would not be on Sterling, they would be

1 next to the door, not head-in.

2 CHAIRMAN FOOTE: Right. Which two spots?

3 MR. PAWLOWSKI: We spoke about that.

4 CHAIRMAN FOOTE: You mean, in front of the  
5 garage, by the garage door?

6 MR. PAWLOWSKI: Uh-huh.

7 CHAIRMAN FOOTE: Yeah, that's right. And  
8 you'll --

9 MEMBER DOUGHERTY-JOHNSON: In front of the  
10 garage or in front of the front door?

11 MR. PAWLOWSKI: In front --

12 MEMBER DOUGHERTY-JOHNSON: In front.

13 MR. PAWLOWSKI: Near the front door.

14 MEMBER DOUGHERTY-JOHNSON: Right.

15 MR. PAWLOWSKI: If we -- if we only could  
16 get 10 indoor, right?

17 CHAIRMAN FOOTE: Right. Actually, not --  
18 but not on the street, not along the side of the  
19 street, inside.

20 MR. PAWLOWSKI: Yes, correct, fair enough.

21 CHAIRMAN FOOTE: Yeah.

22 MR. PAWLOWSKI: They would not be on the  
23 street.

24 CHAIRMAN FOOTE: Okay. And it's going to  
25 be -- and there will be some flux. So to the

1 extent that you can only fit in eight or nine  
2 inside the garage due to the --

3 MR. PAWLOWSKI: Yep.

4 CHAIRMAN FOOTE: -- size and spaces,  
5 you'll -- the excess will go in that area.

6 MR. PAWLOWSKI: Correct.

7 CHAIRMAN FOOTE: Okay, great.

8 MEMBER KYRK: Have we adequately discussed  
9 the other entrance to the parking lot, or are  
10 we --

11 CHAIRMAN FOOTE: What other entrance to the  
12 parking lot?

13 MEMBER KYRK: Right. There was the --

14 MR. PAWLOWSKI: The Ludlam one, I think it's  
15 fairly straightforward. We're not reducing --

16 CHAIRMAN FOOTE: Yeah. That curb cut, I  
17 don't think anybody had any comment on that.

18 MEMBER HAMMES: Yeah, no.

19 CHAIRMAN FOOTE: So I think that's part of  
20 the application.

21 MEMBER KYRK: No reservations about it.

22 CHAIRMAN FOOTE: So, at this time, put it to  
23 a vote? Did I already suggest putting it to a  
24 vote already? If not, second?

25 MEMBER HAMMES: Yes, second.

1 CHAIRMAN FOOTE: Okay. All in favor?

2 MEMBER DOUGHERTY-JOHNSON: Aye.

3 MEMBER HAMMES: Aye.

4 MEMBER KYRK: Aye.

5 CHAIRMAN FOOTE: Aye. Okay, approved.

6 MR. PAWLOWSKI: Thank you, everyone.

7 Thanks.

8 MEMBER HAMMES: You have to adjourn.

9 CHAIRMAN FOOTE: What?

10 MEMBER HAMMES: You have to adjourn.

11 (Laughter)

12 CHAIRMAN FOOTE: Item No. 11, motion to  
13 adjourn.

14 MEMBER HAMMES: Second

15 CHAIRMAN FOOTE: In favor?

16 MEMBER DOUGHERTY-JOHNSON: Aye.

17 MEMBER HAMMES: Aye.

18 MEMBER KYRK: Aye.

19 CHAIRMAN FOOTE: Aye.

20 (The meeting was adjourned at 6:58 p.m.)

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