

1 VILLAGE OF GREENPORT
 2 COUNTY OF SUFFOLK STATE OF NEW YORK
 3 -----x
 4 ZONING BOARD OF APPEALS
 5 REGULAR SESSION
 6 -----x

7 Third Street Fire Station
 8 Greenport, New York
 9
 10 October 15, 2019
 11 6:00 p.m.
 12

13 B E F O R E:
 14 JOHN SALADINO - CHAIRMAN
 15 DAVID CORWIN - MEMBER
 16 DINI GORDON - MEMBER
 17 JACK REARDON- MEMBER (Absent)
 18 ARTHUR TASKER - MEMBER (Absent)
 19
 20 ROBERT CONNOLLY - ZONING BOARD ATTORNEY
 21 KRISTINA LINGG - CLERK TO THE BOARD
 22
 23
 24
 25

1 (The meeting was called to order at 6:00 p.m.)

2 CHAIRMAN SALADINO: Folks, this is the
3 Village of Greenport Zoning Board of Appeals
4 regular meeting. And Item -- tonight we're
5 shorthanded two members, so you're going to have
6 to bear with us.

7 Item No. 1 is a motion to accept the
8 minutes of the September 17th, 2019 Zoning Board
9 of Appeals meeting. So moved.

10 MEMBER CORWIN: Second.

11 CHAIRMAN SALADINO: All in favor?

12 MEMBER CORWIN: Aye.

13 MEMBER GORDON: Aye.

14 CHAIRMAN SALADINO: And I'll vote aye.

15 Item No. 2 is a motion to approve the
16 minutes of the August 20th, 2019 Zoning Board of
17 Appeals meeting. So moved.

18 MEMBER GORDON: Second.

19 CHAIRMAN SALADINO: All in favor?

20 MEMBER GORDON: Aye.

21 CHAIRMAN SALADINO: Any abstentions?

22 MEMBER CORWIN: Abstain.

23 CHAIRMAN SALADINO: And I'll vote aye.

24 We'll put that off until next month.

25 Item No. 3 is a motion to schedule the next

1 Zoning Board of Appeals meeting for Tuesday,
2 November 19th, 2019, at 6 p.m., at the Third
3 Street Fire Station, Greenport, New York 11944.

4 So moved.

5 MEMBER GORDON: Second.

6 CHAIRMAN SALADINO: All in favor?

7 MEMBER CORWIN: Aye.

8 MEMBER GORDON: Aye.

9 CHAIRMAN SALADINO: And I'll vote aye.

10 Item No. 4 is 426 Second Street. A motion
11 to accept an application, schedule a public
12 hearing for the application. Motion to accept an
13 application, schedule a public hearing and
14 arrange a site visit for the application of Eric
15 Fischer for the property located at 426 Second
16 Street. And the Suffolk County Tax Map Number is
17 1001-4.-2-34.1.

18 Is there an applicant? No?

19 (No Response)

20 CHAIRMAN SALADINO: This is -- this is an
21 application for a --

22 MEMBER GORDON: A swimming pool.

23 CHAIRMAN SALADINO: For a swimming pool.

24 Normally, these are fairly routine, but on the
25 application is -- just to explain to the public,

1 on the application is an error about a hot tub
2 that was noticed. We're going to make the
3 Building Department aware of it, and they're
4 going to have to talk to the applicant about that
5 portion of this application. So that's going to
6 make the application incorrect. We can -- we
7 can -- we can do that, make the Building
8 Department aware -- should I explain about the
9 hot tub?

10 MEMBER GORDON: Yeah.

11 CHAIRMAN SALADINO: The hot tub is a
12 permanently installed hot tub and it fits the
13 definition of a swimming pool. A swimming pool
14 has to be a minimum of 20 feet from all property
15 lines. The hot tub is -- wasn't included in the
16 application as asking for a variance for the hot
17 tub, only for the pool. The hot tub is 13 feet
18 and a few inches from the property line. So
19 they're going to need a variance for the hot tub,
20 also.

21 What we can do is we can make the Building
22 Department aware of this, and they can come up
23 with a revised Notice of Disapproval, but we can
24 schedule -- if the Board, if the members of the
25 Board agree, we can schedule --

1 MEMBER GORDON: A hearing?

2 CHAIRMAN SALADINO: The hearing and the
3 site visit for next month, and let the Building
4 Department get the revised Notice of Disapproval
5 to the applicant, or we can just table this until
6 next month.

7 MEMBER CORWIN: My preference would be to
8 go ahead and set it up to move ahead.

9 MEMBER GORDON: I agree.

10 CHAIRMAN SALADINO: Okay. So we'll
11 schedule a public hearing for November 19th at
12 6 p.m. We set them all at 6 p.m. We're going to
13 have to hear from the applicant, if there's a
14 site visit, if we want to schedule a site visit.
15 So we'll schedule a site -- a tentative site
16 visit for 5:30 on the 19th?

17 MEMBER CORWIN: Yeah. It's starting to get
18 dark, so --

19 CHAIRMAN SALADINO: You want to make it
20 earlier?

21 MEMBER GORDON: When does -- when does --

22 MEMBER CORWIN: -- we have to take that
23 into consideration, too.

24 MEMBER GORDON: When does daylight saving
25 end?

1 CHAIRMAN SALADINO: I don't know.

2 MEMBER CORWIN: End of October.

3 MS. ALLEN: The end of October, usually,
4 like Halloween weekend or the week after.

5 MEMBER GORDON: So 5:30 will be dark by
6 November 19th.

7 MEMBER CORWIN: It's starting to get dark.

8 CHAIRMAN SALADINO: You got me, Dinni, I
9 don't know. I'm still on summertime.

10 MR. THORP: It will be dark at 5:30.

11 MEMBER CORWIN: It will be dark at 5:30.

12 CHAIRMAN SALADINO: What time do you want
13 to make it?

14 MEMBER CORWIN: So let's call it five.

15 CHAIRMAN SALADINO: Five o'clock?

16 MS. DUNNING: November 3rd.

17 MEMBER GORDON: Thank you.

18 CHAIRMAN SALADINO: November 3rd.

19 MS. BRAATEN: Who's speaking?

20 CHAIRMAN SALADINO: I don't know.

21 (Laughter)

22 CHAIRMAN SALADINO: I don't know. I don't
23 know who that is.

24 MEMBER GORDON: Thank you.

25 CHAIRMAN SALADINO: Thank you.

1 MEMBER GORDON: Okay.

2 CHAIRMAN SALADINO: All right. So we'll
3 schedule a site visit for 5 o'clock on
4 November 19th, and, hopefully, hopefully, we'll
5 hear from the applicant.

6 MEMBER CORWIN: Just one note,
7 Mr. Chairman. It's for a swimming pool, a hot
8 tub that may be a problem, and a deck with a
9 roof.

10 CHAIRMAN SALADINO: Is there something we
11 should be suggesting to the Building -- I'm not
12 sure about a deck with a roof, like --

13 MEMBER CORWIN: Well, I'm just -- in your
14 description of it, you didn't mention a deck with
15 a roof. That needs setback, too.

16 CHAIRMAN SALADINO: Yeah, but not 20 feet.
17 It's 13 feet from the side yard, and it's 15 feet
18 or 18 feet from the other side. So it would
19 be -- so we can ask about that, also, if the deck
20 with the roof complies with side yard setbacks.

21 MEMBER CORWIN: All right. I make a motion
22 that we accept 426 Second Street for the November
23 meeting for an inspection at 5 o'clock, and then
24 we direct or request that the Building Department
25 investigate whether a hot tub needs to be put in

1 a public advertisement.

2 CHAIRMAN SALADINO: And, also, to ask, if
3 it is, to also ask for a revised Notice of
4 Disapproval, right? So --

5 MEMBER GORDON: Second.

6 CHAIRMAN SALADINO: And all in favor?

7 MEMBER CORWIN: Aye.

8 MEMBER GORDON: Aye.

9 CHAIRMAN SALADINO: And I'll vote aye.

10 Item No. 5 is a continuation of public
11 hearing regarding area variances requested by
12 ANVK Holdings Trust, the Greenporter Hotel, for
13 the property located at 326 Front Street. The
14 Suffolk County Tax Map Number is 1001-4.-8-29, 30
15 and 31.

16 For the public, the public notice is
17 attached to the -- to the agenda. Is the
18 applicant --

19 MS. RIVERA PITTORINO: Hello, everyone.
20 For anyone who wasn't -- hasn't been here for the
21 last few hearings, my name is Deborah Rivera
22 Pittorino, and I'm here speaking on behalf of
23 Greenporter Hotel.

24 I wanted to -- I've been thinking a lot
25 about, you know, what's really at the core of

1 change, you know, because I think this is really
2 what it's all about. I think that change is very
3 painful, it's hard, it's hard for all of us, it's
4 hard for all communities. And I -- but I really
5 believe that the communities that don't change
6 and evolve become -- they get left behind. And I
7 really think that Greenport is an example for
8 many towns that have revived themselves, and have
9 been able to move forward, despite all of the
10 challenges.

11 I read a lot of business journals, in a lot
12 of business journals, they talk about how
13 desirable it's becoming for -- they categorize
14 towns in terms of walkability, and towns where
15 you don't need a car are extremely desirable, and
16 that's where a lot of millennials want to move,
17 and work, and exist. And I think that there's a
18 lot to be said for that, and I think that's part
19 of what's so wonderful about Greenport.

20 And I -- so this application, we have put
21 in an application, we're asking for a variety of
22 variances. For any of you who's familiar with
23 the Greenporter Hotel, it was originally built in
24 the late '50s, and in the late '50s, that was
25 very modern architecture for the time. It was

1 built as a motor lodge, and you would drive your
2 car up to your door, which was -- which was very
3 progressive at the time. And I -- my husband and
4 I bought this 20 years ago, and we ran a great
5 business for many years. For most of the time,
6 it was an even split between the hotel and food
7 and beverage.

8 And after a four-year battle with
9 pancreatic cancer, I lost my husband a year ago,
10 and I then -- you know, we've been sort of absent
11 from the business for four years, so I had to --
12 when I went back to work, I realized a lot had
13 changed in the time that I was absent from the
14 business. Business had changed, and I needed to
15 evolve with that change.

16 One of the problems was that we had a lot
17 of competition, not new competition from our
18 hotel competitors, but there's a lot of
19 competition from the Airbnbs and the -- all of
20 the other STR sites that -- where people rent
21 their houses for a day or two, and that really
22 started to impact our numbers.

23 Secondly, there had been a huge emergence
24 of -- there's like a food explosion in Greenport
25 and we have a lot of new restaurants. And when I

1 opened our restaurant 20 years ago, there -- it
2 was just us and Claudio's, and Claudio's was not
3 open year-round. I had to offer a restaurant for
4 my guests. But now we have a lot of -- there are
5 a lot of wonderful dining options for our guests,
6 so I don't wish to reopen the restaurant. It's
7 been closed now for five years, and we function
8 okay without it. And I decided to devote my
9 efforts more towards groups.

10 So in order to accommodate groups -- so
11 when I say "groups", I mean two things. I mean
12 corporations that come during the week and
13 off-season, and I mean also weddings that come on
14 the weekends.

15 I have many conversations, I have a very
16 good relationship with all the vendors in the
17 area. I know they, for example, one of our major
18 vineyards that we work with had to cancel a
19 wedding in April, because they couldn't find
20 enough guest rooms in the area. So when that
21 person cancels a wedding, that's a bunch of rooms
22 that were cancelled. That's probably like a
23 hundred and -- probably 100 rooms cancelled in
24 the Village of Greenport. That means that
25 flowers are cancelled, that means that wine is

1 cancelled, that means that catering business is
2 cancelled, the people that rely on those hours
3 are cancelled. It's a big loss for the Village.
4 And weddings are a great source of revenue,
5 because people come whether it's raining or not,
6 whether it's snowing or not, it's scheduled
7 significantly in advance.

8 Same thing with corporations. When
9 companies have an off-site, they -- they're
10 usually coming from the City. They ask us to
11 arrange their transportation, so we either send
12 like two passenger vans, or the Hampton Jitney
13 into the City or into Brooklyn to pick them up,
14 they bring them to the hotel. We arrange for
15 their team-building at a local vineyard. We
16 arrange for dinners downtown at restaurants. We
17 have restaurants that will open up on nights that
18 they're normally not open, and then they get the
19 revenue, and the people that work for them get to
20 work on a night that they normally wouldn't be
21 open.

22 So, for all of these reasons, I need what
23 I'm asking for, which is a third floor, which is
24 completely in line with what every other large
25 hotel in Greenport has currently.

1 And I had talked earlier about cars, and I
2 know that a big -- a big part of the problem
3 about people not wanting us to do this is because
4 they're worried about parking. And as I had
5 mentioned before, even during the 15 years we
6 operated a very popular restaurant and had the 30
7 rooms. We never had an issue with parking,
8 because so many people walk there. We had a very
9 big local following, and people walked to the
10 restaurant, and our guests were already sleeping
11 in there, so they walked from their room into the
12 restaurant. Now we don't have the restaurant.

13 A lot of the people that come don't come
14 with a car. I had presented some data last time
15 I was here that was from New York City, from the
16 Department of Transportation. And for the areas
17 of Manhattan that our customers are coming from,
18 between 16% and 25% have cars in a -- in worst
19 case scenario, and in best case scenario, between
20 25 and 40% have cars.

21 And then we went under what -- the
22 laborious task of counting. So we have these
23 registration sheets that people fill out. Every
24 time somebody checks in, we ask for
25 identification. We ask for what kind of vehicle

1 they came in. If they didn't come in a vehicle,
2 we ask what mode of transportation they use. So
3 we counted these up all through the end of August
4 and came up with the following data, and we have
5 some charts here.

6 So I'll run through this quickly, because I
7 don't want to bore you. But, for example, in the
8 month of January, where we had 84 stays, 47 were
9 from New York City, and of those 47, 18 had cars.
10 That's for the month. So if we divide 18 by 4,
11 there would be 4.5 cars per week. Then it goes
12 to February, where there were 9.2 cars per week,
13 then 8.9 cars per week, then 6.9 cars per week,
14 21.11 cars per week, 19.20 cars per week, 22 cars
15 per week, and in our highest occupancy of the
16 year in August, there were 23.60 cars per week.
17 So we know who our customers are, we know if they
18 need a car or not.

19 CHAIRMAN SALADINO: Could I just -- just
20 ask one question with that?

21 MS. RIVERA PITTORINO: Sure.

22 CHAIRMAN SALADINO: So when you say cars
23 per week, do you measure the cars on Monday,
24 Tuesday, Wednesday, Thursday, Friday, Saturday
25 and Sunday? So if there's four cars on Monday

1 and 32 cars on Saturday and Sunday, we're
2 figuring on an average?

3 MS. RIVERA PITTORINO: Yeah, we do, we did
4 do it on an average.

5 CHAIRMAN SALADINO: Okay.

6 MS. RIVERA PITTORINO: Yeah. So -- and
7 then these -- I even gave -- I was -- took a very
8 aggressive approach. I said 40% of our customers
9 had cars, and 40% don't have cars. The median is
10 more like 31% have cars. So that's even with
11 taking aggressive numbers in your favor.

12 So not only -- with this third floor, not
13 only will we continue to decrease the carbon
14 footprint of the Village, because so many of our
15 customers don't have cars, but we will be
16 providing employment year-round. This will
17 enable a need to continue providing year-round
18 professional employment, with benefits for staff,
19 and this should spill over into the rest of the
20 community.

21 I think that it's very hard, and a lot of
22 people say, "Well, you know, my kids can't find a
23 place to live because housing is so expensive.
24 My children will have to move away because they
25 can't find professional jobs." I think that

1 projects like this, I think that this building
2 here, I think that this is the future, and this
3 is what will help us sustain our Village.

4 So not only will we continue to decrease
5 traffic with this -- with people coming by public
6 transportation and coming in company-arranged
7 vans and Hampton Jitney, but, also, with this
8 third floor, the third floor is going to be put
9 over the entire -- it's going to be like a U.
10 And then we have to put on a new roof, and our
11 roof will -- we're going to -- we're asking
12 for -- well, we no longer need a variance for the
13 solar panels, but I'll get to that.

14 But we -- so we will increase our water
15 conservation program and reduce runoff. And with
16 the addition of solar panels and a roof garden,
17 the roof garden will capture and filter water for
18 our own use. We currently have a well, and then
19 this -- it's called a Permaculture roof, it
20 captures and filters water, and there's an
21 elaborate gutter system, that then they go into
22 rain barrels. And we want to conserve our own
23 water, and that's part of our program right now.
24 We -- we're very -- we have a whole -- if you
25 ever -- if you want to go on our website, we have

1 a page called "How We're Green", and it shows you
2 all the practices that we put in place to help
3 the environment and to be responsible for the
4 environment. And that was criteria that was used
5 by the Green Hotels Association to evaluate us,
6 and it was criteria used by Trip Advisor.

7 Trip Advisor has a program called
8 Green Leaders, and there are three categories,
9 there's platinum, silver and gold, and I think
10 there's also bronze, there's four, and we're the
11 only platinum certified leader in the entire area
12 of Long Island. So I bring this up because there
13 were questions during the last meeting about our
14 responsibility to the environment and our impact,
15 the impact of our building on the environment.
16 So not only are we driving more business to the
17 Village, but we are an asset as community leaders
18 in sustainability and environmental
19 responsibility.

20 In addition to that, we're active in many
21 community initiatives that involve sustainable
22 food and agriculture. We partner with a local
23 food bank and with houses of worship, and provide
24 food and educational services to insecure
25 households or households where seniors need

1 assistance.

2 We also assist local businesses by --
3 anyone who follows our Facebook, you'll see that
4 every week we're promoting -- we do a newsletter,
5 and we promote not our business, we promote
6 what's happening in the entire area. So we
7 promote our neighbors, whether it's, you know,
8 what's going on at a store, or what's happening
9 at, you know, downtown at the Greenport Harbor
10 Brewery, or what's -- our Maritime Festival, and
11 then all of the things that bring people to the
12 area. And I know that some people don't like
13 that, but it's -- I don't know how local
14 businesses can survive if we don't have those
15 events. We have 25,000 subscribers that this --
16 these newsletters go out to.

17 So we began this process back in February,
18 first with the Planning Board and now with the
19 ZBA, and we've really -- we've really learned a
20 lot, taken a lot into account, taken -- very much
21 taken seriously your feedback, and then made some
22 changes accordingly.

23 So one of the changes was that there was
24 concern that the third floor would be too
25 imposing, so we did a very significant setback.

1 Our architect can later review what the setback
2 is on the third floor. It's significantly set
3 back, so it doesn't come out as far as the
4 second -- first or second floor.

5 We consulted with a solar panel consultant,
6 who provided us with a design and with
7 recommendations for solar panels that would only
8 be, I think, six inches high, and they will not
9 be visible from the street. He said you would
10 need an airplane to see them.

11 And, also, terminated our agreement with
12 Hertz Rental Car, so that our parking is only for
13 our guests and won't have any other cars.

14 So I'm hoping that -- I'm hopeful that my
15 20-year commitment to here, in this community, I
16 really feel like I've paid my dues here, and I
17 really hope to -- that you'll take all this into
18 account, so that we could have equal footing with
19 all the other major hotels in the area, just be
20 treated equally.

21 So I thank you for your time.

22 CHAIRMAN SALADINO: Deborah, before you go,
23 just a couple of questions, just while you're up
24 there. You have the revised Notice of
25 Disapproval?

1 MS. RIVERA PITTORINO: Yes.

2 CHAIRMAN SALADINO: You guys have it, so --

3 MS. RIVERA PITTORINO: Yeah, we just got it
4 today.

5 CHAIRMAN SALADINO: Yeah, so did we.

6 (Laughter)

7 CHAIRMAN SALADINO: The other thing that I
8 might ask, just while you're there, I understand
9 this was a holiday weekend, and I'm just -- I
10 just want to take exception to how you averaged
11 the amount of parking that you needed. And don't
12 take it as -- it's just a question.

13 I had occasion to go by the -- I live on
14 Sixth Street, so I have occasion to go by your
15 hotel every day. So this weekend I came down
16 Fourth Street -- Fourth Avenue and it was
17 blocked, so I kind of cut through your parking
18 lot.

19 (Laughter)

20 CHAIRMAN SALADINO: And that was on
21 Saturday, and the parking lot was full, every
22 parking space was taken. And I -- and I forgot
23 that it was a holiday weekend, so I said, wow,
24 that's -- I don't usually see that, but then I
25 realized it was a holiday weekend. So I made it

1 my business to drive through again on Sunday, and
2 it was before noon. I don't know what time
3 checkout is, but it was before noon that I drove
4 through, and every spot was taken again.

5 So, in my mind, I'm kind of forced to ask,
6 if you have 30 rooms or 31 rooms now, and on this
7 particular weekend the parking lot was full, if
8 the five members of this Board decide that 55
9 rooms is appropriate for your hotel, I'm kind of
10 wondering where those other 24 people might park.

11 MS. RIVERA PITTORINO: Sure, sure. Yeah.
12 No, I can answer that.

13 CHAIRMAN SALADINO: Because business -- and
14 my father used to say you can never get hurt
15 taking a profit if business is good, and I'm glad
16 for you. But if business is good for the entire
17 Village -- and you have to know, the reason that
18 we might ask this is parking is on -- affordable
19 housing and parking are the two things on
20 everyone in this Village's lips.

21 MS. RIVERA PITTORINO: I agree.

22 CHAIRMAN SALADINO: So this Board is still
23 hearing about a 20-space variance at a hotel from
24 a year-and-a-half ago. So we're thinking about
25 parking.

1 MS. RIVERA PITTORINO: Sure.

2 CHAIRMAN SALADINO: So --

3 MS. RIVERA PITTORINO: And I think about
4 parking all the time, so let me answer that. So,
5 first of all, when the parking lot is full, I
6 don't know if you notice how people park, but
7 some people take like two -- a lot of people take
8 two spots. They -- people --

9 CHAIRMAN SALADINO: Okay. I didn't notice
10 that, but okay.

11 MS. RIVERA PITTORINO: Yeah. Well,
12 you'll -- take another look. So people take two
13 spots. This weekend we also had a wedding.
14 There were probably at least four or five
15 families that weren't staying there that asked to
16 use our parking lot, because they were staying at
17 a local B&B that doesn't have parking, and
18 those --

19 CHAIRMAN SALADINO: How could that be?

20 MS. RIVERA PITTORINO: I'm sorry, not local
21 B&B, local Airbnb that didn't have parking, and
22 they don't -- the owners asked them to not
23 call -- you know, "Don't call attention to us and
24 don't" -- "we can't have people piled up in our
25 parking lot." So they asked --

1 CHAIRMAN SALADINO: Do you have their
2 names? Do you have their names for the Building
3 Department?

4 (Laughter)

5 MS. RIVERA PITTORINO: No, we can't give
6 you their names. That's not for me to solve.
7 And so they asked to park in our parking lot, and
8 we let a lot of those people, when we have --
9 when we have weddings on the weekend, a lot of
10 those people, they're -- a lot of people that
11 park there, they ask us, and decide if we're
12 going to let them park or not. Now, obviously,
13 when we have the additional rooms, we won't be
14 able to let those people park. Then they'll have
15 to -- they'll have to -- the Village maybe will
16 have to come up with a solution for all of these
17 properties that don't have sufficient parking.

18 CHAIRMAN SALADINO: Okay.

19 MS. RIVERA PITTORINO: Yeah.

20 CHAIRMAN SALADINO: Members, while
21 Deborah's here.

22 MEMBER GORDON: As long as we're on this,
23 did you use valet parking? Because one of the
24 things you've said about how you would relieve
25 stress on the parking lot is --

1 MS. RIVERA PITTORINO: Sure. No, we didn't
2 have to this weekend. Also, there was some snafu
3 with Hertz, because Hertz has to pick up any
4 unused vehicles by Thursday. They didn't pick
5 them all up, so probably five of those cars were
6 Hertz cars that for whatever reason somebody
7 didn't show up and they weren't picked up.

8 So we didn't have to use the valet parking
9 this weekend, and we don't have to use it most
10 weekends. The only time we need to use valet
11 parking is when there's a Long Island -- you
12 know, Long Islanders, I always -- I think that
13 the Hampton Jitney should have a Jitney that goes
14 from -- makes a few stops on Long Island, because
15 that's really who's clogging up our roads, are
16 people coming from Long Island, it's not people
17 coming from the City. So when we have a Long
18 Island wedding, that's when we have to valet
19 park, because everybody comes in a car, you know.

20 MEMBER GORDON: You did say last month that
21 the Hertz Rental seems to be a problem, and I --
22 and I know it's the rental situation. The
23 contract is ending at the end of October, I think
24 you said.

25 MS. RIVERA PITTORINO: Uh-huh, uh-huh.

1 MEMBER GORDON: And -- but why wouldn't the
2 Hertz Rental contribute to solving a problem if
3 there's a crowded parking lot?

4 MS. RIVERA PITTORINO: Oh, you know what, I
5 think -- I think that it would, but I think that
6 they're -- during the Planning Board, they raised
7 that there was a lot of spots for Hertz and they
8 didn't -- they didn't --

9 MEMBER GORDON: There were two spots for
10 Hertz, right?

11 MS. RIVERA PITTORINO: Yeah, there were two
12 spots for Hertz. But sometimes somebody drops
13 off a vehicle, and maybe like what happened this
14 weekend, there were more than two Hertz cars in
15 the parking lot.

16 MEMBER GORDON: I see.

17 MS. RIVERA PITTORINO: But I don't know.
18 Planning Board seemed to have a problem with
19 Hertz, and they -- my -- after speaking to my
20 Architect, I think they told me that they had to
21 go. And it doesn't -- it actually doesn't really
22 hurt our customers, because they don't seem to be
23 renting many cars. The locals are using the
24 Hertz Rental Car.

25 MEMBER GORDON: Oh.

1 CHAIRMAN SALADINO: Well, I don't think
2 this Board would have a problem with you
3 allocating two spaces to --

4 MS. RIVERA PITTORINO: Okay.

5 CHAIRMAN SALADINO: We're concerned about
6 the amount of spaces you have.

7 MS. RIVERA PITTORINO: Yeah.

8 CHAIRMAN SALADINO: Who you -- who parks in
9 them would be --

10 MS. RIVERA PITTORINO: Okay. All right.

11 CHAIRMAN SALADINO: Well, the --

12 MS. RIVERA PITTORINO: Well, I must have
13 misunderstood.

14 CHAIRMAN SALADINO: Well, I have a -- I
15 have a question to expand on Dinni's. We keep
16 hearing about valet parking. My idea of valet
17 parking is that I pull up to the front of a
18 restaurant, or a building, or a business and get
19 out of my car, and I give somebody my keys and
20 they park my car --

21 MS. RIVERA PITTORINO: Correct.

22 CHAIRMAN SALADINO: -- in a parking space.
23 So whether you valet or your customers park their
24 own car, the amount of spaces that you need
25 doesn't change.

1 MS. RIVERA PITTORINO: No. Well, it
2 depends how you park the cars. For example, we
3 don't have to have -- we have two entrances. We
4 don't have to have two entrances, but we have two
5 entrances. So when we have to valet park, we
6 stack them up towards the back and block the back
7 entrance.

8 CHAIRMAN SALADINO: Well, I have a -- I
9 have a note from the Building Department that
10 says -- I have it somewhere -- if you want me to
11 look for it, I will -- that says that's -- that's
12 not allowed.

13 MS. RIVERA PITTORINO: Then we would be the
14 only business subject to that law, because name
15 one hotel in Greenport that has two exits, two
16 forms of egress.

17 CHAIRMAN SALADINO: No, no, not about --

18 MS. RIVERA PITTORINO: Yeah.

19 CHAIRMAN SALADINO: Not about two exits.

20 MS. RIVERA PITTORINO: Uh-huh.

21 CHAIRMAN SALADINO: About blocking the
22 center lane of the parking lot.

23 MS. RIVERA PITTORINO: We wouldn't -- we
24 don't block the center lane.

25 CHAIRMAN SALADINO: Well, how can you stack

1 them up towards the back if you don't?

2 MS. RIVERA PITTORINO: We -- towards the
3 back. So you don't need the center lane of the
4 entire -- I'd like to see where the code says you
5 need the entire center lane in the entire parking
6 lot from front to back.

7 CHAIRMAN SALADINO: My information is
8 it's -- we don't deal with the International Fire
9 and Building Code.

10 MS. RIVERA PITTORINO: Yeah.

11 CHAIRMAN SALADINO: The Building Department
12 does.

13 MS. RIVERA PITTORINO: But, you now,
14 we were --

15 CHAIRMAN SALADINO: And the information I
16 have from the Building Department, and we're just
17 asking that, yeah.

18 MS. RIVERA PITTORINO: Sure, sure, I
19 understand.

20 CHAIRMAN SALADINO: That, if that's the
21 intention, then that might be a discussion you
22 have with the Head of the Building Department.

23 MS. RIVERA PITTORINO: Sure.

24 CHAIRMAN SALADINO: As far as we're
25 concerned, you know, we're --

1 MS. RIVERA PITTORINO: Yeah. I know there
2 was concern about emergency vehicles, and we
3 specifically walked all the hotels in the area.
4 If there were a fire at, you know, one
5 property -- you know, I'll go down the line, it's
6 all of them, really. At every single property,
7 except for Townsend Manor Inn, the Fire
8 Department vehicles would have to be in the
9 street. They don't even have enough parking to
10 actually pull in.

11 CHAIRMAN SALADINO: That's an issue that --
12 Code Enforcement is an issue that is adjudicated
13 someplace else --

14 MS. RIVERA PITTORINO: Okay. We can ask.
15 You know, I'm answering --

16 CHAIRMAN SALADINO: -- not here.

17 MS. RIVERA PITTORINO: Okay.

18 CHAIRMAN SALADINO: And that's all I'm
19 thinking I have right now. David, any questions?

20 MEMBER CORWIN: No.

21 CHAIRMAN SALADINO: Okay. Then we have --
22 thank you.

23 MS. RIVERA PITTORINO: You're welcome.

24 Thank you.

25 CHAIRMAN SALADINO: Before I ask the public

1 if there's anyone to speak, I'm going to ask the
2 members. I have the Village's response to the
3 Notice of Disapproval. Do we want to hear from
4 the public first, or do we want to -- the Village
5 Administrator couldn't be here tonight, he's in
6 Albany, doing Village business in Albany, so he
7 couldn't be here tonight to explain this himself.
8 He wrote it out for us as a response to the
9 Notice of Disapproval. If the members are okay,
10 we'll read it, or if not, we'll let the public
11 speak. And do you --

12 MEMBER CORWIN: I would suggest you read it.

13 MEMBER GORDON: Uh-huh, I agree.

14 MS. RIVERA PITTORINO: Read it.

15 CHAIRMAN SALADINO: Okay, then. Then
16 I'll -- then I'll do that. This is -- this is
17 from Clerk Pirillo for Administrator Paul Pallas,
18 and it's addressed to the Zoning Board. And
19 there's a little paragraph in front that it says,
20 "The following represents the rationale behind
21 the notice items," the Notice of Disapproval.
22 "One and Two, height and stories. The plan
23 indicate a height of 37 feet, and the code allows
24 35 feet. The Building Department has
25 historically disapproved applications where

1 roof" -- what's that word again?

2 MEMBER GORDON: Appurtenances.

3 CHAIRMAN SALADINO: What she said.

4 (Laughter)

5 CHAIRMAN SALADINO: "Have exceeded the
6 height requirement. In addition to height, code
7 states that a building cannot exceed two stories.
8 The plan indicates a three-story building. The
9 specific code language is two stories or 35 feet.
10 Here again, the Building Department has
11 historically disapproved on both grounds when
12 both are proposed.

13 Item No. 3 is the number of parking spaces.
14 By simple calculation, this application is
15 deficient by 27 spaces. The Village Code has an
16 exemption that states that properties improved as
17 of January 1st, 1991 are exempt from parking
18 requirements.

19 A survey, dated 2001, provided by the
20 applicant, shows that the western parcel was
21 unimproved and, therefore, not eligible for the
22 exemption."

23 And then parking space size is
24 self-explanatory, because it says in the code
25 10 feet. And offshoot loading requirements is

1 also self-explanatory, because it says that a
2 loading zone can't be in the front yard.

3 So that's the Village's response to the
4 applicants.

5 MS. RIVERA PITTORINO: So I think my
6 Architect can address those points, okay?

7 MS. BERRY: Yes.

8 CHAIRMAN SALADINO: Well, we're going to --
9 sure.

10 MS. RIVERA PITTORINO: Okay.

11 CHAIRMAN SALADINO: We're going to -- we're
12 going to -- whoever wants to, we're going to open
13 it up to the public again, as it is a public
14 hearing, whoever wants to.

15 MS. BERRY: I'll do it after, we'll listen.

16 CHAIRMAN SALADINO: If there's someone from
17 the public that would like to speak, name and
18 address for the Stenographer, please.

19 MS. DIGREGORIO: Sure. Patricia
20 Digregorio, Southold.

21 I'm here today to support the Greenporter
22 Hotel. I've attended many of these meetings over
23 the past few months. Unfortunately, I was out of
24 town for the last hearing, but read most of the
25 106 pages of minutes from it.

1 Deborah and Bill Pittorino purchased and
2 renovated the Greenporter Hotel close to 20 years
3 ago. They've been a part of the Greenport
4 community since day one. They've hired and
5 mentored local students and college interns for
6 many years. To this day, these former employees
7 still consider themselves part of the Greenporter
8 family and come back and visit. They've all gone
9 on to have successful careers of their own.

10 The Greenporter has always cared about the
11 environment, and as Deborah mentioned before, has
12 their Green Leaders platinum certification.

13 Due to her many years in the corporate
14 world, Deborah has been able to bring corporate
15 business to Greenport. They schedule their
16 business retreats and staff meetings during the
17 work week year-round. The Greenporter sends them
18 into town, into local merchants, restaurants,
19 breweries and vineyards, which help support her
20 own employees, as well as the community as a
21 whole, during the off-season.

22 In recent years, there have been several
23 new beautiful three-story hotels built in the
24 town of Greenport. The Greenporter plans to
25 maintain their original footprint and add a third

1 story to their building as well. I know this
2 renovation will be tastefully done, as it's
3 always been, and continue to be an asset to the
4 town.

5 Their parking lot has -- is one of the
6 largest in Greenport, and has always accommodated
7 their staff, a fully booked hotel, and, up until
8 a few years ago, a very popular restaurant.
9 Also, many of the clients come by train or Jitney
10 and enjoy walking into town.

11 I understand that this process can be
12 difficult at times, and I thank you for your
13 consideration. I ask that they be all treated
14 the same, and that you approve the Greenporter's
15 application. Thank you very much.

16 CHAIRMAN SALADINO: Thank you. Is there
17 anyone else from the public that would like to
18 speak?

19 MR. THORP: Hi. Charles Thorp.

20 MS. ALLEN: You've got to go up to the
21 microphone.

22 MR. THORP: Sorry. Hi. Charles Thorp.
23 Just curious, the building codes for heights on
24 commercial buildings. I notice a lot of
25 commercial buildings, and I've been on a lot of

1 roofs. People know me, I've been on probably
2 every roof in Greenport. And Burton's Book
3 Store, DiAngela Leather, many of them are three
4 stories, and three-story apartments, you know,
5 around.

6 I can understand that law with housing,
7 regular, you know, homeowner housing at a certain
8 height and not having three stories, but is there
9 a different code for commercial buildings, or
10 it's all the same code?

11 CHAIRMAN SALADINO: It's a 35-foot height
12 requirement.

13 MR. THORP: For everyone. If your
14 commercial building's on Front Street, which a
15 lot of them are three stories --

16 CHAIRMAN SALADINO: Well, you have to
17 remember, 99% of those buildings, aside from the
18 two that I -- that I can think of, is the Harbor
19 Front Inn and the new hotel, The Menhaden. They
20 were all there prior to code, they were there
21 prior to 1971, so --

22 MR. THORP: The Harbor Front was built
23 after that.

24 CHAIRMAN SALADINO: But they got a variance
25 for the third floor.

1 MR. THORP: Well, the variance was going
2 from 35 feet to 37 feet. I believe 37 feet is
3 the height of the solar panels, not the roof
4 itself; is that correct?

5 CHAIRMAN SALADINO: Well, I think -- I
6 think we're going to -- I think we're going to
7 talk about that, perhaps --

8 MS. BERRY: Yes.

9 MS. RIVERA PITTORINO: Yes.

10 CHAIRMAN SALADINO: -- about exhaust vents
11 and stuff, so --

12 MR. THORP: Just thought I'd bring it up,
13 that one point.

14 CHAIRMAN SALADINO: Thank you.

15 MR. THORP: Thank you.

16 CHAIRMAN SALADINO: Anyone else who'd like
17 to speak? Wait, wait, wait, wait, wait. Chatty.

18 MS. BERRY: Oh.

19 MS. ALLEN: Chatty Allen, Third Street. I
20 have no problem with this project. I don't have
21 a problem with the third floor. To me, it's
22 minimal for height requirement. Like I've stated
23 before, it's not obstructing sight lines of
24 anyone. I don't have an issue with that.

25 Yes, it's a large parking lot, but my first

1 mind goes to -- because I live near it, and for
2 the past six months I've been walking. I see it
3 at different -- different days, different times
4 of, you know, the week, and my first thought goes
5 to the safety of getting rescue vehicles in,
6 because you have the parking lot, but when you
7 pull in from Front, the cars are parked here, and
8 I don't know if those are included as parking
9 spaces. And to hear now they're blocking off the
10 other entrance, if First Responders can't get in
11 at Front because there's cars parked here and
12 there's not enough room, and now you have the
13 other entrance parked, that scares me.

14 The other hotels are literally on the
15 street, so you can have a truck pull right up to
16 it. You're here, the building's as close to the
17 truck as you guys, I am to you.

18 I understand the hotel on Third Street was
19 given a variance for their additional parking,
20 which was a lot less than the 27 that's being
21 asked for.

22 MEMBER GORDON: It was 20.

23 MS. ALLEN: It was lower than that.

24 CHAIRMAN SALADINO: No, it was 20. It
25 was --

1 MEMBER GORDON: It was 20.

2 CHAIRMAN SALADINO: It was 20. But in all
3 fairness to everyone here, there is another
4 variance that we have to look at about size of
5 spaces, so the 27 is speculative at this point.

6 MS. ALLEN: Right.

7 CHAIRMAN SALADINO: So --

8 MS. ALLEN: You're going to --

9 CHAIRMAN SALADINO: But The Menhaden Hotel
10 was -- in the interest of just keeping the
11 straight.

12 MS. ALLEN: Okay. I thought -- I thought
13 he intended to reconvene and knock down the
14 restaurant size. I thought it was lower than
15 that. In the --

16 CHAIRMAN SALADINO: No, that's how they got
17 to 20.

18 MS. ALLEN: Okay. But to say you can valet
19 park cars and they're not in parking spaces, to
20 me, that's illegal. Cars need to be in their
21 spaces if they're -- if that's what's required.
22 You know me, I speak at these meetings, I follow
23 the code, and that's what I speak to, not whether
24 I like something or don't like something. You
25 guys know for what, two years? I stood up at

1 every meeting voicing objection about this hotel.
2 I just -- when something is that high -- all
3 right, I'm going to throw it out there. You want
4 to give it to them, make them pay for it. Pay in
5 lieu of parking, just going to throw that out.
6 Thank you.

7 CHAIRMAN SALADINO: Thank you.

8 MS. BERRY: Just to answer your issue --

9 CHAIRMAN SALADINO: Glynis.

10 MS. BERRY: Oh. Glynis Berry. I'm one of
11 the designers for the addition, proposed
12 addition.

13 To answer your question about access
14 through the driveway, the current situation, they
15 do have parking spots along the entry. In our
16 proposal, we don't do that, so we've kept the
17 wide access right through. So we were not
18 parking along that far -- the curb along the
19 road, except for the very end one on the wall.
20 So we've actually improved the widths for access
21 in this plan.

22 CHAIRMAN SALADINO: Well, I don't think
23 that was the question. I think the question --

24 MEMBER GORDON: It was.

25 CHAIRMAN SALADINO: I'm sorry.

1 MEMBER GORDON: It was part of what --

2 CHAIRMAN SALADINO: Oh, I'm sorry.

3 MS. BERRY: I'm answering the comment that
4 was just made.

5 CHAIRMAN SALADINO: Oh, I apologize.

6 MS. BERRY: So it's not about the variance,
7 but it's also part of why we have fewer parking
8 spaces, because we didn't do that.

9 So one -- I just want to go over some of
10 the variances again, because we have asked now
11 for another variance to have the loading in the
12 front. That's where it is now, so we would like
13 to keep it there. The main access to the storage
14 is through stairways that are at the front of the
15 building, so it's the most convenient place.
16 And, also, the deliveries are infrequent. So
17 this is a great spot, because it frees up the
18 curb for people pulling up and dropping off
19 people at the hotel. So I think it's an ideal
20 place for something that's not used that
21 frequently. It provides the best access to this
22 building, and it allows multi-use right there.

23 Another thing is there are two parking
24 spaces that we're asking to be approved for
25 compact cars. They're being used for parking

1 now, but it's just -- the shortest one is 16.9,
2 so just about 17 feet. And most, like, I looked
3 at Prius and Subaru and they're just over
4 16 feet, but they're like 16.1 or 16.2 feet, so
5 they could easily accommodate many of the cars
6 that are being used today. So I'm hoping you
7 will allow those two to be a little bit shorter
8 than the 20.

9 We are also requesting that the parking
10 spaces be 9 feet in width. It's wider than what
11 is currently there, which is 8.2 feet. So we're
12 actually widening what's there, but it is less
13 than the 10 feet of the code, but we think it can
14 be accommodated on site.

15 We also feel that the -- relative to
16 parking, that the site was previously developed
17 and should, therefore, be exempt from parking
18 requirements. Now, the letter from the
19 Supervisor mentioned that it doesn't apply to
20 vacant lots, but he didn't give us credit for the
21 ones that were developed, he made us start from
22 scratch. And he totally missed another section
23 of the code that clearly states any land which is
24 developed as a unit under single ownership and
25 control shall be considered a single lot for the

1 purpose of these parking regulations. So to me,
2 that's very clear, that because you have the rule
3 where you can't assemble the lots, or you did, it
4 clearly states that if there's more than one lot,
5 it should be considered as one. And it was under
6 one ownership, it's still under one ownership,
7 and it's three lots and it's been developed.

8 CHAIRMAN SALADINO: Could I ask, couldn't
9 it be interpreted that because in 2001 the
10 applicant decided to comply with the code and
11 provide parking, and that now the three lots
12 would be considered -- basically, what I'm
13 thinking is, is that you gave up the right to
14 come under 150-16 -- is it 150-16?

15 MS. BERRY: Yes.

16 MEMBER GORDON: That's 12 or 16.

17 CHAIRMAN SALADINO: You gave up that right
18 in 2001. And because you were getting, kind of
19 getting what you wanted and you -- well, we
20 looked at the site plan and, yeah, you did. You
21 agreed to provide parking when you say you didn't
22 need it. So you can't say -- you can't say that,
23 "Well, I got what I wanted in 2001, and I really
24 didn't care about that then, but now I want to
25 fall back on that portion of the code today."

1 MS. BERRY: Except I don't believe they
2 applied for a variance, right, for the parking?
3 And they don't meet the parking requirement.

4 CHAIRMAN SALADINO: No. They provided --
5 they agreed to provide parking in their site
6 plan.

7 MS. BERRY: I know, but everybody has to
8 submit a site plan and --

9 CHAIRMAN SALADINO: No, but to -- but they
10 didn't have to agree to provide parking, you
11 know.

12 MS. BERRY: No, but -- but, and that's one
13 of my next points, is -- okay. I'm skipping my
14 argument here.

15 CHAIRMAN SALADINO: Okay. No, you can give
16 it to us. We --

17 MS. BERRY: But let me say two things.

18 CHAIRMAN SALADINO: Sure

19 MS. BERRY: Let me back up slightly.

20 CHAIRMAN SALADINO: I apologize for
21 interrupting, Glynis.

22 MS. BERRY: No, no, no, no. I --

23 CHAIRMAN SALADINO: Because I lose my train
24 of thought.

25 (Laughter)

1 MS. BERRY: The latest Notice of
2 Disapproval does not recognize the fact that
3 three parking spots are used for staff and owner.
4 So if I'm assuming the same interpretation for
5 existing use, then, the existing facility has a
6 parking need of 54 parking spaces. So -- and
7 they -- only 34 are provided. So they are not
8 meeting code currently. In fact, there's a
9 difference of 20 parking spaces. So their
10 existing permitted plan has a differential of 20
11 parking spaces.

12 CHAIRMAN SALADINO: Where -- I'm not sure
13 34 parking spaces. I thought the site -- I
14 thought it was 31 parking spaces.

15 MS. BERRY: In your latest interpretation
16 that you got from the Village, they increased the
17 request to 27 spots. So they didn't give us the
18 three credit for the units, because we -- that
19 are used by staff.

20 CHAIRMAN SALADINO: Yeah, but the code
21 doesn't provide for staff.

22 MS. BERRY: Okay, so fine.

23 CHAIRMAN SALADINO: The code provides
24 for --

25 MS. BERRY: Yeah. So, fine, it's the same

1 difference, because if you look at -- I
2 originally calculated by eliminating three, but
3 we're not eliminating three now based on this
4 latest variance request. So using the same
5 analysis of the existing, and applying your code
6 to the existing permitted uses, there's a
7 differential of 20 parking spaces that are not
8 being provided for the current use, for the
9 current permitted use.

10 CHAIRMAN SALADINO: I'm not sure I agree.

11 MS. BERRY: I calculated it. It's on --
12 they're on your plans.

13 CHAIRMAN SALADINO: I'm not saying -- I'm
14 not saying you're wrong.

15 (Laughter)

16 CHAIRMAN SALADINO: I'm just saying I'm
17 not -- I'm not sure I agree.

18 MS. BERRY: Yes.

19 CHAIRMAN SALADINO: Right now, you have 31
20 parking spaces, as per your site plan?

21 MS. BERRY: In our plan, there's 31. They
22 have 34 existing. There are 34 spots right now,
23 because for three reasons. They have like four
24 lined up behind each other on --

25 CHAIRMAN SALADINO: I'm only -- from the

1 2001 site plan that I looked at, at the Building
2 Department, it provides for 31 parking spaces --

3 MS. BERRY: Okay.

4 CHAIRMAN SALADINO: -- at 9 feet each, at
5 9-foot-wide each.

6 MS. BERRY: Okay, so 31.

7 CHAIRMAN SALADINO: So 31.

8 MS. BERRY: Okay.

9 CHAIRMAN SALADINO: If you're increasing
10 the amount of rental units to 55, and we're going
11 to discount the restaurant, if you're increasing
12 the amount of rental units to 55 --

13 MS. RIVERA PITTORINO: It's actually 50.
14 Four of them are staff, and we have four spaces
15 now.

16 MS. BERRY: They're not counting it, so
17 that's no longer part of our argument.

18 Okay. So if we're saying 21, there's a
19 need for the existing facility for 54 parking
20 spaces, and if you subtract 31, that increased
21 it. So there's a difference of 23 parking
22 spaces. Between the parking need calculated by
23 the code and the existing permitted use, 23.

24 CHAIRMAN SALADINO: Could -- again, we're
25 at a disadvantage, because the Building

1 Department is not here to answer --

2 MS. BERRY: The calculations are on the
3 front --

4 CHAIRMAN SALADINO: No. What -- okay.

5 MS. BERRY: You know.

6 CHAIRMAN SALADINO: What I'm going to ask
7 you is, is could the Building Department's number
8 of 27 take into consideration the loss of space
9 of the two deficient spaces and the space in the
10 back, and the loading, if the loading zone --

11 MS. BERRY: The loading doesn't count in
12 this count.

13 CHAIRMAN SALADINO: If the loading zone has
14 to be relocated to the interior of the parking
15 space, the parking lot?

16 MS. BERRY: No. This request is just for
17 the number of spaces, assuming 9 feet, and
18 assuming we're not going to take anymore away
19 from the latest plan, so that request of 27.

20 But what I'm trying to say is the existing
21 situation has a lack of 23 parking spaces, so the
22 difference is only four. So everybody's throwing
23 out 27 parking spaces, and it sounds like a huge
24 number, but they've been operating with a
25 differential of 23, a lack of 23 parking places

1 for 10 years.

2 CHAIRMAN SALADINO: But they didn't have
3 the additional 20 rental units.

4 MS. BERRY: Pardon?

5 CHAIRMAN SALADINO: But they're not going
6 to have the additional 20 rental units.

7 MS. BERRY: No, but they're also not having
8 the restaurant that had 15 parking spaces.

9 CHAIRMAN SALADINO: Well, I have a question
10 about -- can we talk about the restaurant for a
11 second?

12 MS. BERRY: Sure.

13 CHAIRMAN SALADINO: I have a question about
14 the restaurant. Normally, applicants come in
15 front of us and they had -- they reduce the
16 amount of seating in a restaurant, because --
17 because more seating, more parking. Again,
18 looking at the Building Department file for the
19 Greenporter Hotel, there is -- there's no --
20 there's no Certificate of Occupancy that -- or
21 site plan that mentions the amount of seats in
22 the restaurant. The site plan from to 2001 --

23 MS. BERRY: Right.

24 CHAIRMAN SALADINO: -- and the temporary
25 Certificate of Occupancy from 2001, which there

1 is no current, unless somebody has it, there is
2 no current Certificate of Occupancy. Does it --
3 it says -- we have a memo from the Building
4 Inspector that says a cafe and kitchen, but
5 there's no mention of seating.

6 MS. BERRY: I --

7 CHAIRMAN SALADINO: So we had asked, we had
8 asked the Building Department, I had asked the
9 Building Department --

10 MS. BERRY: Right.

11 CHAIRMAN SALADINO: -- if there was a
12 Certificate of Occupancy allowing the restaurant,
13 and they don't seem to have it in their file.
14 Perhaps the -- perhaps --

15 MS. BERRY: I wasn't expecting this, so I
16 have to look.

17 CHAIRMAN SALADINO: Well, again --

18 MS. BERRY: So I have to go back through my
19 records. But I either counted off a plan or
20 something. The number's based on a real thing,
21 but I -- you know, we started this in February,
22 so I can't remember exactly what --

23 CHAIRMAN SALADINO: Not here.

24 MS. BERRY: Exactly what --

25 CHAIRMAN SALADINO: Not here.

1 MS. BERRY: Not here.

2 CHAIRMAN SALADINO: Oh, okay.

3 MS. BERRY: But I have to go back when we
4 calculated the parking need. You know, so I have
5 to go back and see what --

6 CHAIRMAN SALADINO: But you have to
7 remember, we're catching from up from February,
8 too.

9 MS. BERRY: Right, right.

10 CHAIRMAN SALADINO: So, you know, these
11 questions are going to come up. As we get
12 information, we have questions, also.

13 MS. BERRY: But even if they increase the
14 number of seats --

15 CHAIRMAN SALADINO: No, no. What I'm
16 saying is, normally, applicants, new applications
17 or applicants, they reduce the number of seats.

18 MS. BERRY: I was just counting what was
19 either there or in a plan. I don't remember
20 whether I went there and counted it, or whether I
21 looked at a plan that was on file somewhere and
22 counted the seats. It includes the -- that,
23 which is what they're supposed to do. You know,
24 it's not just the inside. So it's either based
25 on actual seats, or it's based on a plan that I

1 saw of seating for the area, so --

2 CHAIRMAN SALADINO: Well, what I had asked
3 the Building Department was, was the -- to go by
4 square footage, and I believe they calculate the
5 amount of seats allowed in a restaurant by square
6 footage.

7 MS. BERRY: Well, it's -- the last time --

8 CHAIRMAN SALADINO: And I haven't got --
9 and I haven't got --

10 MS. BERRY: There's also a bar, which we
11 count differently, so, you know --

12 CHAIRMAN SALADINO: Well, I haven't gotten
13 that information, so --

14 MS. BERRY: But, you know.

15 CHAIRMAN SALADINO: But it all falls back
16 on the amount of parking spaces that are allowed
17 that were given up, that we don't need anymore,
18 that shouldn't be counted. These are all
19 questions that -- I'm sorry, Dinni, go ahead.

20 MEMBER GORDON: Oh, no, I want to follow up.

21 CHAIRMAN SALADINO: These are all questions
22 that --

23 MS. BERRY: But I think the point here is
24 that the use had a need based on your code of 23
25 more parking spaces than what is provided, and

1 now we're asking for 27, so we're only asking for
2 four more. So the thing is everybody's making
3 them go back to scratch and I don't think that is
4 right, you know.

5 CHAIRMAN SALADINO: We're here -- we read
6 this stuff, we read these things as you do.

7 MS. BERRY: Right.

8 CHAIRMAN SALADINO: You know, and it's not
9 this Board --

10 MS. BERRY: Right.

11 CHAIRMAN SALADINO: -- that's coming up
12 with these figures, it's the Village. And,
13 again, we're at a bit of a disadvantage,
14 because -- because the Building Department -- the
15 Clerk of the Board is here, but she doesn't have
16 that information. The Head of the Building
17 Department is not here this evening to respond to
18 this, so we're -- like you --

19 MS. BERRY: Right.

20 CHAIRMAN SALADINO: -- we're at a
21 disadvantage. But 23, or 27 as opposed to 23 --

22 MS. BERRY: It's only a difference of four.

23 CHAIRMAN SALADINO: But it's still a lot of
24 parking spaces. You know, we could say, well,
25 it's not -- it's only 23, it's not 27, but it's

1 still --

2 MS. BERRY: But it's only a difference of
3 four.

4 CHAIRMAN SALADINO: Dinni wants to talk.

5 MEMBER GORDON: I've been trying --

6 CHAIRMAN SALADINO: I'm going to stop,
7 because Dinni wants to talk.

8 MS. BERRY: Yeah.

9 MEMBER GORDON: -- trying to break in
10 here --

11 CHAIRMAN SALADINO: I'm sorry.

12 MEMBER GORDON: -- to ask a questions.

13 MS. BERRY: Sure.

14 MEMBER GORDON: It seems to me there's a
15 sort of different perspective, and maybe it's too
16 large, rather than being focused on the technical
17 details. But it seems to me that what you're
18 asking, and you can correct me if I'm wrong, what
19 you're suggesting is that in the past, we won't
20 call it a variance, because it wasn't a variance,
21 we'll call it a buy.

22 MS. BERRY: Right.

23 MEMBER GORDON: The earlier plan got a sort
24 of buy of 23 spaces than what the code
25 technically requires.

1 MS. BERRY: Right.

2 MEMBER GORDON: Last month you called it a
3 demand, the code --

4 MS. BERRY: Yeah, that's a -- yeah.

5 MEMBER GORDON: I understand.

6 MS. BERRY: It's a technical term.

7 MEMBER GORDON: Yeah. I mean, it was sort
8 of a mistake, because a lot of people --

9 MS. BERRY: Didn't understand.

10 MEMBER GORDON: -- including me, didn't
11 understand.

12 MS. BERRY: Right.

13 MEMBER GORDON: But the idea was that the
14 code, if interpreted literally, would have
15 required 23 more spaces than were provided in
16 that earlier plan.

17 MS. BERRY: Right.

18 MEMBER GORDON: And that -- so I see you as
19 arguing, okay, that happened in the past and
20 things turned out all right. The business
21 proceeded with that buy of that number of spaces,
22 and there were not complaints from the neighbors,
23 or crowds blocking the access. So everything
24 went okay with that buy. Now you're asking for
25 another buy, in this case in the form of a

1 variance, that responds to modern conditions that
2 didn't exist in the earlier design. They
3 didn't -- we didn't have so many people coming by
4 foot with their little -- dragging their
5 suitcases, which I have seen people do --

6 MS. BERRY: Right.

7 MEMBER GORDON: -- on their way to the
8 Greenporter. And it's just a different era with
9 different conditions, no restaurant, or at least
10 a restaurant that has minimal use. So you're
11 suggesting that factoring in these differences of
12 almost a 20-year period, we should be thinking of
13 this increase in deficiency, if you want to put
14 it that way, as only four spaces.

15 MS. BERRY: Uh-huh.

16 MEMBER GORDON: That's your position,
17 right?

18 MS. BERRY: Yeah. And that's not even
19 considering that more people are not coming by
20 cars, because --

21 MEMBER GORDON: Well, but it is in a sense,
22 because it's taking into consideration the larger
23 atmosphere of changes in how people travel, and
24 what they want to do in this particular space.
25 They don't want to eat anymore.

1 MS. BERRY: Right.

2 MEMBER GORDON: They want to go to Noah's
3 or something.

4 MS. BERRY: Right.

5 MEMBER GORDON: So I think it is taking
6 those things into consideration in a larger
7 sense. And you're essentially saying, "It won't
8 be so different now" --

9 MS. BERRY: Right

10 MEMBER GORDON: -- "because our conditions
11 are different," and, in fact, there's less demand
12 in the normal sense, not in the code sense, for
13 these things. And that seems to me a reasonable
14 argument. We could decide that it's not valid,
15 we could decide that we don't agree with it, but
16 it is, it seems to me, a reasonable argument
17 and --

18 MS. BERRY: And on top of it, with her
19 getting rid of the rental, most of the people
20 work outside the hotel that were using it, so
21 you're gaining all those spots, too, so.

22 CHAIRMAN SALADINO: I'm sorry?

23 MEMBER GORDON: I didn't --

24 CHAIRMAN SALADINO: Explain that.

25 MEMBER GORDON: I didn't understand that

1 either.

2 MS. BERRY: The rental.

3 MS. RIVERA PITTORINO: The car rental.

4 MS. BERRY: The car rental.

5 MEMBER GORDON: Oh. Oh, okay.

6 MEMBER GORDON: And even though it was only
7 two spots, sometimes they had more cars there
8 that were part of the rental, and so those are
9 going, and those served mostly people that
10 weren't staying at the hotel. So that's another
11 thing that's going to help this as well.

12 CHAIRMAN SALADINO: Well, that's certainly
13 going to be part of the discussion. I mean, that
14 certainly would be --

15 MEMBER GORDON: I have one other question.
16 About the loading, you said it isn't -- it isn't
17 much used. Is that really true? And why isn't
18 that true? I would think you would need -- you
19 would have a lot of loading

20 MS. RIVERA PITTORINO: Sure. No, I can --
21 so I can respond to that. So anybody who lives
22 in the area knows that we don't have a lot of
23 loading. We don't use a lot of -- part of our
24 green program, we don't have -- we don't use a
25 lot of packaged goods. So the breakfast that's

1 served to the guests at the hotel we make
2 ourselves, so those aren't packages that come in.
3 These are things that are made from scratch in
4 our kitchen.

5 Also, we even make -- we make our own
6 cleaning solution for the room. We use essential
7 oils, so we don't use bleach, or Windex, or
8 things with --

9 MEMBER GORDON: So, essentially, you're
10 saying you don't really have many deliveries
11 as --

12 MS. RIVERA PITTORINO: We don't have many
13 deliveries, and some of it -- I would invite
14 anybody to sit in front of the Greenporter day
15 after day and see that we don't have a lot of
16 deliveries.

17 MEMBER GORDON: I just wanted to
18 understand.

19 MS. RIVERA PITTORINO: We create a lot of
20 our own things and it's -- you know, it's not --
21 it's not so -- the things that we're using are
22 just not large, so we --

23 MEMBER GORDON: Okay.

24 MS. RIVERA PITTORINO: -- pick them up
25 ourselves.

1 MEMBER GORDON: Thank you.

2 CHAIRMAN SALADINO: Just as a -- as an
3 observation, when this Board issues a variance,
4 it runs with the land. So today, tomorrow, there
5 are no deliveries at the -- at the hotel. To
6 have a loading zone in a front yard, we see on
7 First Street, we see on First Street across from
8 Colonial, we see on First Street and South Street
9 when there are deliveries, or we see at Texaco
10 Alley when a truck has to back down and block
11 Front Street. So not saying that the Greenporter
12 today there would be a problem with having a
13 loading zone in the front yard. For this Board
14 to issue a variance, we have to think of the
15 second sentence, we have to think of what happens
16 when perhaps 10 years, 12 years, 15 years down
17 the road, because variances run with the land,
18 that a different corporation, or owner changes
19 the dynamic of the hotel and they need
20 deliveries, maybe not daily, but weekly, or twice
21 weekly. And now you have trucks backing in from
22 Front Street to a loading zone in the front yard
23 at the Greenporter. I'm not saying -- I'm not
24 saying that it's going to happen with you there,
25 I'm not saying that -- but it's something that

1 this Board has to think about.

2 MS. RIVERA PITTORINO: Sure.

3 CHAIRMAN SALADINO: Only because --

4 MS. RIVERA PITTORINO: But what would
5 change in a hotel?

6 CHAIRMAN SALADINO: Only because the
7 variance runs with the land.

8 MS. RIVERA PITTORINO: Sure.

9 CHAIRMAN SALADINO: So what happens with
10 that variance today is carved in stone forever.

11 MS. RIVERA PITTORINO: No, I understand.
12 But in a hotel, you're not going to have --
13 whether it's me or another operator, you know,
14 the cases of soap, you know, there's a box like
15 this big (indicating). You know, we have them
16 delivered, I don't know, once a month.

17 CHAIRMAN SALADINO: We have no idea.

18 MS. RIVERA PITTORINO: It's not like one
19 hotel is going to use a lot more stuff than
20 another hotel, even if -- even if I weren't --
21 you know, some day I will cease to exist and the
22 Greenporter will have a different owner, and
23 they're not going to need anymore soap or anymore
24 towels delivered anymore often than they are.

25 CHAIRMAN SALADINO: Well, there's -- but

1 it's just stuff we have to think about.

2 MS. BERRY: Can I add two things?

3 CHAIRMAN SALADINO: Sure.

4 MS. BERRY: She has the advantage of having
5 the entrance and the exit, so anybody delivering
6 is not on the street, and they don't have to back
7 up, they just drive through. So, you know, I
8 don't think --

9 CHAIRMAN SALADINO: Assuming there's no
10 valet parking and stacking up in the back.

11 MS. BERRY: Assuming there's --

12 MS. RIVERA PITTORINO: How often do we have
13 valet parking? Three times a year, maybe.

14 MS. BERRY: And she's not going to block
15 the exit anymore, so. And the other thing is,
16 if the variance -- this is what she already has
17 and which has been accepted for 10 years.

18 MS. RIVERA PITTORINO: For 20 years.

19 MS. BERRY: Twenty years.

20 MS. RIVERA PITTORINO: Yeah.

21 MS. BERRY: So it's like if the variance
22 goes with the land and changes --

23 CHAIRMAN SALADINO: But she never got a
24 variance for that.

25 MS. BERRY: But it was a permitted plan, it

1 was approved.

2 MS. RIVERA PITTORINO: It was an approved
3 plan.

4 MS. BERRY: It's an approved plan with
5 the --

6 MS. RIVERA PITTORINO: We never had a
7 problem with loading.

8 CHAIRMAN SALADINO: The problem that a
9 Board like this in 2019 is presented with, what
10 happened 20 years ago, and we hear it from
11 applicants all the time, just play it forward --
12 just pay it forward, just pay it forward.
13 Somebody made a mistake or overlooked something
14 20 years ago, I'm just -- I just can't get my
15 head around saying, like, "Okay, we just go with
16 it," when it's -- when it's not right. I
17 apologize for thinking like that, but that's how
18 my mind works.

19 MS. BERRY: So there's no recognition of
20 her current use. And this is what really bothers
21 me for this application, because --

22 CHAIRMAN SALADINO: But isn't that a
23 Planning Board issue? I mean, Zoning Board deals
24 with land use.

25 MS. BERRY: Right.

1 CHAIRMAN SALADINO: Isn't that a Planning
2 Board issue, really?

3 MS. BERRY: Yeah, yeah.

4 CHAIRMAN SALADINO: Okay. So for us --

5 MS. BERRY: But it appears in the code.

6 CHAIRMAN SALADINO: For us to raise these
7 questions --

8 MS. BERRY: But it appears in the code, not
9 in the front yard. So it does need a variance if
10 you're going to -- yeah.

11 CHAIRMAN SALADINO: Exactly. But you're
12 asking -- you're asking us to take into
13 consideration something that's been done for the
14 last 19 years. And, you know, we go to training
15 seminars and we hear all the time, you know,
16 something's grandfathered only if it's legal.
17 Something can't be grandfathered if it wasn't
18 legal to begin with. So the fact that it was
19 there and overlooked or not taken into
20 consideration -- everybody makes mistakes, this
21 Board makes them all the time. Everybody makes
22 mistakes.

23 MEMBER GORDON: All the time?

24 (Laughter)

25 CHAIRMAN SALADINO: So if somebody in 2001

1 overlooked something, I don't think it behooves
2 this Board to overlook it also, or not take it
3 into consideration, but that will be part of our
4 discussion. That will --

5 MS. BERRY: Yeah. And just for rationale,
6 her staircases are at the front of the building,
7 so that's where it makes the -- for delivery,
8 like she's got a storage on one side and not the
9 other. She has her own laundry, so there's not
10 that going. So if you could also consider --

11 CHAIRMAN SALADINO: Well, I'm not saying
12 the variance request is unreasonable.

13 MS. BERRY: Right.

14 CHAIRMAN SALADINO: I'm just saying it's
15 needed.

16 MS. BERRY: Okay.

17 CHAIRMAN SALADINO: I don't think it's
18 unreasonable.

19 MS. RIVERA PITTORINO: Also, the elevators,
20 the elevator's in the front and --

21 MS. BERRY: Right.

22 MS. RIVERA PITTORINO: -- the housekeepers
23 are really the ones that accept really soaps and
24 things like that. That's really the only thing
25 we have delivered.

1 CHAIRMAN SALADINO: Again, I don't think
2 it's a big ask.

3 MS. RIVERA PITTORINO: Yeah, they need it,
4 yeah.

5 CHAIRMAN SALADINO: I'm just saying it
6 should be considered.

7 MS. BERRY: So just in terms of function,
8 it makes more sense for the design.

9 CHAIRMAN SALADINO: That's a great
10 argument.

11 MS. BERRY: Okay. And then I just wanted
12 to talk -- I'm sorry for talking so long, but the
13 other is about the height. I'd actually like to
14 increase the variance to four feet for the vent
15 pipe. I was looking at different vent pipes, and
16 I'm hoping we can get one that meets the 2 foot,
17 but some were higher. So if for just the vent
18 you would allow up to 4 feet, just in case. We
19 haven't designed it. We're not the mechanical
20 people, so --

21 CHAIRMAN SALADINO: Isn't that something
22 you're going to have to work out with the
23 Building Department as far as --

24 MS. BERRY: But the thing is, to me, those
25 aren't part of the roof structure, but you're

1 interpreting them as roof. So that's my --
2 always been my issue with the height, because I
3 think we comply with it.

4 CHAIRMAN SALADINO: A vent you don't
5 consider part of the height of the roof?

6 MS. BERRY: No, that's --

7 MR. CONNOLLY: But a chimney, really,
8 right? I mean --

9 MS. BERRY: Right.

10 MR. CONNOLLY: -- it's like a chimney, so
11 it wouldn't -- it would be exempt from it.

12 MS. BERRY: Yeah, right. If you look at
13 both the building code and your own code that
14 allows for antennas and things. But, so
15 technically, I still don't believe it's -- your
16 code says to the top of the roof, you know, and I
17 don't call that the roof. But since you are
18 interpreting it as a roof, I'm asking that the
19 variance could be for up to 4 feet just for the
20 vents.

21 CHAIRMAN SALADINO: Wait, we didn't make
22 that interpretation. You declined to have an
23 interpretation. That's the Building Department's
24 opinion.

25 MS. BERRY: Right.

1 CHAIRMAN SALADINO: And we're reading from
2 the Notice of Disapproval.

3 MS. BERRY: Right.

4 CHAIRMAN SALADINO: If you had asked for an
5 interpretation at the start of this --

6 MS. BERRY: I would have loved to have
7 asked for an interpretation, but I'm not the
8 applicant, so it's --

9 CHAIRMAN SALADINO: Well, as long as we're
10 all on the same page. You know, it's not -- it's
11 not our interpretation about --

12 MS. BERRY: Right, okay, I understand.
13 Okay. So we do ask that you consider 4 feet just
14 for the vent, and 2 feet just for the railings.
15 And we no longer need it for the solar panels,
16 because we're going to be less than a foot high
17 for the solar panels.

18 MEMBER CORWIN: What kind of vents are you
19 talking about?

20 MS. BERRY: Just a kitchen one. We looked
21 at them, and we think there are small ones, but
22 we notice some had a taller stack. So that's not
23 our expertise, so we'll be hiring a mechanical
24 engineer to work with us on a frontal design once
25 we get our approvals of the schematic. So we

1 want to make sure that we can accommodate
2 whatever needs to -- we want the most modest one
3 to go in, but, you know, I need a mechanical
4 engineer to tell me which one he thinks is --

5 MEMBER CORWIN: So that is a kitchen smoke
6 vent in the front?

7 MS. BERRY: Yes.

8 MEMBER CORWIN: Thank you.

9 MR. ARIIZUMI: Hideaki Ariizumi, Architect.
10 Just to make a real clear clarification, in
11 the denial, I don't think it is talking about a
12 vent, right? They are talking about rain and
13 floor above.

14 MS. BERRY: I know. That was raised.

15 CHAIRMAN SALADINO: No, it came up last
16 month.

17 MS. BERRY: It came up last month.

18 CHAIRMAN SALADINO: It came up last month.

19 MR. ARIIZUMI: Drop vent?

20 CHAIRMAN SALADINO: I'm sorry?

21 MR. ARIIZUMI: Drop vent is the only --

22 MS. BERRY: I added it. I added it,
23 because I wanted it to be clear.

24 MR. ARIIZUMI: Well, you aren't, you're
25 not, but not in the denial.

1 MS. BERRY: But it's not in the denial, but
2 I wrote it.

3 MR. ARIIZUMI: So it needs, it need to
4 formalize it. We don't -- we don't need to talk
5 about the vent.

6 MS. BERRY: Well, I just don't want it to
7 be --

8 CHAIRMAN SALADINO: We do need to talk
9 about it --

10 MS. BERRY: Yeah.

11 CHAIRMAN SALADINO: -- because when we
12 looked at the site plan, we asked the question,
13 "What about the exhaust vents?" And the response
14 from your wife was, from Glynis was, was that,
15 "We didn't think about them." So the Building
16 Department was here last month. We left it up to
17 them to discuss it with Glynis and --

18 MS. BERRY: And I wrote a letter that asked
19 for that to be considered.

20 CHAIRMAN SALADINO: We have that, yeah. So
21 I'm not quite sure what --

22 MR. ARIIZUMI: Well, my point is this is
23 the Zoning Board of Appeals, and the denial
24 doesn't say anything about the vent. So why are
25 we talking about it?

1 MS. BERRY: Because I want it -- I don't
2 want to come back if the vent is one foot higher
3 than the two-foot variance.

4 MR. ARIIZUMI: Well, however, the vent is
5 there. The Building Department didn't consider
6 vent on the roof, I guess. Therefore, they
7 didn't talk about it.

8 MS. BERRY: Okay.

9 CHAIRMAN SALADINO: But that's our -- but
10 that's our point, again.

11 MR. ARIIZUMI: I know, it's assumption.

12 CHAIRMAN SALADINO: No, no. Our point is
13 we're not pointing fingers at anybody. This
14 Board, the Building Department, your application,
15 everybody makes a mistake now and then. So if
16 the vent was -- would be higher than the two-foot
17 variance that you're asking for, instead of last
18 month, instead of holding up the project, or an
19 outright denial of that because it wasn't on
20 the -- on the public notice, or the Notice of
21 Disapproval, and carrying this forward, we made a
22 request to Glynis for her to come up with some
23 numbers about a vent, discuss it with the
24 Building Department. This way it wouldn't --

25 MS. BERRY: Right.

1 CHAIRMAN SALADINO: I thought we were kind
2 of accommodating her.

3 MS. BERRY: Yeah.

4 CHAIRMAN SALADINO: If you feel otherwise,
5 then --

6 MS. BERRY: I'd rather have it recognized
7 and be part of the record.

8 CHAIRMAN SALADINO: Well, actually, we're
9 responding to that also.

10 MS. BERRY: Right, right.

11 CHAIRMAN SALADINO: Your email to us was
12 let us know --

13 MS. BERRY: Right.

14 CHAIRMAN SALADINO: -- so we can respond
15 to it.

16 MS. BERRY: Right

17 CHAIRMAN SALADINO: And I kind of thought
18 that's what we were doing.

19 MS. BERRY: Right.

20 MR. ARIIZUMI: Okay.

21 (Laughter)

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

24 (No Response)

25 CHAIRMAN SALADINO: Okay. We have two

1 members that are missing. So, again, I believe
2 this is an important project. I think those
3 members should be up to speed and have input. I
4 would rather not close the public hearing
5 tonight. I would -- I would -- there are some
6 additional variance requests here -- keep it
7 open.

8 Also, I think it would be appropriate to
9 have some input from the Planning Board as far as
10 the bulk and height and design of the building.
11 I would like to ask them for their opinion about
12 it as it relates to health, welfare and safety of
13 the Village. We did it with the other hotel. We
14 didn't -- they chose not to respond, so it wasn't
15 a big issue.

16 MS. BERRY: Okay.

17 CHAIRMAN SALADINO: Before, before we --

18 MS. BERRY: Okay. Two things. We did go
19 to them and we incorporated their comments that
20 we have recent -- I mean, when we originally
21 applied to the Planning, and there were a number
22 of meetings with discussions, and we tried to
23 adapt to any comments that we got from them.

24 CHAIRMAN SALADINO: We have no comments
25 from the Planning Board.

1 MS. BERRY: No, I -- not in response to
2 you.

3 CHAIRMAN SALADINO: Oh.

4 MS. BERRY: But when we went to the Board,
5 you know, like we adjusted some of the decks in
6 response to what they said. I -- we're not going
7 to be here next month, because we're going to be
8 in Greenbuild, so that's -- if you're going to
9 have more questions or keep it open, that's an
10 issue, but -- so I was hoping you'd ask all the
11 questions, or whatever.

12 CHAIRMAN SALADINO: I'm not prepared to --
13 well, there's three of us here. I'm not prepared
14 to close this public hearing tonight.

15 MS. BERRY: When?

16 CHAIRMAN SALADINO: I'm not prepared to
17 close this public hearing tonight. There's three
18 of us here. We'll make a motion, but I'm going
19 to be upfront with you, I'm going to -- to be
20 honest with you, I'm going to vote no to keep --
21 I want to keep it open for at least another
22 month.

23 MS. RIVERA PITTORINO: Then we're into the
24 holidays, then.

25 CHAIRMAN SALADINO: I apologize.

1 MS. RIVERA PITTORINO: So she's not here in
2 November and I'm not here for the date in
3 December, and I'm not -- and --

4 CHAIRMAN SALADINO: The other thing I would
5 like to ask you about the Planning Board is did
6 you approach the Planning Board about payment in
7 lieu of parking? Was that --

8 MS. BERRY: No, it never came up.

9 CHAIRMAN SALADINO: Do you think -- do you
10 think -- some of us have -- some of -- I could
11 speak for myself. I have an idea of what the
12 Zoning Board does, moderately tailored relief.
13 And if just as -- just as -- without applying it
14 to any particular application or to ask for --
15 if, in fact, 27 is the number, as opposed to 24,
16 we'll square that all away, whether it's 27 or
17 24. To ask for 27, in some people's minds, might
18 not be moderately tailored relief, but seven is.
19 So it would be helpful for me to know if the
20 applicant and the Planning Board can reach an
21 accomodation about payment in lieu of parking.

22 MS. BERRY: I think that's totally
23 inappropriate, quite frankly, because, one, I
24 don't even think the request should apply to this
25 project, because it was -- I'm reading your own

1 code, you know.

2 CHAIRMAN SALADINO: Yeah, but then you
3 should have asked for an interpretation.

4 MS. BERRY: Okay.

5 CHAIRMAN SALADINO: The fact that you
6 didn't get an interpretation -- again, we're
7 going back to it, the fact that you didn't get an
8 interpretation. And I say this not to be
9 inappropriate, or not to say like, well, our
10 judgment will be tainted, because we'll say no,
11 of course, because they're going to buy the
12 spaces. That's not why I say it. I say it
13 because if we use the last hotel as a learning
14 experience, they went to the Planning Board.
15 They came to the Zoning Board. We suggested that
16 they go to the Planning Board, and they did, and
17 the Planning Board rejected their request.

18 The Zoning Board, the plurality of the
19 Zoning Board, the vote was three-two. The three
20 members that voted yes to give the 20-space
21 variance, their concern was, if I understand it
22 correctly, their concern was that we didn't want
23 to lose the project. So they offered -- they
24 issued the variance, they gave them a 20-space
25 variance. It was a -- it was a tool that the

1 Zoning Board used to come to a conclusion to a
2 project -- to a variance request. If I'm
3 being inappropriate? I'm not sure if -- I'll ask
4 the Attorney, do you think this is an
5 inappropriate request?

6 MR. CONNOLLY: Well, you can ask the
7 Planning Board if -- like Glynis said, the -- she
8 believes that the Planning Board's comments were
9 incorporated into this application. So you can
10 ask the Planning Board if they agree that what
11 has been, you know, submitted to this Board meets
12 what the Planning Board asked them to incorporate
13 to -- and that said, the parking -- the code says
14 that the payment in lieu is up to the Planning
15 Board, so, you know, that's for them to decide.

16 CHAIRMAN SALADINO: Not that they would
17 decide to give you an -- that if they would be
18 receptive to that concept.

19 MS. RIVERA PITTORINO: Sorry, but I'm not
20 receptive to that concept.

21 CHAIRMAN SALADINO: Okay.

22 MS. RIVERA PITTORINO: I would be held to
23 something --

24 CHAIRMAN SALADINO: Okay, that's enough.
25 That's --

1 MS. RIVERA PITTORINO: -- that no one else
2 has been held to. A, I don't need the parking,
3 and B, I think that would take parking away from
4 local people if all of a sudden we had people, my
5 guests -- because if I'm paying for the spaces,
6 and I'd say, "Okay, we're going to take all the
7 spaces that we paid for," and I'm going to be taking
8 spaces from my neighbors. Isn't that how it
9 works?

10 MEMBER CORWIN: I don't think so.

11 MS. RIVERA PITTORINO: How does it work?
12 If I pay, if I pay for parking, that means that I
13 have the right to occupy parking on the street.

14 CHAIRMAN SALADINO: No.

15 MS. RIVERA PITTORINO: No?

16 MEMBER CORWIN: No.

17 CHAIRMAN SALADINO: What it is, is you --
18 because a lot of the properties need additional
19 parking that they can't provide, the code
20 provides for payment in lieu of that. And that
21 money is, again, in theory, is -- and we'd all
22 love to live in theory because everything works
23 there, that that money is supposed to go into a
24 dedicated fund for the Village to use to increase
25 parking throughout the Village. That's how those

1 parking --

2 MS. RIVERA PITTORINO: I would love to know
3 the details about that fund and see how it's
4 being used.

5 MEMBER CORWIN: Let me fill you in a little
6 bit on that. That came from the Planning Board
7 30, 35 years ago.

8 MS. RIVERA PITTORINO: Uh-huh.

9 MEMBER CORWIN: That figure, I think, it's
10 \$2500. At that point in time, you could probably
11 buy property and make a parking place for \$2500.
12 Today, according to Mr. Panessi (phonetic), you
13 can pave a parking place for \$2500. So something
14 came about to try to accommodate some of these
15 parking problems 35 years ago as really a
16 holdover, it's a gift, it's a gift.

17 CHAIRMAN SALADINO: Having said that, the
18 parking lots on Adams Street -- it's supposed to
19 be a dedicated fund. There's no doubt in my mind
20 that the Village has the money someplace, whoever
21 paid into it. They used the money to build those
22 two parking lots on Adams Street, I believe; is
23 that right, David?

24 MEMBER CORWIN: I don't think so. There
25 was very rarely any money that went into it over

1 the last 23 years. There were a couple of
2 places, I believe, that bought into it. And I
3 believe there is a checking account or a savings
4 account someplace with a few thousand dollars
5 representing it in it.

6 CHAIRMAN SALADINO: So that's the concept
7 of payment in lieu of parking. It's supposed to
8 go into a dedicated fund. When that fund builds
9 up, the Village would use it wisely to provide
10 parking. Whether -- whether it's to build a
11 parking lot, for parking studies, I'm not really
12 sure. I'm not on the Village Board, I'm not
13 really sure. So that's the theory behind it.

14 But it -- if you think about it, if you
15 think about it, it's a way for someone that needs
16 parking, that can't provide it, gets it, and it
17 takes it out of the zoning process, the appeals
18 process. It becomes a Planning Board decision
19 that -- or you can go through the -- before
20 Glynis corrects me, you can go through the -- you
21 can go through the appeals process and cast your
22 faith to the wind to see, you know, how a Zoning
23 Board decides, any Zoning, any Zoning Board on
24 Long Island decides.

25 MS. BERRY: But what you're basically doing

1 is you're taking away the parking rights she has.

2 MEMBER CORWIN: Well, I don't agree with
3 you.

4 CHAIRMAN SALADINO: What we're doing, what
5 we're doing is giving the applicant an
6 alternative, is what we're doing, that's what
7 we're doing.

8 MS. RIVERA PITTORINO: Well, we're asking
9 for the alternative from you to recognize the
10 parking spaces that we're entitled to, because
11 those three parcels should be treated as one,
12 according to your code.

13 CHAIRMAN SALADINO: That's water under the
14 bridge right now. That to me is water under the
15 bridge. We're ask -- we have a Notice of
16 Disapproval in front of us that you're deficient
17 27 parking spaces, that's what we're going to
18 have to decide.

19 MS. RIVERA PITTORINO: Well, you know, I'll
20 ask you the same question that I asked last
21 month, how do I get what everybody else got?

22 CHAIRMAN SALADINO: You stand in front of
23 the Zoning Board, you present a clear and concise
24 argument, you show a need, you show that your
25 need is greater than the detriment to the

1 Village, and most Zoning Boards will grant the
2 variance, that's how you do it.

3 MS. RIVERA PITTORINO: And I think I've --
4 I think I've done that.

5 CHAIRMAN SALADINO: That will be part of
6 our discussion.

7 MS. RIVERA PITTORINO: Okay.

8 CHAIRMAN SALADINO: I mean, I'm not sure
9 what you're suggesting. You know, to me, for you
10 to say, "Well, how do I get what that guy got,"
11 you know, to flip it --

12 MS. RIVERA PITTORINO: No, what everybody
13 got, what everybody got.

14 CHAIRMAN SALADINO: I'm not sure everybody.
15 Who are we talking about everybody?

16 MS. RIVERA PITTORINO: Oh, there's three
17 hotels downtown with a third floor and not enough
18 parking. We have --

19 CHAIRMAN SALADINO: One was there prior to
20 1971.

21 MS. RIVERA PITTORINO: We have -- well,
22 okay, so then there's another two. And then
23 there are tasting rooms, and they're -- like
24 there are tasting rooms downtown. You don't know
25 about the tasting rooms downtown?

1 CHAIRMAN SALADINO: I'm just trying to
2 figure out what buildings we're talking about
3 that were built after --

4 MS. RIVERA PITTORINO: That don't have
5 enough parking.

6 CHAIRMAN SALADINO: That were built after
7 1971, aside from the Harborfront Inn and the
8 Menhaden.

9 MS. RIVERA PITTORINO: What about the
10 brewery, the brewery and --

11 CHAIRMAN SALADINO: The brewery -- the
12 brewery? The brewery?

13 MS. RIVERA PITTORINO: Isn't that
14 commercial?

15 CHAIRMAN SALADINO: Are you suggesting that
16 the brewery was built after 1971? It was the
17 Firehouse.

18 MS. RIVERA PITTORINO: Oh, okay. Well,
19 what about the tasting -- these tasting rooms
20 downtown? Aren't there any tasting rooms
21 downtown, or am I crazy?

22 MS. BERRY: Yes, there was a house
23 conversion.

24 MR. CONNOLLY: That was a new structure.

25 MS. RIVERA PITTORINO: Well, I'm sorry?

1 CHAIRMAN SALADINO: Exactly. Any structure
2 that was -- that was there prior to 1971 was
3 there prior to code. Anything after that was by
4 variance. The only two with third floors that
5 I -- that would -- not to belabor this. The only
6 two that I can think of, and correct me if I'm
7 wrong, is the Harborfront Inn and The Menhaden.

8 MS. RIVERA PITTORINO: And the Gallery.

9 CHAIRMAN SALADINO: (Shook head no).

10 MS. RIVERA PITTORINO: The Gallery.

11 MS. BERRY: What's that?

12 CHAIRMAN SALADINO: The Gallery Hotel was
13 there prior to 1971.

14 MEMBER CORWIN: And they purchased some
15 parking, too.

16 CHAIRMAN SALADINO: And they did, and they
17 bought parking.

18 MEMBER CORWIN: They bought physical
19 parking from somebody.

20 MS. BERRY: I don't know if I should ask
21 this now or later.

22 CHAIRMAN SALADINO: Any time is good,
23 Glynis.

24 MS. BERRY: But you seem to act like she's
25 lost her rights from having a previously

1 developed parcel because we're asking for the
2 variance.

3 CHAIRMAN SALADINO: That's not our
4 contention, that's the Village's contention.
5 We're the arbitrators. You have a side, the
6 Village has a side, and we decide the outcome.

7 MS. BERRY: Because that -- the only reason
8 she agreed to go with a variance is -- was
9 because let's speed this process up, which it
10 obviously hasn't. So --

11 CHAIRMAN SALADINO: Glynis, in all fairness
12 to the -- in all fairness to any Zoning Board on
13 the planet --

14 MS. BERRY: Right.

15 CHAIRMAN SALADINO: -- and if you expected
16 a resolution to this problem, to this, to this
17 application in two months, even you have to admit
18 that's unreasonable. In other municipalities you
19 would be in front of the Zoning Board for years.

20 MS. BERRY: No, but I'm --

21 CHAIRMAN SALADINO: I mean, to expect us to
22 come to a decision in two months is really
23 unreasonable.

24 MS. BERRY: But I'm very concerned of the
25 fact that you're dismissing the fact that --

1 CHAIRMAN SALADINO: We're not dismissing
2 it. We listened to --

3 MS. BERRY: -- it was previously developed.

4 CHAIRMAN SALADINO: But we listened to your
5 side of the story, we listened to the Village's
6 side of the story.

7 MS. BERRY: Right.

8 CHAIRMAN SALADINO: When we close the
9 public hearing, we'll have a discussion --

10 MS. BERRY: Right.

11 CHAIRMAN SALADINO: -- and our decision
12 will be based on that discussion. We're the
13 arbitrators here, we're not -- we're not the
14 Village.

15 MS. BERRY: Okay. All right.

16 CHAIRMAN SALADINO: But, Glynis, in all
17 fairness, you understand that, you know that's
18 the way it works.

19 MS. BERRY: Okay.

20 MR. ARIIZUMI: Okay. I just want to add
21 just for your consideration for the loading
22 stuff. And it is right now there, and there
23 is -- in some sense, there's no back entry in the
24 building, except going around to get into the
25 foyer, which is almost impossible to have this

1 as. So the only way I can technically consider,
2 if you really need to move to a -- from -- away
3 from the front toward the -- the only way is to
4 locate just behind the existing side entry steps,
5 which takes like at least six or something
6 parking spots. So it's a give and take. And so
7 it's a serious problem for us to actually figure
8 there, that's already there, first floor. We are
9 not changing the first floor. So please consider
10 that.

11 CHAIRMAN SALADINO: Thank you. I'm going
12 to make a motion we keep this public hearing
13 open.

14 MEMBER GORDON: Second.

15 CHAIRMAN SALADINO: All in favor?

16 MEMBER CORWIN: Aye.

17 MEMBER GORDON: Aye.

18 CHAIRMAN SALADINO: I vote no.

19 We're going to continue next month. We're
20 going to ask the Building Department if the
21 Planning Board would provide --

22 MEMBER CORWIN: You've got to go over that
23 again.

24 MEMBER GORDON: Yes.

25 MEMBER CORWIN: You confused us.

1 MEMBER GORDON: Would you repeat that? I
2 have a feeling that I voted opposite to what I
3 meant. Would you please restate that?

4 CHAIRMAN SALADINO: Did I say open or
5 close? I'm sorry. Did I say --

6 MEMBER CORWIN: You said open and voted no.

7 CHAIRMAN SALADINO: Oh, I apologize. I
8 thought I said close.

9 MEMBER CORWIN: So let's have a do-over.

10 MEMBER GORDON: Okay, start over.

11 CHAIRMAN SALADINO: I'm going to start
12 over. We're going to -- we're going to amend
13 that. We're going to amend it.

14 MEMBER CORWIN: We're going to --

15 CHAIRMAN SALADINO: I'm going make a new --

16 MEMBER GORDON: We're just starting over.

17 CHAIRMAN SALADINO: We're going to start
18 over. I'm going to make a motion that we keep
19 the public hearing open, this public hearing
20 open. So moved.

21 MEMBER CORWIN: Second.

22 CHAIRMAN SALADINO: All in favor?

23 MEMBER CORWIN: Aye.

24 MEMBER GORDON: No.

25 CHAIRMAN SALADINO: I vote aye. So the

1 public hearing is open, is going to --

2 MEMBER GORDON: Do we have to -- don't --
3 doesn't it have to be unanimous, given that there
4 are only three of us?

5 CHAIRMAN SALADINO: No, it has to be --

6 MEMBER GORDON: It doesn't?

7 CHAIRMAN SALADINO: It has to be unanimous,
8 it has to be unanimous for the members present.

9 MR. CONNOLLY: No, it's -- there's only
10 three --

11 MEMBER GORDON: Right.

12 MR. CONNOLLY: -- three members, so it has
13 to be -- it has to be -- the totality of the
14 three members has to vote to keep it open, but
15 that doesn't mean it's closed either, so.

16 MEMBER CORWIN: There's no motion --

17 CHAIRMAN SALADINO: Well, let me --

18 MEMBER CORWIN: There's not motion to
19 close it.

20 CHAIRMAN SALADINO: Well, let me -- let
21 me propose -- let me --

22 MEMBER CORWIN: There aren't enough votes
23 here to close it, so it has to stay open.

24 CHAIRMAN SALADINO: I could propose -- I
25 could make the motion to close the public

1 hearing, and if there's not enough yes votes, we
2 can't close the public hearing.

3 MR. CONNOLLY: That's actually -- yeah,
4 right, correct.

5 CHAIRMAN SALADINO: All right. Then we'll
6 change the motion again. I'll make a motion to
7 close this public hearing. So moved.

8 MEMBER CORWIN: Second.

9 MEMBER GORDON: Discussion.

10 CHAIRMAN SALADINO: Sure.

11 MEMBER GORDON: I'm in favor of closing the
12 public hearing, because I think this project, as
13 we're dealing with it, could drag on for a very
14 long time, and that that's not fair to the
15 applicant. And, also, I think the other two
16 members can be fully informed by reading the
17 minutes, by looking at the TV. That's what we
18 have it for.

19 We have a pretty good idea of what this
20 project entails, and many of the variances
21 they're asking for are very small. Perhaps the
22 accumulation of them will seem to be too much,
23 but we're not talking about a huge departure from
24 what is requested, except with respect to this
25 one issue of parking, and I think our colleagues

1 can be fully informed about that by reading the
2 minutes and looking at the television.

3 CHAIRMAN SALADINO: Yeah, but I don't think
4 we should negate their right to ask questions
5 either with the public hearing open. Plus, we
6 got four additional variance requests this
7 evening that have to be addressed by the Building
8 Department. I don't -- I don't understand it.
9 The fact that -- the fact that somebody has to go
10 on vacation, or what time -- what month it is--

11 MEMBER GORDON: I'm not --

12 CHAIRMAN SALADINO: I don't think --

13 MEMBER GORDON: -- making my point because
14 people are going on vacation. I'm making the
15 point because I think we've had a lot of good
16 information, and it is -- it could be many, many
17 more months.

18 CHAIRMAN SALADINO: Or it could be one more
19 month.

20 MEMBER CORWIN: Why wouldn't it go ahead in
21 November? We don't have to have the Architect
22 here to go ahead.

23 MEMBER GORDON: That's true.

24 MS. RIVERA PITTORINO: But what new
25 questions would there be, then?

1 CHAIRMAN SALADINO: We don't know. We have
2 30 days to think about. We have four more
3 variance requests to consider. We have to get
4 the response from the Building Department.

5 MS. RIVERA PITTORINO: They're not huge, I
6 mean, it's a vent.

7 CHAIRMAN SALADINO: It's not about being
8 huge, it's about being different. It's about
9 being in addition to. It's not about how big or
10 how small, it's about you're asking for a
11 variance. The Building Department is the person
12 that has, or the people that have to respond to
13 it. We have to get their response to -- we
14 don't, we don't decide about Notice of
15 Disapproval, the Building Department does.
16 There's a process and we should follow it.

17 I don't understand. The way people get
18 lost is when they move off the path. The path is
19 there for a reason, and this way nobody gets
20 lost. The process is you asked for something,
21 they -- and I'm pointing over there, because
22 that's where the Building Department normally
23 sits. They respond to it, and we listen to both
24 sides and come to a decision. How fair would it
25 be to the Village if we just took these into

1 consideration without getting their opinion? I'm
2 not sure I understand.

3 MS. RIVERA PITTORINO: Well, they didn't
4 come.

5 CHAIRMAN SALADINO: Well, unfortunately --
6 and not to make excuses

7 MS. RIVERA PITTORINO: They might not come
8 next month either, you know.

9 MEMBER GORDON: I also think we got their
10 opinion in both the Notice of Disapproval and the
11 memo, the note from Paul Pallas. But your second
12 motion is to close the hearing, and if that
13 motion doesn't pass, then the hearing remains
14 open.

15 CHAIRMAN SALADINO: That's why I made it.
16 I'm of the opinion the hearing should stay open.
17 I made that motion, it was seconded, you asked
18 for a discussion. The motion on the table is to
19 close this public hearing.

20 MEMBER CORWIN: Well, the votes aren't
21 there, so let's just move along.

22 MEMBER GORDON: Yes, I think that's right.

23 MEMBER CORWIN: I'd like to try to
24 summarize the little bit that I understand
25 about --

1 CHAIRMAN SALADINO: David, before you --
2 before you do that, just let me make this request
3 to the Clerk. Can we ask the Planning Board
4 their opinion about -- about -- so they can
5 convey it to us?

6 MS. LINGG: (Nodded yes)

7 CHAIRMAN SALADINO: And so we don't have to
8 get the Architect's opinion about what they said?

9 MS. LINGG: Yes.

10 CHAIRMAN SALADINO: And on the size, the
11 third floor and the parking, if they -- if they
12 choose to. We made this request to them about
13 the other hotel, they chose not to respond, so it
14 just --

15 MS. BERRY: When you're talking about size,
16 you mean height? I think it should be clear.

17 CHAIRMAN SALADINO: Their opinion, their
18 opinion about the height or the --

19 MS. BERRY: Okay. You should call it
20 height, not size, because the --

21 CHAIRMAN SALADINO: Well, the footprint is
22 the same, right? So --

23 MS. BERRY: Well, it's already connected,
24 it's connected.

25 CHAIRMAN SALADINO: Okay. About the height

1 of the building. Actually, I'll take any opinion
2 they have.

3 (Laughter)

4 CHAIRMAN SALADINO: I'll take any opinion
5 they have that they're willing to give the Zoning
6 Board about this project. Is that -- is that
7 fair to ask? Is that -- am I overstepping my
8 bounds by asking that?

9 MR. CONNOLLY: No. State Law allows that.

10 CHAIRMAN SALADINO: What?

11 MR. CONNOLLY: State Law allows the
12 Planning Board to ask -- I'm sorry -- the Zoning
13 Board to ask the Planning Board for their --

14 CHAIRMAN SALADINO: Okay.

15 MR. CONNOLLY: -- comments.

16 CHAIRMAN SALADINO: So we decided that the
17 Zoning -- the public hearing is going to stay
18 open. I made the request to the Clerk of the
19 Boards for the Planning Board. David just has
20 some comments he would like to make.

21 MEMBER CORWIN: Just two, so I can
22 understand if I'm off the track anyplace.

23 The applicant says she wants every -- what
24 everybody else got, and I could understand saying
25 that. I had asked the authorities to supply me

1 with rooms, parking spaces, tables for Galleria,
2 for American Beech, and for Menhaden. I guess
3 they're busy there, that was not -- I asked that
4 a month ago and it wasn't forthcoming.

5 We have a variance, a request for a
6 variance for 37 feet in height. That's, as I
7 understand it, 33 feet of building, 2 feet of
8 rails, and possibly solar panels, and possibly
9 2 feet or 4 feet total, 2 feet extra, for a vent
10 for the kitchen that would be on the south side
11 of the front of the building. Have I got that
12 much right?

13 CHAIRMAN SALADINO: Is it four additional
14 feet or 4 feet total?

15 MS. BERRY: Four feet total.

16 CHAIRMAN SALADINO: Okay.

17 MS. BERRY: Yeah, another 2 feet. So he --

18 CHAIRMAN SALADINO: So thirty --

19 MS. BERRY: Yeah. And --

20 CHAIRMAN SALADINO: Thirty-nine feet total.

21 MS. BERRY: Correct. And we're quite sure
22 we don't need it for the solar panels anymore,
23 because we have this low one.

24 MEMBER CORWIN: All right. Now,
25 Mr. Chairman you just said 39 feet. I have in my

1 mind a 33 feet -- foot building high --

2 MS. BERRY: Yep.

3 MEMBER CORWIN: -- and then 2 feet for
4 rails and possibly solar panels, and then 2 feet
5 additional, for a total of 4 feet, for a
6 possible -- some sort of vent --

7 MS. BERRY: Right.

8 MEMBER CORWIN: -- for the kitchen, which
9 will have to be there.

10 MS. BERRY: Right.

11 MEMBER CORWIN: You just don't know how
12 tall at this time.

13 MS. BERRY: Correct.

14 MEMBER CORWIN: I'll read the last -- the
15 worst to last question is the loading in front.
16 There's loading in front now. So you want a
17 variance to remove the loading from the front and
18 put it someplace else?

19 MS. BERRY: I'm sorry?

20 MEMBER CORWIN: You're --

21 CHAIRMAN SALADINO: No. The variance
22 request would be to keep it in front.

23 MS. BERRY: Right, in front.

24 MEMBER CORWIN: To keep -- I'm sorry, yes.
25 The request is to keep the loading in front?

1 MS. BERRY: Yes.

2 MEMBER CORWIN: And I don't see that as a
3 big stumbling block when I look at -- when you
4 said, "Give me what everybody else has," go down
5 to, what is it, First and South and see where
6 their loading space is, it's First Street, so
7 this has got to be better.

8 There's a question, the width of a space
9 for a car, and I've heard a little bit of
10 disagreement on that. Code says 10 feet.
11 There's 8.2 feet now, as there's really no
12 markings on there, but apparently that's the way
13 spaces were counted --

14 MS. BERRY: They put numbers.

15 MEMBER CORWIN: -- and they put plaques on
16 the wall.

17 MS. BERRY: Yeah, correct.

18 MEMBER CORWIN: And it came out as
19 8.2 feet, I guess, when we measured.

20 MS. BERRY: Right.

21 MEMBER CORWIN: And you're asking for
22 9 feet. I don't see a big problem with that. I
23 go along with that reasoning. Some cars are
24 smaller. Compact car spaces where there's two
25 air conditioning units, I don't see that as a big

1 stumbling block.

2 I do have to note at some point in time the
3 restaurant is going to open, as an aside.

4 MS. RIVERA PITTORINO: I didn't understand
5 that, I'm sorry.

6 MS. BERRY: That's fine.

7 MEMBER CORWIN: Well, that's my position.
8 Let me talk now, I'm not interested in debating.

9 MS. RIVERA PITTORINO: I'm sorry, I just
10 didn't hear you.

11 MEMBER CORWIN: Once again, I -- as an
12 aside, at some point in time, the restaurant is
13 going to open. Whether it's the applicant or the
14 next person down the line, at some point in time,
15 the restaurant, the bar opens. So that's what
16 I'll call the possibly accommodated variances.

17 And I do want to address Chatty's concern
18 in terms of fire engines and emergency vehicles,
19 and I assume this is all going to be sprinkled.

20 MS. BERRY: Yes.

21 MEMBER CORWIN: So that lowers the problem
22 of fire a great deal in sprinklered buildings. I
23 think the reason they sprinkled so much is so
24 many got burned down to collect the insurance;
25 sprinkle it.

1 CHAIRMAN SALADINO: David.

2 (Laughter)

3 MEMBER CORWIN: And then we come to, well,
4 35 feet or three stories. I'll just make a note
5 on that, that I think why we have three -- the
6 code goes back to 19 -- if Arthur was here, he
7 would tell you exactly, 1948 or 1949. And I
8 think 35 feet was to accommodate the movie
9 theater, because it was tall. And that was like
10 the center of town in its time.

11 And just looking, most of the houses are
12 three stories. My house is three stories, first
13 floor, second floor and the attic. And a lot of
14 these houses around, of course, we're talking the
15 Commercial District, but three stories was to
16 accommodate these houses that had been built over
17 the years, first story, second story, an attic
18 that was often used as living space. And as a
19 point, my house is about 35 feet, maybe a little
20 more.

21 But that brings us down to the real
22 problem, is the parking. The Building Department
23 is saying 27 spaces. Glynis is trying to fight
24 for 23 spaces. I really would like if there was
25 some way we could decide exactly what the

1 number is.

2 And that's my understanding. Have I left
3 anything out?

4 MEMBER GORDON: Can I say something? I
5 think she's subtracting 23 spaces, because there
6 already is a forgiveness, a buy, whatever you
7 want to call it, except variance, of 23 spaces.

8 MEMBER CORWIN: So Greg says 27 spaces,
9 Glynis says, "No, we need four spaces." That's
10 what it is? I would rather just -- I would
11 rather just keep this right to the Board, so we
12 can understand what we're going to think about
13 over a month.

14 MS. BERRY: Okay.

15 CHAIRMAN SALADINO: Are you done?

16 MEMBER CORWIN: Yes.

17 CHAIRMAN SALADINO: You're done? I
18 think -- I don't have my agenda, but I think -- I
19 think just his last comment, David's last comment
20 about the CEO, the Code Enforcement Officer, or
21 the Building Department saying 27 spaces, and the
22 applicant disagreeing with that, without getting
23 into a number, disagreeing with that number is a
24 good enough reason that we should have the Head
25 of the Building Department here to explain that

1 logic without -- without us.

2 And then what we forget is the public
3 hearing, everything that the public hears they
4 have the right to comment on. Once we close the
5 public hearing, we don't accept comment. Well,
6 we -- I'm kind of lenient, we kind of do, you
7 know, but we shouldn't. You know, once the
8 public hearing is closed, we really shouldn't,
9 but -- so it's best to have all the answers
10 before we close the public hearing, so the
11 discussion of the Board is directed, it's
12 informed, it's -- this way we don't debate
13 answers and -- well, we debate answers, but we
14 don't debate the facts presented by the applicant
15 and the Building Department. So that's kind
16 of --

17 MEMBER CORWIN: So that question is still a
18 cloud. The Building Department says 27 spaces.
19 Since we've heard that or a number similar to
20 that for two months now, and it's increased, I'm
21 inclined to say it's not going to change on the
22 part of the Building Department.

23 MS. BERRY: That's fine. That's fine.

24 MEMBER CORWIN: And Board Member says --
25 Glynis is saying, "No, we don't" -- "there's 23

1 spaces that just are in invisible, you need four
2 spaces.

3 CHAIRMAN SALADINO: All we're saying -- all
4 the applicant is saying is they dispute needing
5 27 spaces; is that fair?

6 MS. BERRY: Not really.

7 CHAIRMAN SALADINO: Okay. I thought it was
8 kind of fair.

9 MS. BERRY: No. Can I explain?

10 CHAIRMAN SALADINO: Of course.

11 MS. BERRY: Okay. So when we did the
12 application, we subtracted three.

13 MR. ARIIZUMI: Units.

14 MS. BERRY: Units, three sleeping units
15 from both the existing demand -- need and the
16 current. But he's saying no, he wants to count
17 the full. So I don't care. If he wants to count
18 it as 27 instead of 24, then that's the
19 interpretation, so we'll go with the 27. But
20 what my argument was, it still made no difference
21 in the increased need, so -- and it's that
22 differential that I was trying to point out. And
23 the 23 number is the difference between the
24 existing need and what they're providing.

25 So there are three numbers. So I have no

1 issue that if he wants to not count the three
2 that are used by staff, and you count the need as
3 being three higher, so be it, I'm not arguing
4 that. But what I am arguing is it makes no
5 difference to the increase in need.

6 CHAIRMAN SALADINO: But that's part of our
7 discussion. That -- we have a Notice of
8 Disapproval, and you -- and I'm positive you
9 understand that.

10 MS. BERRY: Right.

11 CHAIRMAN SALADINO: We have a Notice of
12 Disapproval in front of us --

13 MS. BERRY: Right.

14 CHAIRMAN SALADINO: -- and we have to go by
15 what the Notice of Disapproval says. When we
16 close the public hearing, the discussion of this
17 Board will be what's the need.

18 MS. BERRY: Right.

19 CHAIRMAN SALADINO: And I'm sure we'll come
20 to a conclusion.

21 MS. BERRY: Right.

22 CHAIRMAN SALADINO: We'll come to it.

23 MS. BERRY: So I'm not fighting the 27, I'm
24 just trying to explain that it -- in fact, it
25 makes no difference.

1 CHAIRMAN SALADINO: Okay. Anybody else?

2 No?

3 (No Response)

4 MEMBER GORDON: We're not going to do
5 this --

6 CHAIRMAN SALADINO: No, not today.

7 Item No. 6 is the discussion. We didn't
8 close the public hearing, so there'll be no
9 discussion on -- or a motion on the -- on 326
10 Front Street this evening.

11 Item No. 7 is any other Zoning Board of
12 Appeals business that might properly come before
13 the Board. This is if somebody's got a question,
14 somebody, about zoning, this is the time to ask
15 it. If not, we're going to move on to No. 8, is
16 motion to adjourn. So moved.

17 MEMBER CORWIN: Second.

18 CHAIRMAN SALADINO: All in favor?

19 MEMBER CORWIN: Aye.

20 MEMBER GORDON: Aye.

21 CHAIRMAN SALADINO: I'll vote aye. Thank
22 you, folks.

23 (Time Noted: 8:00 p.m.)

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

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

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

 THAT, the above and foregoing contains a
true and correct transcription of the proceedings
taken on October 15, 2019.

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

 IN WITNESS WHEREOF, I have hereunto set my
hand this 27th day of October, 2019.

Lucia Braaten

Lucia Braaten

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