

1 VILLAGE OF GREENPORT

2 COUNTY OF SUFFOLK STATE OF NEW YORK

3 -----X

4 ZONING BOARD OF APPEALS

5 REGULAR MEETING

6 -----X

7

8 October 17, 2017

9 6:00 P.M.

10

11 Third Street Fire Station

12 Greenport, New York

13

14

15 B E F O R E:

16

17 JOHN SALADINO - Chairman

18 DAVID CORWIN - Member

19 DINNI GORDON - Member

20 ELLEN NEFF - Member

21 ARTHUR TASKER - Member

22

23 JOSEPH PROKOP - Village Attorney

24 EILEEN WINGATE - Village Building Inspector

25

1 (The Meeting was Called to Order at 6:05 p.m.)

2 CHAIRMAN SALADINO: This is the October
3 meeting, October 17th, 2017 meeting of the
4 Village Zoning Board of Appeals.

5 Item No. 1 -- I'm breaking in new glasses, so.
6 (Laughter)

7 CHAIRMAN SALADINO: Item No. 1 is a motion
8 to accept the minutes of the December -- of the
9 September 19th, 2017 ZBA meeting. So moved.

10 MS. NEFF: Second.

11 MR. TASKER: Before we vote, I have some
12 corrections I'd like to note, Mr. Chairman.

13 CHAIRMAN SALADINO: Sure.

14 MR. TASKER: Excuse me. First of all, on
15 the subsequent -- the page heading is incorrect
16 on all of the pages, except the first, it has an
17 incorrect date. But, more particularly, a couple
18 of things.

19 On Page 10, Line 8, I either misspoke or I
20 was misquoted. The sentence, it says, "It
21 doesn't become nonconforming." I meant to say,
22 "It doesn't become conforming," as I said a
23 couple of lines ahead.

24 Then on Page 60 and 61, on Page 60, Line
25 25, I speak with regard to the Monsell Place

1 application, when it is the Manor Place
2 application.

3 Similarly, on Page 61, Line 7, I refer to
4 the Monsell Place project. It should be the
5 Manor Place project.

6 And on Page 169, after I had recused myself
7 from the hearing, I was in the audience, on
8 Page 169, there was a motion in which I am shown
9 as voting on Line 12. I did not vote, because I
10 was not sitting at the -- in the meeting at that
11 point.

12 Similarly, on Page 172, Line 4, it also
13 shows me as having voted to adjourn and I was no
14 longer present. So my vote, I did not vote
15 there. Thank you.

16 CHAIRMAN SALADINO: Was this seconded?

17 MR. TASKER: It was seconded.

18 MS. NEFF: Yes, I seconded.

19 CHAIRMAN SALADINO: All in favor?

20 MS. GORDON: Aye.

21 MS. NEFF: Aye.

22 CHAIRMAN SALADINO: Aye.

23 Any opposed?

24 MR. TASKER: As amended, aye.

25 MR. CORWIN: I abstain.

1 CHAIRMAN SALADINO: Item No. 2, motion to
2 approve the minutes of the August 15th, 2017 ZBA
3 meeting. So moved.

4 MR. TASKER: Second.

5 CHAIRMAN SALADINO: All in favor?

6 MS. NEFF: Aye.

7 MR. TASKER: Aye.

8 CHAIRMAN SALADINO: Aye.

9 MS. GORDON: Aye.

10 CHAIRMAN SALADINO: Any abstentions?

11 MR. CORWIN: I abstain.

12 CHAIRMAN SALADINO: And one abstention.

13 Item No. 3 is motion to schedule the next
14 ZBA meeting for November 21st, 2017, at 6 p.m.,
15 at the Third Street Fire Station, Greenport, New
16 York 11944. So moved.

17 MR. TASKER: Second.

18 CHAIRMAN SALADINO: All in favor?

19 MR. CORWIN: Aye.

20 MS. GORDON: Aye.

21 MS. NEFF: Aye.

22 MR. TASKER: Aye.

23 CHAIRMAN SALADINO: Aye.

24 MS. GORDON: Question. The minutes of the
25 last meeting say we're going to do our site visit

1 at 4, which is correct. I just want to be sure.

2 CHAIRMAN SALADINO: For next month?

3 MS. GORDON: Uh-huh.

4 CHAIRMAN SALADINO: I think we decided
5 4 o'clock.

6 MS. GORDON: Okay.

7 CHAIRMAN SALADINO: Is that -- is that
8 everyone?

9 MS. NEFF: We decided what?

10 CHAIRMAN SALADINO: Four o'clock, 4 p.m.

11 MS. NEFF: So it would be light, yes.

12 MR. TASKER: And that's my recollection.

13 MS. NEFF: Yeah.

14 MS. GORDON: Okay.

15 CHAIRMAN SALADINO: How about the Attorney,
16 is that your recollection?

17 MR. PROKOP: Yes.

18 MS. GORDON: Well, that's what it says in
19 the minutes. I just want --

20 CHAIRMAN SALADINO: Okay. Item No. 4,
21 Continuation of the public hearing of the
22 Landmark Group for a property located at 222
23 Manor Place, Greenport, NY 11944. SCTM
24 #1001-2.-2-41.1.

25 MR. TASKER: Mr. Chairman, as I noted at

1 the previous meeting, I'm going to recuse myself
2 from consideration of this and join the public.

3 CHAIRMAN SALADINO: Okay, Arthur. This
4 public hearing is still open. Anyone from the
5 public like to comment?

6 MR. SOLOMON: I have, John. I'd like to
7 make some -- just a statement on behalf of the
8 applicant, if I can.

9 CHAIRMAN SALADINO: Sure.

10 MR. SOLOMON: It's Michael Solomon, 2950
11 Hempstead Turnpike, Levittown, New York, on
12 behalf of the applicant.

13 As a -- by virtue of the postponement or
14 keeping the hearing open, I was requested or the
15 applicant was requested to provide some
16 additional information to the Board. I trust
17 that all Board Members have received a copy of my
18 letter of October 12th, 2017, in which I believe
19 I addressed all of the open issues that the Board
20 had requested information on.

21 I would -- I would move that a copy of my
22 letter be made part of the record. I don't want
23 to have to read through the whole -- excuse me,
24 October 5th. I'm sorry. And I want to make it
25 part of the record. I don't want to have to read

1 the whole thing. I'm hoping that everybody took
2 the time to read it.

3 I just wanted to basically, in a brief
4 fashion, indicate that there was a request made.
5 There was some concern about, well, have doctors
6 really used this building over the years. We
7 went back as far as we could do in research and
8 we've listed two, four, six, and probably more
9 than a dozen medical, related medical uses of the
10 building, and to today. And the building is
11 still occupied by one doctor, who is a -- a
12 representative from his office is here today.

13 The building has been continued to be used
14 in its nonconforming status throughout this
15 period of time. It's never been legally
16 abandoned. I know there was an issue raised at
17 the last meeting, well, because there aren't five
18 doctors in there, what's the effect of that? I
19 would submit to the Board, what the law basically
20 says, as long the building is still being used as
21 a medical office, even with just one office being
22 occupied, that would be sufficient to continue
23 the clock on the running of the -- of a
24 nonconforming use.

25 Now the interesting part of this

1 application, because there's been discussion, is
2 it a use -- is it a use variance, is it an area
3 variance? The fact of the matter is it's not a
4 use variance, because we've already established
5 the fact that there's a nonconforming certificate
6 issued by the Village which qualifies this
7 building as an office building with one -- with
8 one apartment. In theory, it really isn't an
9 area variance in many respects, because we're
10 reducing the size of the building, which has been
11 noted by roughly -- I think it was about 800
12 square feet, or thereabout.

13 The only other issue, we were here
14 basically seeking variances with respect to
15 parking, but we've already agreed on the record
16 that we're accepting the recommendations of the
17 Planning Department. We're paying the money in
18 lieu.

19 So when you look at those three factors,
20 the only thing we're really here asking for is
21 that what the code says in 150-20(A)(1) is that
22 we can't make any improvements to the building.
23 And the only thing we're asking to do, and I
24 don't want to, you know, bore us with this again,
25 is we want to make this building ADA compliant,

1 an elevator, accessway for wheelchairs, ways to
2 get in and out of the building, improve the
3 building. And I don't want to belabor the record
4 with going through a second presentation, which
5 is really all we're asking to do. We're asking
6 permission of this Board under that statute to
7 say it's okay to make the improvement, that's it.
8 That's really all that's here. It's not a
9 question of use, it's not a question of area, it
10 really isn't. And once we agree to the parking
11 requirement, the parking's out of it. And even
12 your notice basically says it's a -- it's an
13 issue regarding the nonconforming improvement and
14 parking. Well, as I said, the parking's removed,
15 so it's only the nonconforming.

16 What's really interesting when you dissect
17 your own -- your own code, and if I actually call
18 the Board's attention to 150.23, 150.23 is a very
19 interesting paragraph. It's in the nonconforming
20 section.

21 CHAIRMAN SALADINO: Can we follow along?

22 MR. SOLOMON: That's fine.

23 CHAIRMAN SALADINO: Since David's the only
24 one that has that portion of the code memorized,
25 the rest of us are going to have to follow along.

1 (Laughter)

2 MR. SOLOMON: Well, it comes with
3 experience. What 150.23 says, it's under Repairs
4 and Maintenance, "Notwithstanding any of the
5 above regulations," and that would be the whole
6 section on nonconforming uses, "nothing in this
7 article shall be deemed to prevent normal
8 maintenance and repair of any use of the
9 building, nor the carrying out upon the issuance
10 of a building permit of major structural
11 alterations or demolitions necessary in the
12 interest of public safety. In granting such a
13 building permit, the Building Inspector shall
14 state the precise reasons why such alterations
15 are deemed necessary."

16 Now, for the purposes of this hearing, it's
17 apparent that our Building Inspector didn't issue
18 the permit. However, that section of the code
19 specifically makes reference to the interest of
20 public safety. ADA compliance is a public safety
21 issue. It's having people with disabilities
22 having the ability to enter ingress and egress of
23 the -- out of the building.

24 So what I'm submitting to the Board is in
25 the certain theory, the Building Inspector could

1 have made that determination, but she didn't, so
2 the Board has the right to make that
3 determination. So what we're looking to do is
4 very simple. We just want to make the building
5 ADA compliant. The parking's been resolved.
6 There's really -- there's really nothing else in
7 this application at this point in time.

8 I do know that the Board may or may not
9 have received some opposition that's been filed
10 today by counsel at -- I received some papers
11 from who's here today, from the neighbors, and
12 what I would -- what I'd like to ask the Board is
13 to recall that we took extensive testimony in
14 this case from all of the neighbors. And while
15 the Board, of course, in its discretion has the
16 right to hear whatever you want to hear, I would
17 sort of warn the Board that I'm really not
18 looking to relitigate this thing or reopen this
19 hearing from the beginning of an issue when the
20 bulk of this case has already been discussed and
21 presented by neighbors. And I'll reserve the
22 right to respond when Mr. Grossman gets up and
23 makes his statement. Thank you.

24 CHAIRMAN SALADINO: Is there anyone else
25 from the public that would like --

1 MR. GROSSMAN: Yes, yes. Good evening,
2 Chairman, Members of the Board. Before I get
3 started, I just wanted to make sure, I actually
4 had emailed copies of a Memo of Law to --

5 MR. CORWIN: Could you give your --

6 MS. GORDON: Identify yourself.

7 MR. GROSSMAN: I'm sorry, I'll identify
8 myself first. I'm Adam Grossman. I'm an
9 attorney. My office is located at 120 Court
10 Street in Riverhead, New York. And I am here on
11 behalf of some of the neighbors, the neighbors
12 who are adjacent neighbors to the west and to the
13 east. I'm currently retained by Objectants
14 Michael Collins and John Quinlan, who own the
15 residence directly to the west, and Karen Franck
16 and Tony Holmes, who own the adjacent parcel off
17 of Manor Place directly to the east.

18 So I have just for submission copies of the
19 Memo of Law that I had emailed to Mr. Prokop
20 earlier today. I'm not sure whether you've
21 already received them or not, so I wanted to make
22 sure you had them. Should I give them to you,
23 Mr. Chairman?

24 CHAIRMAN SALADINO: We've received it.
25 We've received -- we have copies.

1 MR. GROSSMAN: Okay.

2 CHAIRMAN SALADINO: But it's --

3 MR. GROSSMAN: Mine just has color photos.

4 CHAIRMAN SALADINO: Okay.

5 MR. GROSSMAN: Okay. So I have one, two,
6 three, four, five -- I have six, an original and
7 five copies. I wasn't sure how many you needed.
8 And I also have a copy for Mr. Solomon as well.
9 Okay. So I don't mean to overwhelm you with
10 paperwork, but this is a document that I
11 prepared.

12 So I had an opportunity to review the
13 public hearing record to date, and I was asked by
14 my clients to be here tonight and to prepare a
15 written submission in advance of the hearing
16 tonight, just to go over my clients' concerns as
17 it relates to the application.

18 While, Mr. Solomon's position is on behalf
19 of the applicant, I understand he's looking to
20 get the property to be ADA compliant. He's
21 looking to have improvement at -- improvement of
22 the property.

23 I think there are a couple of threshold
24 issues here. And, yes, I'm coming in later in
25 the public hearing process. I wasn't here at the

1 last public hearing, but I listened -- I read
2 through the transcript and I did have some
3 concerns. I indicated some of that in my Memo of
4 Law, but I just want to briefly go over it with
5 all of you.

6 I also just want to mention at the outset,
7 besides being a Lawyer in Riverhead, I also am
8 the Chairman of the Southampton Town Zoning Board
9 of Appeals, so I do what all of you do two nights
10 a month. And so I appreciate the difficulty of
11 the role of a ZBA member, because it's something
12 I do as well. So, I --

13 MS. NEFF: Mr. Chairman, excuse me.

14 MR. GROSSMAN: Sure.

15 MS. NEFF: Since I haven't had an
16 opportunity to completely read this, could we
17 take a 10-minute break?

18 CHAIRMAN SALADINO: I think -- I think we
19 should let --

20 MS. NEFF: Without -- I mean, it's easier
21 for me to listen to that which I know something
22 about.

23 CHAIRMAN SALADINO: I'm not sure if this is
24 an appropriate time to take a 10-minute break and
25 digest all of this in 10 minutes. My suggestion

1 would be to let Mr. Grossman continue, and then
2 we can --

3 MR. CORWIN: Do it at our own leisure, read
4 it at our leisure. I can't read something in 10
5 minutes.

6 MR. GROSSMAN: Okay.

7 CHAIRMAN SALADINO: So if that's okay with
8 everyone else, I think that's what we'll continue
9 to do.

10 MR. GROSSMAN: Okay. I'll do whatever the
11 Board's wish is.

12 So I start out the Memo of Law talking
13 about the issue of the use. And I know that
14 there was a vote at the last meeting on the use,
15 and it may be that all of you may consider that
16 this issue is in the past. But I just want to
17 put on the record, and I, you know, spelled out
18 in the early parts of my memorandum the concerns
19 that I had, and the concerns that I had go like
20 this:

21 For a building to be a preexisting
22 nonconforming structure, if there isn't a
23 variance, and the only entity that can -- that
24 has the authority to be able to make a use exist
25 that doesn't conform to the Zoning Code, either

1 it's one of two things. Either it is preexisting
2 nonconforming, that is it predates enactment of
3 zoning in the Village of Greenport, or it was
4 granted a variance at some point subsequently by
5 the Zoning Board of Appeals.

6 My review of all the documents that I was
7 able to get my hands on prior to this is that,
8 and it seems to be -- my perspective was that it
9 was the understanding of this Board that no prior
10 specific variance, use variance was granted to
11 this property by the Zoning Board. There was
12 some discussion of a determination in 1969, but
13 it didn't appear to be anything akin to a
14 determination granting the use, that is the
15 medical office use. If that is the case and this
16 is a preexisting nonconforming structure, whether
17 it has a preexisting CO or not, in my view, the
18 burden is on the applicant if there's a question
19 as to whether, in fact, there -- about the status
20 of the preexisting nonconforming use.

21 It would seem to me that rather than
22 getting testimony from an attorney who does not
23 have firsthand experience as to what transpired
24 on the property, while Mr. Solomon's, you know,
25 doing what he can on behalf of his client, it

1 would seem to me that what would make much more
2 sense is to get an affidavit or basically proof
3 that it continuously was used from prior to the
4 enactment of zoning in the Village of Greenport
5 as a medical office to the present without
6 interruption that would necessitate abandonment
7 of the use. That's to me, you know, legally the
8 way which, you know, I see it in terms of how it
9 should be handled.

10 Instead, what we have is we had a
11 discussion that there were -- there's different
12 records in the Village of Greenport that the
13 Village acknowledged the use. There is the
14 preexisting certificate that was issued, but none
15 of those documents give this property that
16 preexisting status. The only thing that gives
17 preexisting status is a determination of this
18 Board, you know, in my view, that it, in fact,
19 predated zoning in the Village of Greenport and
20 that that -- and that that use was continuous.

21 And I'm not going to dispute what
22 Mr. Solomon said, that it could be one doctor, it
23 could be five doctors, it could be three doctors
24 that had that use, but it has to be a continuous
25 use. It's just not a small thing to have a

1 nonconforming use established, and I really don't
2 think that the applicant met their burden here.

3 So I'm -- I know that a determination was
4 made at the last hearing on this. I'm bringing
5 it up because I think that the applicant didn't
6 do as much as they should have been required to
7 do in order to establish the status.

8 Okay. As to what the outcome of that
9 process would be, maybe they have someone who
10 actually can put -- can give you sworn testimony
11 in an affidavit that there was continuous use.
12 Maybe they could find somebody and maybe they
13 can't. Maybe there was a continuous use and
14 maybe there wasn't. You know, I -- you know,
15 goes quite a long ways back. But it would seem
16 to me that that's what would be necessary to
17 resolve the issue of the status of the property.
18 Okay. So that was the first issue.

19 And then the second issue, and really, you
20 know, the issue that my clients hired me, you
21 know, for is that this is an extraordinary --
22 extraordinarily difficult application, in my
23 view, okay, because what we have is we have a
24 medical office use literally surrounded by
25 residences, and these residences aren't, you

1 know, 50 feet away or 100 feet away, or further.
2 You know, one of my client's dining room is less
3 than a foot from where the proposed driveway is
4 going to be. The neighbor to the -- my other
5 clients on the east side of the property, there
6 is -- I don't know. You know, it's shown in the
7 pictures just, you know, a bunch of bricks, you
8 know, less than a foot between their driveway and
9 the entranceway to the rear of the property. And
10 although I haven't been retained by the property
11 owners that are in the rear of the property
12 behind where this driveway is going to be, it's
13 going to impact them, too.

14 So the fact that everything is so close,
15 and I understand that this is a village and a lot
16 of the properties are very close to one another,
17 when there are these kinds of circumstances where
18 properties are so close to one another, it's all
19 the more impactful if you have a commercial use
20 next to a residential use.

21 As to the use itself and what they're
22 looking to propose, I will acknowledge that
23 they're not looking to make the building larger,
24 okay? They're making -- I think they're taking
25 off a little section of the building where the

1 entranceway is. Actually, it's in one of the
2 pictures. But other than that, the building in
3 terms of its size would remain the same.
4 However, the -- what's looking to be done with
5 the property, Mr. Solomon indicates that he
6 doesn't think that there's going to be
7 increase -- an increase in the use of the
8 building. That is a little bit confusing to me,
9 because the plans that were submitted with the
10 application show several different exam rooms and
11 doctor's offices, what appears to be a whole lot
12 more activity than what currently exists.

13 While the applicants -- while the neighbors
14 bought their property, it is true, next to this
15 building, I think this -- the history of this
16 building, at least for a very long time, has been
17 a relatively, you know, minor medical use --
18 medical building in terms of the amount of people
19 who are going in and out of the building, the
20 amount of use of the building, so that they could
21 be in harmony with the residential neighbors.
22 What's being proposed is something that my
23 clients fear, and that's why they're here
24 tonight, that it's going to dramatically impact
25 their ability to use their residential

1 properties.

2 My clients, you know, Michael Collins and
3 John Quinlan, will have an exit driveway for all
4 -- whoever's going to be coming in and out of the
5 building, cars driving by all day long within a
6 foot of where their dining room is. The
7 neighbors to the east, my other clients, Tony
8 Holmes and -- I'm sorry -- Karen Franck, will
9 have their driveway literally right next to the
10 entrance driveway going from Manor Place to the
11 rear of the property. There is so little room
12 there. I went -- and I went to the property, I
13 know all of you did as well. There's so little
14 room there that if you open a car door on
15 Mr. Franck and -- I'm sorry -- Ms. Franck and
16 Mr. Holmes' property, you would actually -- your
17 car door would be in the driveway of the
18 applicant. That's how little space there is
19 here.

20 And so it's really hard for me not to --
21 reviewing this application and picking it
22 through, it's hard for me not so see how this is
23 all going to have a significant impact on my
24 clients and the clients -- and the property
25 owners to the rear.

1 So while the applicant wants to have a use
2 of their property, they want to make
3 improvements, they want to make the property ADA
4 compliant, and they want to, you know, make some
5 other changes, I know handicapped access, you
6 know, in the rear, we think it's going to be a
7 much bigger use. We think that as a Board,
8 dealing with what they're asking for, which is
9 alteration of this building, is going to result
10 in a much more active use than what currently
11 exists in terms of the amount of activity between
12 doctors and staff, and that it's going to really
13 negatively impact them.

14 So, in any case, that's why they've asked
15 me to be here tonight. I've -- you know, my
16 clients also asked me to put in some particular
17 information as to their concerns related to the
18 application and what minimal things could be done
19 to alleviate their concerns. What I did was I
20 highlighted those items on Pages 13 and 14 of my
21 memo. And I'll just read them briefly, because
22 it's not that long.

23 So they indicated that they would ask of
24 this Board if you were inclined to grant the
25 proposed variance relief in its entirety, to

1 require a perimeter landscape buffer area of 4
2 feet, including trees that will be very large
3 when grown to provide maximum screening along the
4 perimeter of the sides and rear of the property
5 per the Southold Town Code, instead of the
6 proposed 3-foot buffer.

7 They also would ask that the heating and
8 central air conditioning unit, which is currently
9 in the west of the property, be moved away from
10 the side yard adjacent to their property, which
11 is currently on the west.

12 They're also concerned about the
13 construction that would take place damaging the
14 foundation of their homes, and that stormwater
15 runoff from the proposed parking area and
16 entrance and exit driveways be fully addressed by
17 the applicant, so the neighbors do not have
18 flooding issues on their properties and in the
19 basement of or elsewhere in their homes or on
20 their property.

21 They, lastly, would like to see the mature
22 trees in the front of the property along Manor
23 Place to remain as they presently exist.

24 However, the objectants would prefer that
25 this Board deny the application outright, or, in

1 the alternative, that this Board ask the
2 applicant to significantly scale back what is
3 being proposed, so that the objectants and all
4 other adjacent residential property owners are
5 not so negatively impacted by the proposed
6 expanded use of the subject property in the
7 future.

8 So that's kind of where we are. I also go
9 through in my Memo of Law the area variance and
10 use variance standards. The use variance
11 standards are only there as it relates to the
12 preexisting nonconforming status of the property.
13 The area variance standards are related to the
14 proposed alteration of the building.

15 So I know this is -- I'm giving you a lot
16 of information in a short time. I also just want
17 to, you know, make sure I'm not -- I know that
18 you received the Memo of Law in advance of the
19 meeting. I tried to get that to Mr. Prokop so
20 that you'd be able to review what I submitted in
21 advance. And I'm hoping that this Board will
22 weigh carefully the impact of this application on
23 the neighbors, and that, you know, maybe we can
24 talk about what can be done to alleviate their
25 concerns, or at least address their concerns.

1 Last thing I'm just going to mention is
2 that I did speak with Mr. Solomon this afternoon,
3 and my office is and will continue to be open to,
4 you know, discussions of any ways in which the
5 concerns of my clients can be addressed. And I'm
6 not sure if you have any questions of me.

7 MR. CORWIN: Not at this time.

8 MR. GROSSMAN: Okay.

9 MS. GORDON: It's a little hard when we
10 didn't get this --

11 MS. NEFF: Right.

12 MS. GORDON: -- memo until just now. I
13 mean, I went yesterday to pick up the materials
14 for the meeting and it did not -- they did not
15 include this memo. And I guess, you know, these
16 are all concerns that we -- that have been raised
17 in the past and that I think we would take
18 seriously the list that you read from, Page 14.
19 But I'm feeling as though if there isn't
20 something new in this memorandum, I sort of feel
21 as though we should not -- I don't mean not take
22 it into consideration, but something that -- it
23 doesn't seem to me it should have a significant
24 impact, given that we haven't seen it until now.

25 CHAIRMAN SALADINO: Well, I don't think --

1 the fact that we're seeing it now shouldn't mean
2 that the neighbors shouldn't have a chance --

3 MS. GORDON: Right.

4 CHAIRMAN SALADINO: -- to respond. The
5 applicant's attorney, Mr. Solomon, if I'm kind of
6 reading Mike right, is saying that perhaps the
7 neighbors should have responded sooner. I'm not
8 sure I agree with that. I think the neighbors
9 have a right to respond. I think they have a
10 right to have legal counsel. And I think they
11 also have the right, albeit that it came to us
12 late, they have the right for us to consider this
13 document.

14 MR. GROSSMAN: And, Ms. Gordon, just so you
15 know --

16 MS. GORDON: I just want to know what is
17 new in this that we would not have heard? You
18 said you looked at the minutes from the last
19 meeting, so you know that we did discuss some of
20 these issues. And we would discuss them again,
21 especially if we were going to approve,
22 basically, but wanted to add conditions, which is
23 always possible.

24 MR. GROSSMAN: Right. What is new? Well,
25 I know that the neighbors spoke at the last

1 public hearing.

2 MS. GORDON: And sent letters.

3 MR. GROSSMAN: And they sent letters. They
4 did not have an attorney at that time. I
5 addressed the legal issues in the memo. So just
6 so you know, I always try to do everything as in
7 advance of a meeting as possible. I was retained
8 about a week ago, so I had to do a fair amount of
9 work in a short period of time. So I got it to
10 Mr. Prokop, you know, around -- I think it was
11 shortly after noon today. That was when I had
12 the document ready to go.

13 So I don't mean to put the Board in the
14 position of having to review something with very
15 little notice, but I had to take the time to
16 prepare the document as well.

17 I also went to the property. I also met
18 with my clients and went over all of this and
19 kind of, well, reviewed what is a pretty
20 extensive public hearing record.

21 But, in any case, what is new? I think
22 what I've tried to do is I've tried to narrow the
23 issues in terms of the concerns of the neighbors,
24 okay? I have tried as best as I can to go over I
25 think the issues in terms of the impacts on them,

1 with photographic evidence attached, how close
2 the properties are to one another. I know that
3 you're already aware that that is the case.

4 I don't -- I didn't get anything out of the
5 public hearing record that there really had been
6 a lot of dialogue. There was a meeting, I know,
7 but that there was really a lot of dialogue
8 between the applicant's attorney and the
9 neighbors, I know that. All I know is that they
10 met. I did not really get any sense that there
11 was any negotiation or really agreement on much
12 -- on much of anything in terms of what was being
13 proposed.

14 A lot of the last public hearing was about
15 -- was the, you know, issue of the use fully
16 addressed. That was, you know, a chunk of the
17 public hearing. And then I think the neighbors
18 spoke about the impacts on them, and they spoke
19 about it from their personal perspective, and
20 whether it's in -- whether it was in writing or
21 in the public hearing record. I tried to refine
22 their concerns in a -- you know, a legal document
23 to be able to say this is what we want, and so
24 that's -- I would say, what is different? I
25 would say that you have a concrete proposal here

1 in terms of what their -- what they're looking to
2 do in terms of their concerns.

3 MS. GORDON: Thank you.

4 MR. GROSSMAN: Okay.

5 CHAIRMAN SALADINO: Anyone else?

6 MS. NEFF: Well, again, without having read
7 this thoroughly, I feel like I'm literally
8 skating on thin ice. But having -- I mean, I
9 thought the idea of skimming it made sense,
10 because most of it we know something about. I'm
11 glad you highlighted a certain section.

12 One of the things you raised, I remember
13 certainly that we talked about, perhaps not at
14 great length, but that stormwater produced by
15 this building and its impact would not be off of
16 the property line. I'm certain --

17 CHAIRMAN SALADINO: That's a requirement.

18 MS. NEFF: -- that -- well, right, it is,
19 and that certainly David raised the issue. Okay.
20 I think a relatively minor point is moving the --
21 oh, what do you call it? Infrastructure is not
22 the right -- the heating and air conditioning
23 units to the rear of the building doesn't sound
24 like something that couldn't be negotiated.

25 Some of the other things that you talk

1 about, like the history of use, and whether or
2 not the intensity of use, if that is the correct
3 word, speculating about whether it was at a low
4 point in -- you know, two thou -- whatever, and
5 what it will be in the future is difficult. And
6 I think we have rather thoroughly gone through
7 it, and any new information that you're
8 requesting perhaps could be supplied as best that
9 it can be with the files not being perhaps what
10 we would like them to be of this Board.

11 What else? I guess -- and what attention
12 have we given to the buffer? The two -- using
13 two driveways instead of, as it has been
14 historically, a one driveway is a change, but
15 there's also a rather large space in the rear of
16 the building for people to navigate. I doubt
17 that anyone would ever open a car door in one of
18 those driveways.

19 I think I have rambled, but that's my point
20 of view about -- perhaps what we want to do is we
21 keep this public hearing open, that maybe there
22 would be more dialogue between your office and --
23 I'm sorry, but I can't remember your name right
24 this minute.

25 MR. SOLOMON: Mr. Solomon.

1 MS. NEFF: Mr. Solomon, excuse me.

2 MR. SOLOMON: You can call me Michael.

3 MS. NEFF: Hi, Michael. Anyway, that's my
4 comment.

5 CHAIRMAN SALADINO: Well, my comment is, is
6 that I'm not willing to accept a summation of
7 opinion. I have to read this, to everyone. I'm
8 going to have to read this and there's always
9 something that you learn from reading. Maybe,
10 maybe it will tell me something new, perhaps it
11 won't. Again, I know it came late, but I don't
12 think -- everyone agrees it's an important
13 decision, perhaps everyone agrees it's an
14 important decision. I don't think the neighbors
15 should be penalized. But that's the only comment
16 I have for the -- for the attorney. If anybody
17 else has a comment, we're going to let him sit
18 down, and perhaps some of the neighbors have --

19 MR. SOLOMON: I just want to respond. I
20 just want an opportunity to respond.

21 CHAIRMAN SALADINO: Can we just let some of
22 the neighbors who haven't spoke speak first,
23 perhaps?

24 MR. GROSSMAN: Okay.

25 CHAIRMAN SALADINO: Before you sit --

1 MR. GROSSMAN: Yes.

2 CHAIRMAN SALADINO: -- everyone's addressed
3 their concerns with this attorney? David, yes?

4 MR. CORWIN: It's a public hearing and it's
5 still open, so anybody can come and bring it
6 forth.

7 CHAIRMAN SALADINO: No, no, before he sits
8 down. Why bring him up again?

9 MR. GROSSMAN: Okay.

10 CHAIRMAN SALADINO: Thank you.

11 MR. GROSSMAN: Thank you very much.

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

14 CHAIRMAN SALADINO: Whoever. You guys work
15 it out between you. At the podium, please.

16 MS. STAKER: Good evening. My name is
17 Nancy Staker, and I'm a resident of Greenport,
18 200 Manor and Atlantic Avenue. And because I am
19 right across from the hospital on the water, I
20 see the ambulance, ambulances 24 hours a day.

21 And my concern is, I am familiar with the
22 doctors and psychiatrists that have been
23 occupying this building, and I think one doctor
24 left and went into another group. But there
25 were -- I was always taking clients -- I'm a

1 nurse -- always taking clients to this building,
2 and people were parking in the front, opening the
3 door, wheelchairs. We have an exit coming out of
4 the hospital and an entrance coming out of the
5 hospital, also very large trucks going down to
6 the emergency room area where they make
7 deliveries, and then ambulances, so it is a
8 very -- at times, a very busy road.

9 My concern is having the two entrances
10 there. And I know this has been established and
11 so I'm late, I'm late with speaking about this, I
12 hadn't heard about it. I just -- I have
13 sometimes gotten hit by people just coming out of
14 the hospital right by that mailbox, not paying
15 attention, then the other -- there's actually
16 three entrances, plus the emergency room, and
17 then having an ambulance go by. So that's just
18 my thought. I think I'm a little late in saying
19 this, because I think it might be an established
20 fact already that this building is going to go
21 up. But I do really have a sense that it's going
22 to be with doctors today, and office buildings,
23 medical buildings, is going to be quite increased
24 activity. And so being that I live on that block
25 for 15 years, that does concern me.

1 And, also, now that we went to Stony Brook,
2 ELI Hospital, that parking lot's never been the
3 same. And I have people in front of my house
4 parking right next to the fire hydrant, which
5 they never get a ticket, and across the street,
6 and just a lot of activity.

7 So that's my two cents, and have a good
8 evening. Thank you.

9 CHAIRMAN SALADINO: Thank you. Peter.
10 We're going to let Mr. Clarke speak first.

11 MR. CLARKE: Good evening, everyone. My
12 name is Peter Clarke, and I live at 806 Main
13 Street, one house up from the intersection of
14 Manor and Main.

15 I have been to see this Board before, a
16 year ago, on the matter of the Holy Trinity
17 Church Rectory's request to rezone into a
18 two-family, which was a change to the zoning of
19 the one-family that had been standing for many
20 years. The Board voted to approve that variance.

21 I came because my concern, like my neighbor
22 who just spoke, is that that particular stretch
23 is an extremely active and busy part of the
24 Village, and that I thought increased congestion
25 and changing that zoning was not a good idea.

1 Just as a footnote, that zoning was -- that
2 zoning variance was approved. However, the
3 Diocese has gone going forward and found a
4 priest, and it is remaining at this time, though
5 the variance was -- as provided, it is staying a
6 single family home with a priest in residence and
7 will not be used as a two-family.

8 When I bought my home in 1998, I was aware
9 that we had an active hospital a block-and-a-half
10 away. So, obviously, you can expect that there
11 will be traffic, emergency room, and ambulances.
12 I am a volunteer for the hospital, so -- and help
13 them to raise money, so I support the hospital,
14 and certainly appreciate that we have a medical
15 facility in Greenport. So my comments are
16 qualified by those statements.

17 My support of my neighbors is that anything
18 that will continue to increase congestion beyond
19 what we already have, and the appearance of what
20 will be more intense use of this property, and
21 the request to add additional driveways for
22 traffic by neighbors' property lines in such
23 close adjacency concerns me, and the increase in
24 traffic on that block concerns me.

25 That particular intersection, if you were

1 to access at even just Main and Manor, if you
2 were to access police records over the past 10 or
3 20 years of how many traffic accidents and
4 collisions have occurred there, you will see that
5 that particular block has been the scene of quite
6 a bit of vehicular accident.

7 And, obviously, this building has been in
8 use with -- from me walking around, it's a
9 relatively passive use of social workers, and
10 psychiatrists, and one or two internists, and an
11 apartment where, you know, one car came and went
12 each day, and people came and went for the use of
13 a psychiatrist. But it kind of looked like a
14 sleepy country medical building, not a
15 particularly active one that you would expect
16 maybe in a strip center or in another more
17 densely zoned area.

18 And I believe that our particular area of
19 the R-1 has been put under enough intensification.
20 And I would urge the Board, as I did last year,
21 to please consider respecting the zoning of the
22 area, while also trying to be respectful of the
23 rights of the property owners who are seeking
24 this application, and to find a way to mitigate
25 the application to the satisfaction of the

1 neighbors on the east and west, and to try and
2 help us keep the amount of activity and traffic
3 to the current levels, rather than allowing them
4 to increase any further.

5 I thank you for your service, and thank you
6 for your time to listen to my comments.

7 CHAIRMAN SALADINO: Thank you. Is there
8 anyone else? We're going to let this guy go
9 first?

10 MR. SCHWARTZ: Good evening, everybody.
11 I'm Benjamin Schwartz. I do work in the
12 building, the subject building.

13 CHAIRMAN SALADINO: Could you give your
14 address for the stenographer?

15 MR. SCHWARTZ: I live in Cutchogue, Fleets
16 Neck in Cutchogue. I live in Fleets Neck on --
17 in Cutchogue.

18 I am -- I am a representative of the Doctor
19 who is still seeing patients in the building, but
20 I'm not here representing the Doctor or her
21 business, I'm here representing myself. The
22 Doctor is and always has been very concerned with
23 the neighbors' peace and quiet and interests, and
24 she did not ask me to come here or give me
25 permission to speak for her, or anything like

1 that.

2 So I just -- a couple of points that I
3 think that I haven't heard yet that might be
4 relevant. The advantage of having a doctor's
5 office right next to a hospital just makes sense
6 to me. Every time a patient calls and says,
7 "Where are you?" "Right across the street from
8 the hospital." "Okay, I understand that."
9 Instead of like going to see a doctor in the
10 middle of a vineyard or something, it just -- I
11 don't know.

12 People are saying this building is
13 surrounded by residences, but there's a hospital
14 across the street. And I just -- on behalf of my
15 patients, and from my own personal experience,
16 you know, we've gotten a lot of people that are
17 very sorry that we're going to have to
18 consolidate this office for the time being, at
19 least, if renovations are going to occur there,
20 in Riverhead, where there are a lot of doctors.
21 But a lot of people who live out here don't want
22 to or cannot travel to Riverhead. They are able
23 to drive around the local area here, but to go to
24 Riverhead, they need to have -- make arrangements
25 for someone to transport them. It's just not

1 even possible for some of the elderly patients,
2 let alone the patients that just don't prefer to
3 see their specialists out here.

4 I really came here to listen to everybody,
5 and if there are any questions, if the Board has
6 any questions, I mean, I don't have -- while I
7 don't have -- I wasn't there 20 years ago, I've
8 only been there for five years, the doctor I work
9 for has been there approximately 15. She's had
10 an office, a second office in Riverhead for over
11 10 years now, but her -- this was her first
12 office. And we hope to remain here, if the
13 building is -- you know, the building is an old
14 building. I mean, I love old buildings, but this
15 building was put together from two old buildings,
16 and it does need some work. So I hope that it's
17 possible to do that and not to make the use
18 bigger and more disturbing to the neighborhood.

19 Are there any questions any of the Board
20 members have that I might be able to answer,
21 someone who works in the building?

22 (No Response)

23 MR. SCHWARTZ: No? Okay. Well, thanks.

24 CHAIRMAN SALADINO: I'll ask my colleagues.
25 Does anyone have a question of Benjamin?

1 (No Response)

2 MR. SCHWARTZ: Thank you for hearing my
3 position, appreciate it.

4 CHAIRMAN SALADINO: Sure. Thank you.
5 Anyone else from the public?

6 MR. HOLMES: My name is Tony Holmes. I
7 live in the house on the east of the property.
8 And I would like to refute your statement about
9 the -- my door to my car, I cannot get out of the
10 door unless I open the door into the other
11 driveway. There's not room in the driveway that
12 I have to open both car doors. So that's --
13 that's it. It's not that simple. You know, the
14 driveway is -- my driveway is less than 10 feet.
15 That's the property line. So if I pull in my
16 driveway with enough room to let my wife out, I
17 have to open the door into the other driveway.
18 That's how it is. That's all I have to say.

19 CHAIRMAN SALADINO: Okay. Thank you.

20 MR. HOLMES: Excuse me. I have one more
21 thing. It's being talked about as we're just
22 upgrading the building to conform with ADA.
23 That's a good idea, I don't dispute that that's a
24 good idea. However, they never talk about the
25 increased use of the building.

1 When I bought our house in 1999, there was
2 a small driveway, the backyard was a car. People
3 parked in front, went to the doctors' offices,
4 very, very minimal use. When Joe bought the
5 building and put in the apartment and was -- had
6 to put in a parking lot, the only people that
7 parked in the parking lot were the doctors, very
8 rarely, Susan, his sister. No patients ever used
9 that backyard, none, zero. They all parked in
10 front, went in the front door. Minimal use,
11 that's what the situation has been since I've
12 been here since 1999.

13 Now we're looking at what I call a doctors'
14 strip mall in a residential neighborhood, because
15 you're going to have people coming in one side.
16 Whether or not they're able to park or not and
17 going out the other, right past our houses, would
18 you want to live next to that? That's my
19 question.

20 CHAIRMAN SALADINO: Thank you. Is there
21 anyone else from the public that would like to
22 speak?

23 MS. CROWLEY: My name is Sheila Crowley. I
24 live at 2 -- I own a home at 2 Monsell -- 219
25 Monsell Place with my husband, Tom Knowlton.

1 And I had no anticipation of standing up here
2 tonight, but, you know, I love my neighbors, and
3 I have neighbors on every side here. And
4 everything I've heard so far about the people who
5 want to purchase it, I'm looking at -- you know,
6 have the best intentions, and I know the people
7 on the other side have the best intentions. And
8 if only we could just, you know, come together in
9 an informal way, it would work out well.

10 But my -- the one thing that comes to mind
11 for me, because it's happened to me in an
12 apartment in New York City, is the longer term.
13 So, for example, what I've heard is that the
14 owners want to do everything they can to make
15 this right for the community, and I believe that,
16 like I honestly believe that. But I think the
17 trouble I see is, you know, four or five years
18 down the line, if this property gets sold again,
19 and then it has this sort of, you know, main
20 highway advantage in terms of parking and such,
21 and understanding that, you know, we don't know
22 what the hospital is going to do. We don't know
23 what the expansion -- obviously, it's growing
24 with the new merger.

25 So I just think that I look at the longer

1 term, you know, because I think all the best
2 intentions are happening here mostly, so to think
3 about that. And to also think about maybe the
4 use of the building and whether there's an
5 opportunity to -- maybe the conversations with
6 hospital to say half the time -- you know, half
7 the building is H.R., so, therefore, you don't --
8 and I heard H.R. might be part of this
9 conversation, but, you know, that you don't have
10 five doctors with patients coming every 15
11 minutes and creating, you know, kind of a highway
12 of hospital, you know, or a second highway of
13 hospital.

14 That's all I had to say. I think probably
15 the best outcome will come of this, but I'm
16 thinking of the long term, that that can do it.

17 MR. CORWIN: Question.

18 MS. CROWLEY: Yeah.

19 MR. CORWIN: What is H.R.?

20 CHAIRMAN SALADINO: Human Resources.

21 MS. CROWLEY: Oh, sorry, Human Resources.

22 Human Resources, so for -- so for the hospital --

23 MR. CORWIN: Half the building is H.R., you
24 said?

25 MS. CROWLEY: So if half the building is

1 not being used for doctors, whereby there's a
2 lots of traffic being created with patients
3 coming and going, right? So if you're -- H.R.
4 is just an example, so administrative.

5 MR. CORWIN: I'm not following you. What
6 building are you saying? I took it to be you
7 were saying Long Island Hospital, Eastern Long
8 Island Hospital. You're talking about the --

9 MS. CROWLEY: Yes.

10 MR. CORWIN: -- proposed building on Manor
11 Place, half of it is going to be for Human
12 Resources?

13 MS. CROWLEY: I don't know. But I heard a
14 rumor that perhaps, you know, half -- part of the
15 building will be for H.R., which sounds good,
16 right? That's sort of where it's been before,
17 where you don't have a lot of traffic because of
18 that, right? So if it's more administrative in
19 nature, then you don't have the swirl of traffic,
20 and more congestion, and more traffic accidents,
21 you know what I mean? That's sort of what I was
22 talking about. So I don't know. I know nothing
23 about the ability to influence the hospital on
24 that, but -- or influence the owners, you know,
25 how they -- how they can choose to use the

1 building. Thanks.

2 MR. CORWIN: Thank you.

3 CHAIRMAN SALADINO: Chatty.

4 MS. ALLEN: Chatty Allen, Third Street.

5 I've had mixed feelings on this property,
6 and it seemed when Mr. Solomon got up, a lot of
7 what's been brought up in the past few hearings
8 to me kind of was resolved.

9 I understand the concern with neighbors
10 with their driveway being so close to another. I
11 live on the corner up here. My -- where I park
12 my car is literally a door's open away. My door
13 opens into the small driveway that goes into
14 Sterlington. I don't, you know -- you know, you
15 got to look before you open your door. Everyone
16 has issues as far as that goes. There's a lot of
17 places that are like that.

18 The one thing that bothered me tonight that
19 was said is, well, this is what they say they
20 want, but we know they're not going to do it, so
21 they want you to deny, and I really would -- my
22 hope is this Board looks at everything and does
23 not project what this building may be. I saw
24 this a few years ago where someone was denied
25 because people got up and said, "No, you cannot

1 build on that lot because you're going to turn it
2 into a rooming house." The person was trying to
3 build a two-family home. I don't feel that
4 should be brought in saying -- they're saying
5 that this is what this building is going to be.

6 I'm 100% for bringing buildings up to code,
7 especially in a medical facility. You know,
8 there's times I have a hard time climbing stairs.
9 So for a lot of patients, elevators are very good
10 when -- even if it's only going one floor.
11 Safety for everyone, this building should be
12 brought up to code.

13 I was in there with my doctor back in the
14 '60s, so that's -- like I said at the last
15 hearing, I know this building has been used since
16 the '60s for doctors' offices. In the mid '70s,
17 I was in the doctors, and he said, "If I had been
18 across the street, you would be in and getting
19 your tonsils out." You know, so at least since
20 the '60s I have personal history with this
21 building.

22 CHAIRMAN SALADINO: Chatty, 1961, 1969?

23 MS. ALLEN: Well, I was born in '61 --

24 MS. NEFF: So it's not then.

25 MS. ALLEN: -- so it was mid '60's. It was

1 mid '60's, I would say.

2 CHAIRMAN SALADINO: Okay.

3 MS. ALLEN: I mean, I don't remember the
4 exact year, but being born in '61, my
5 pediatrician was in there.

6 You know, so I understand neighbors'
7 concerns, but I don't feel we should be
8 projecting. I mean, I have an extensive medical
9 history. I go to doctors anywhere from Greenport
10 to beyond Stony Brook. I have never, in any
11 place I've gone, seen the traffic that's being
12 what they're saying it's going to be. It's not
13 going to be a loop constantly all day long. I've
14 been to specialists all over from between here
15 and the City. I've never seen that kind of
16 traffic. So to me, I just -- I can't picture
17 that.

18 But I really hope you look at the entirety
19 of this, the benefit for our community, so
20 that -- like the gentleman said -- I'm one that
21 needs every specialist under the sun. If there
22 are specialists right in Greenport, so that I
23 don't have to find someone to take me to
24 Riverhead or beyond, where I don't have to lose
25 work, I would rather stay locally to be able to

1 see the specialists that I need. To me, I feel
2 this is a bonus for our community and this is
3 something that's been lacking. Thank you.

4 MR. HARTE: Hi. Gary Harte, Sterling
5 Street, Greenport -- Sterling Place, I'm sorry.

6 I guess I have a question for the Board.
7 The -- I know, talking about the parking and how
8 there's going to be a payment made to resolve the
9 parking issue. I know that there was an issue on
10 Third Street, I think, and Front Street, that
11 property that was -- a number of proposals of
12 what to build there and there was always --

13 MS. NEFF: Hotel.

14 MR. HARTE: -- an issue that there wasn't
15 enough parking, and a similar issue is here with
16 this property. And I can understand like in
17 Front Street, if the owner of that property paid
18 the Town some kind of money to resolve the issue,
19 that the Town could then use that money to
20 improve the parking downtown. You know, it kind
21 of makes sense.

22 CHAIRMAN SALADINO: If it had happened.

23 MR. HARTE: If it ever happened. But, I
24 mean, I think that's the logic of this, you know,
25 how the owner can compensate the Town. I guess

1 my question is if they're missing nine parking
2 spaces, or something like that --

3 CHAIRMAN SALADINO: Twelve.

4 MR. HARTE: Twelve. So whatever that
5 payment the owner makes to the Town to resolve
6 that issue, how does that help the people who
7 live near that building? And, actually, it
8 doesn't help them at all. Even if the Town
9 builds more spaces, you know, downtown with the
10 -- it doesn't help us who live there when people
11 are going to be parking in our driveways, or
12 whatever happens with this increased use.

13 CHAIRMAN SALADINO: There's a provision in
14 our code that the Planning Board has the right to
15 take a payment in lieu of parking. The issue
16 went before the Planning Board, they considered
17 it, and they decided that they would, in fact,
18 sell the 12 parking spaces. Sell is --

19 MS. NEFF: No, it's a payment in lieu of,
20 it's not sell, in my view.

21 MS. GORDON: It's ten times three.

22 CHAIRMAN SALADINO: Sell -- what I was
23 going to say is "sell" is probably not the right
24 word. They decided to accept the payment in lieu
25 of parking for the 12 spaces. We can't speak for

1 the Planning Board. I'm sure they took into
2 consideration the area, the neighbors, the --
3 where those 12 cars would park. We can't speak
4 -- they're a statutory board, they're anonymous,
5 we can't speak for them.

6 As far as the money, also part of the code
7 says that it would be used, any monies collected
8 would be used to acquire more parking in the
9 Village. So it wouldn't be -- it's not money
10 that would go into the General Fund, it would go
11 into a fund that's specific to acquiring more
12 parking for the entire Village.

13 Will it -- will it impact the neighbors
14 more than it will someone like Diana and myself,
15 we live on the other side of town? Perhaps. But
16 there's a tenet in Zoning and Planning that's --
17 is the benefit to the Village greater than the
18 detriment to the neighbor, and perhaps the
19 Planning Board -- we can't speak for the Planning
20 Board.

21 MS. GORDON: I'd like to just add one.
22 This isn't directly relevant to your question,
23 but the representative of the hospital who was
24 here last time said that their intention is to
25 request that the people who are working, the

1 hospital employers who are working in a section
2 of the building park at the little -- at the
3 smaller parking lot that's just to the east in
4 the same block, and he made it sound as though
5 that was a requirement. Now that doesn't
6 necessarily mean it will happen perfectly, but it
7 seemed to me that it will relieve a little bit of
8 the pressure.

9 But, of course, your answer -- I mean, your
10 question is an appropriate one and it doesn't --
11 that agreement with the Planning Board does not
12 include a benefit to the immediate neighbors.

13 MR. HARTE: Right. Of course, to your
14 point, I was aware the hospital did make that
15 accommodation. But, I mean, so far as we know,
16 they're not a tenant, they're a prospective
17 tenant.

18 MS. GORDON: Everyone is -- there are no
19 tenants at the moment there, everybody is --

20 MR. HARTE: Right. So the hospital can
21 say -- can say that they -- you know, if somebody
22 else is a tenant, they're not going to open up
23 their parking lot to people that don't work for
24 the hospital.

25 MS. GORDON: But there is a logic if the --

1 if the hospital needs more office space and is
2 intending --

3 MR. HARTE: No. I would be very happy if
4 the hospital took over the whole building, but,
5 you know, we don't know.

6 CHAIRMAN SALADINO: We don't -- we're not
7 privy.

8 MR. HARTE: No, we can't.

9 CHAIRMAN SALADINO: We're not privy to the
10 agreement between the neighbor and the hospital --

11 MR. HARTE: Right. You know, we don't know
12 that.

13 CHAIRMAN SALADINO: The applicant and the
14 hospital, we honestly don't know. Mr. Eble? The
15 vice president of the Hospital, Eble?

16 MS. GORDON: Eble, Eeble (phonetic)

17 TRUSTEE ROBINS: Eble.

18 CHAIRMAN SALADINO: Eble?

19 MS. GORDON: How do you pronounce his name?

20 TRUSTEE ROBINS: Eble.

21 MS. GORDON: Eble.

22 CHAIRMAN SALADINO: Eble, he spoke, and,
23 you know, he kind of gave us an indication of
24 what they may or may not do.

25 MR. HARTE: Right.

1 CHAIRMAN SALADINO: But we haven't -- we
2 don't know.

3 MR. HARTE: Okay.

4 CHAIRMAN SALADINO: So did I answer your
5 question --

6

7 MR. HARTE: Sure.

8 CHAIRMAN SALADINO: -- about the parking?

9 MR. HARTE: Yes, you did.

10 CHAIRMAN SALADINO: Okay

11 MR. HARTE: Thank you.

12 CHAIRMAN SALADINO: Sure. Anybody else
13 that would like to speak?

14 MR. COLLINS: My name is Michael Collins.
15 I live at 232 Manor Place. I am the homeowner
16 immediately to the west of the property. I have
17 something prepared here that I'd like to read.
18 It's short, I won't keep you, because I've been
19 up here several times from the last meeting.

20 But, you know, the thing is I would like to
21 say, I'm not trying to be a bad neighbor. I
22 would really like to work out something with this
23 project. The ADAs, bringing it up to standard,
24 remodeling, it's all beautiful, that's great, but
25 there are certain things. You cannot squeeze in

1 this intense use just because you want to. Yes,
2 it's super, it's right across the street from the
3 hospital, it's ideal, but it's also right across
4 the street in a residential area. So I'm not
5 trying to be a bad neighbor.

6 And I apologize for bringing in
7 Mr. Grossman sort of last minute here. That was
8 not our intent for it to be last minute. But I
9 realized at the meeting last month that this is
10 incredibly important, and I wanted all the
11 support I could possibly get, because this is not
12 -- my home is not a second home, I'm not a second
13 homeowner. That is my entire life savings
14 investment in that home. So all of this is
15 extremely important to me, and I am not trying to
16 be a bad neighbor. But I am trying to do -- just
17 like the new owners, I'm trying to protect my
18 investment. I have the same rights as the new
19 owners of this property. So that is something
20 very heartfelt, and I hope you understand where
21 I'm coming from, because I do not -- like I said,
22 my goal is not to be a bad neighbor.

23 There's one thing I would like to address
24 from the last meeting. There was a question
25 raised about the occupancy of the building, and

1 I'd like to make a few points, and this pertains
2 directly to the increased use of the building.
3 Again, we kind of talk about how great it's going
4 to look and how great it's going to be
5 accessible, and there's going to be medical
6 offices in there. No one has ever questioned the
7 use of the building. As far as I know, it's --
8 you know, since it was even before the buildings
9 were joined, it was a medical building. Nobody's
10 questioning it was medical offices, it was a
11 professional building. What I'm questioning is
12 taking it from a professional, medical
13 professional building to a medical center in a
14 residential area. You just -- there's no room
15 there, you can't do that.

16 Again, at the meeting in September, there
17 was a question about the occupancy. Last month I
18 went with my partner for his eye doctor
19 appointment on the North Fork. We arrived at
20 8:30 a.m. for an 8:45 appointment. There were 10
21 people in the waiting room. There was one doctor
22 and six support staff members. That's 17 people
23 just with one doctor. If you're looking at four
24 doctors in the proposed plan, that's four doctors
25 times 17, that's 68 people in the medical

1 building for services. Plus, there are three
2 offices on the second floor with one person per
3 office minimum, for a total of 71 people in the
4 building.

5 Now you add in a three bedroom apartment on
6 the second floor with, I'm guessing, maybe four
7 adults in the apartment, that's a total of 75
8 people that could potentially be in that building
9 at any given time.

10 So where are all these people going to
11 park? How does this building function with so
12 many people in and out, and with really totally
13 inadequate parking?

14 There have been comments that there will
15 only be maybe two doctors providing care at any
16 given time. Well, once you sign a lease, you
17 have no control over the activities and the
18 schedules of your doctors. There will also be --
19 there was also comments about this being a
20 nine-to-five, Monday-through-Friday operation.
21 Again, you will have no control over that either.
22 Doctors could see patients on Saturdays and
23 evenings. Office staff could also work
24 additional hours on Sundays and evenings. But,
25 regardless, you have a 24/7 operation, because

1 you have an apartment in the building.

2 My primary care doctor is in a large
3 practice with three medical -- three other
4 medical providers. They have a support staff of
5 five, and my doctor sees approximately 15 to 18
6 patients per day. With the proposed four medical
7 providers in the plan, the proposed plan, times
8 15 patients a day, that's a total of 60 people
9 per day, plus support staff. Where are all these
10 people going to park? How is this going to
11 function?

12 I -- you know, I totally understand
13 maximizing your profit, you know, we would all
14 want to did that, there's nothing unusual about
15 that, but you can only make this work if you have
16 the space to do it. There is not enough space in
17 that building or on the property for the proposed
18 plan to work. There is no way you can provide
19 adequate parking and a functional system. Thank
20 you.

21 CHAIRMAN SALADINO: Yes.

22 MS. KOUGENTAKIS: My name is Dimitra
23 Kougentakis, and I'm the owner of the building.
24 And I hear all the calculations of the doctors.
25 They're going to come and it's going to be

1 enormous traffic, and this and that. And I'm
2 telling them, Dr. Saul, Bruce Saul is going to
3 come back to the building. It's one doctor, and
4 has arranged his patients, because he's a
5 psychiatrist -- a psychologist, and one by one.
6 So it's not five cars, he doesn't need, he needs
7 his car and the patient's car, that's two cars.
8 And he's going to stay. He has two times a week
9 an office in the building. So the other three
10 days the office is going to be locked, nobody's
11 going to be there.

12 We go now to Dr. Jay, which is -- she's
13 willing to come back to the building. Dr. Jay
14 has an office twice a week, Tuesday and Thursday.
15 Benjamin's here, he has his own car, doctor has
16 his own car. And she sees, the time I was there,
17 about seven patients, the most eight, during the
18 day, so that's two times a week, Thursday and
19 Friday. She sees patients from 12 o'clock in the
20 afternoon to 5 o'clock in the afternoon. Only 10
21 hours a week she sees patients there. So I don't
22 know how the traffic is going to be enormous.

23 I already propose you for two doctors, so
24 then we're having another three doctors. So we
25 can calculate these doctors can see 10 patients,

1 15 patients a day? What is the increase? What
2 is the enormous thing we're going to do?

3 We bought a building there, it's close from
4 the hospital. We thought the Village is going to
5 support us to stay and to be a good thing for the
6 Village. We don't want disturb anybody. We
7 don't -- I talked to John, I talked to Mike and I
8 told them -- I promised them, whenever it's an
9 issue and if they have with my tenants, I can go
10 and straighten up everything, and straighten up
11 to feel it's a residential, to stay as
12 residential, like to be quiet. I didn't try to
13 make an enormous -- a factory or something.

14 So that's all I -- I promised them from the
15 first day, and I keep my promise, whatever I say.
16 So I don't know why they tried to do that to us,
17 and it's very disappointing. Thank you.

18 CHAIRMAN SALADINO: Thank you.

19 MR. COLLINS: Michael Collins again. You
20 know, I understand that. I mean, that's great to
21 explain it. You know, I would like to have heard
22 that earlier, too. But you have to look at the
23 plans submitted. There are three exam rooms
24 downstairs, or four exam rooms downstairs and
25 four upstairs. There are five doctors' offices,

1 or four doctors' offices, I'm not sure the exact
2 count. So, you know, you can say what it -- you
3 know, all the regular people are going to come
4 back and it will be all home sweet home, but
5 you've got to look at the plans submitted, and
6 they don't -- they don't describe what we just
7 heard. So that's my comment.

8 CHAIRMAN SALADINO: Thank you. John.

9 MR. QUINLAN: John Quinlan, 232 Manor
10 Place.

11 I think what's happened is there has been a
12 disconnect. There has been one effort to make
13 the approach and make the effort seem like it's
14 this razzle dazzle, over-the-top,
15 state-of-the-art, just going to knock your socks
16 off. There's been that idea, and that's to
17 appeal to the hospital, perhaps. It's appeal --
18 it's to appeal to funders or bringing in new
19 doctors. But, meanwhile, there is the kind of
20 grassroots. And, yes, we would like Dr. Jay to
21 stay and Dr. Saul to come back.

22 And when we try to paint the picture of it
23 was kind of limited use, and Charles Ihlenfeld
24 was there three hours a week for 25 years, or
25 whatever, that was to show we didn't need 20

1 parking spaces, or our new neighbors didn't need
2 to provide that. And listen to us, you won't
3 need it.

4 So I'm sorry for this disconnect, I'm very
5 sorry. We had every intention of reaching out
6 and being friends, and hoping this would work,
7 and this still can happen, I believe. I mean, I
8 have given credit to Dimitra for being up there
9 ripping out plaster. I mean, she's not just
10 sitting back. And it's a project they believe in
11 and I believe they have their hearts in it, and
12 we have our hearts in our neighborhood, too.

13 So there has to be a way that we will not
14 leave here as enemies, and I entrust that to you,
15 and that's a big deal to us. So it's not going
16 to be giant, it's not going to be tiny. It's
17 going to serve the needs of the community,
18 whatever that's determined to be. Who had a --
19 did anybody have a focus group about what we
20 need? I don't think so. I mean, that would be a
21 way to do it.

22 We also know that the hospital is a fickle
23 lover. They're going to shut down that thing,
24 that -- in the barge --

25 MS. NEFF: They're what?

1 MR. QUINLAN: -- up on Atlantic. That's
2 shutting down, and they're going to come here,
3 and then when that plays out --

4 MS. NEFF: I didn't understand what you
5 just said. What's shutting down?

6 MS. GORDON: Yeah, what do you mean?

7 MR. QUINLAN: The Gladys Brooks facility.

8 MS. NEFF: Okay.

9 MR. QUINLAN: On Atlantic. I was told that
10 will be phased out there, involvement there will
11 be phased out, because they'll be coming here.
12 That might last three years, five years, and then
13 we don't know.

14 So for everybody to get in an uproar, and,
15 you know, and they may turn around and say, "We
16 don't even want to do that." So, I mean, to be
17 doing this at this time with the healthcare
18 system so up in the air, I mean, it just -- I'm
19 glad someone else is doing that, because I'm
20 beyond anything like that myself.

21 Anyway, I do hope to turn this around in
22 some way. I'll do whatever I can in talking to
23 people or exploring ways to do things
24 differently, or how we could speak to each other
25 differently, and I hope that would be a beginning

1 for that. Thank you very much.

2 CHAIRMAN SALADINO: Thank you.

3 MR. SOLOMON: Well, I found the statements
4 made to be pretty interesting, because,
5 apparently, the statements all support my
6 application. You've heard person after person
7 after person come up here and talk about how many
8 doctors' offices have been in this building.

9 One thing I just -- I have to go back and
10 remind us is we keep looking at this use
11 argument. What I think is a failure of
12 recognition is that we are legally permitted
13 right now to operate the way we're operating. If
14 for some reason theoretically we didn't have an
15 application granted, we can go back there and
16 rent out to five doctors and be in operation
17 without an elevator, without ADA compliance, with
18 less parking in the back, with the -- with the
19 ramps in the front, with no improvement to the
20 property.

21 So, on a certain level, when my client
22 comes up here upset, I understand why she comes
23 upset. They're willing to change -- improve the
24 building, and the neighbors say that they're very
25 happy with the change. I don't think any

1 neighbors are going to object to moving ramps
2 into the backyard.

3 We're reducing the size of the building.
4 And, quite honestly, we hear an issue about,
5 "Well, I can't open," or there's a concern about
6 our driveway. Well, if this was a single family
7 residence, there would be a driveway there
8 anyway. And people who are using the building
9 the way it's set up, they're not opening doors in
10 the driveway, they're going to come to the back
11 of the building and they're going to park in the
12 back.

13 Now understand, by virtue of this
14 application, we're putting more parking in the
15 back than exists now to take cars off the street.
16 We're paying roughly 25 or \$30,000 to the
17 Village. Now where does all this come, all these
18 parking spots? This is -- the Village wants the
19 spots on the property. The Village is asking for
20 the spots on the property. That's why the
21 application was referred here at one point in
22 time, before we negotiated and Planning approved
23 this. The Village wanted the parking. But
24 parking is really no longer an issue here.

25 From my perspective, we're having a lot of

1 discussion tonight about use. And I tried to be
2 forthright with the neighbors and the Board right
3 from the beginning. Focusing on the current
4 tenants, who's coming, who's leaving, what the
5 current state of affairs may or may not be is
6 really not the concept here. The concept is we
7 are an office building, we are permitted to use
8 it. People -- I can't guarantee who's going to
9 be a tenant in five years, or three years, or two
10 years, or 10 years, no owner can guarantee that.
11 So when we get caught up in this conversation
12 about what doctor -- look, my client stood up in
13 front of you trying to say, "Listen, I have one
14 doctor who barely uses it, and another doctor
15 coming back who barely uses it." God bless them,
16 forever, those are the two tenants who are there.
17 But am I going to represent to you that these
18 tenants are going to be there forever?

19 And I don't believe the Board has any
20 ability to tell me what, or me -- tell my client
21 or any future owner effectively who is going to
22 be your tenants. As long as they are office
23 tenants, they're permitted to come into the place
24 and to rent. But this question about intensity
25 is -- to me, it's -- on a certain level, it's

1 just a creation of somebody's mind. There is no
2 guarantee of any intensity. If we end up with
3 the right tenants, theoretically, that the
4 neighbors may like, five -- if we theoretically
5 have five psychiatrists, everybody would be
6 happy. Five doctors, a patient comes in once an
7 hour, and that's the way it is. But that's not
8 what we're dealing with. And I say that to be
9 candid, because I think when the Board makes a
10 decision and the Board is making a decision for
11 the Village, of which I'm a resident, it's --
12 conceptually, we're agreeing that we need medical
13 offices in a building that's been a medical
14 office building for 50 some-odd years.

15 Now, when the neighbors come in today with
16 Mr. Grossman, I have -- there's no bone about
17 Mr. Grossman showing up, but we have to look at
18 the history. On August 24th, I sent a letter to
19 all the neighbors, saying, "Okay, we would like
20 to meet with you on September 8th. And at that
21 place, my office, my clients and the architect
22 involved would like to exhibit the plans to the
23 property to you, and open discussion to any
24 issues that you believe are appropriate, which
25 can be reasonably addressed." We had a meeting,

1 we met with the neighbors. We come to a hearing,
2 we come to a hearing here, the neighbors get up
3 and speak again. I'm requested on behalf of the
4 applicants to provide additional information
5 directed to neighbors' concerns. And now at
6 11 o'clock, 12 o'clock, whatever time,
7 Mr. Grossman, you know, delivered this package to
8 me --

9 MR. PROKOP: One-fifty-one.

10 MR. SOLOMON: Thank you, 1:51. Now I'm
11 confronted with a 30-page document, my greatest
12 fear being, oh, my God, I hope the Board is not
13 going to tell me they're going to continue this
14 hearing when all of a sudden somebody comes at
15 the last minute. And it's not that they didn't
16 have the -- they weren't afforded the right to do
17 it. I went out of my way to speak to the
18 neighbors. When we were here last time, I went
19 over to the neighbors.

20 I know what Mr. Grossman's saying, "Well,
21 let's have a meeting and work it out." But,
22 quite honestly, if you look at the list on the
23 workout, what he's basically asking for, if you
24 go to Page 14 of what he's submitted to you, he
25 says they want a buffer area around the property.

1 We know there's going to be a buffer area around
2 the property, that's not a surprise, it's part of
3 our plan, so it's not -- it's not even an issue.
4 I mean, it's on the plans that you have, so
5 that's not even something for discussion.

6 And I want to poke him a little bit,
7 because we all make the mistake. You said per
8 the Southold Town Code. You meant the Code of
9 the Village.

10 MR. GROSSMAN: I meant Code of the Village.

11 MR. SOLOMON: That's okay. I do, we all
12 make those mistakes.

13 They're talking about heating and air
14 conditioning and relocation. In the letter that
15 I submitted to the Village on -- to the Board on
16 October 5th, we went out of our way to discuss
17 noise pollution, so to speak, and that was on
18 Page 3 of my letter, point B. It says, "Noise
19 pollution: There are existing air conditioning
20 window units and condensing units outside the
21 building, some located adjacent to the existing
22 office," sticking out of the window next to their
23 properties. Those -- as you know, anybody who
24 listens to those air conditioners you stick in
25 the window, they're very noisy and loud. The new

1 mini split systems have sound decibels of 50
2 DBAs. It's much lower than the existing units.
3 A DBA of 60 is the level of a normal
4 conversation. So we're already addressing that
5 concern. We know that they want no noise where
6 they are. So that -- that point has been
7 addressed.

8 That they raise an issue about construction
9 damaging the foundation of their homes. Well, to
10 me, I mean, I don't even know what that really
11 means. We're not coming in, we're not
12 demolishing, we're not doing excavating, we're
13 not bringing any extraordinary equipment. So
14 while it's being raised as a potential issue, I
15 don't think it's a realistic issue to even be
16 considered.

17 CHAIRMAN SALADINO: No horizontal
18 directional drilling?

19 MR. SOLOMON: Excuse me?

20 CHAIRMAN SALADINO: No horizontal
21 directional drilling?

22 MR. SOLOMON: No. No, we're not fracking.

23 (Laughter)

24 MR. SOLOMON: Then it talks about
25 stormwater runoff. We already represented to

1 you, all the stormwater is staying on our
2 property, that's part of our plan. So we've
3 already been through that, and we've resolved
4 that issue.

5 The entrance and exit driveways, I mean,
6 the fact is for a normal proper flow -- and look,
7 I understand when Mr. Collins gets up here, and
8 his partner, and they indicate, well, it's a
9 tight spot. But when he bought his house, he
10 bought his house with -- it's like six inches
11 from the property line. I mean, the fact that
12 that's what he bought shouldn't be somehow a
13 punishment to the people who bought the property
14 next door. We're going to give a buffer, we're
15 going to put a fence. I can't help that his
16 property is six inches. And you should only
17 know, his runoff from his own house runs off onto
18 my client's property. That's the way it operates
19 right now, his water runs off onto our property,
20 but -- so now we take care of the stormwater
21 issue.

22 The next thing they raise is mature trees
23 in front of the property. I've told the Board
24 every time we're here, if they wanted trees, I'd
25 put trees, but it's not even within our

1 jurisdiction. We had that discussion. It's the
2 Village's trees, so whatever the Village wants.
3 My client would plant the most beautiful weeping
4 willow if it made them happy. We can sing
5 Kumbaya up there on weekends together, together,
6 you know, together and enjoy it.

7 On a certain level it's very sad, because
8 my clients are very warmhearted. They're really
9 trying to do what's right by the neighbors. And
10 they feel like, on a certain level, that there's
11 a tremendous pushback. But when you follow my
12 letter, we discussed environmental
13 considerations, we discussed air pollution, about
14 what would -- what we're taking out, and removing
15 chimneys, removing oil tanks, removing oil
16 burners to get rid of all those issues. We
17 talked about noise pollution, and what we're
18 doing. We talked about light pollution and what
19 we're doing. We talked about sanitary pollution
20 and what we're doing. We talked about energy
21 uses and what we're doing.

22 All of their concerns that Mr. Grossman is
23 raising now, and this is my concern about not
24 delaying anymore, it's addressed. His only other
25 issue is the use question. We've already

1 resolved the use, it's not a question anymore.
2 It's a -- it's a legal use. We already resolved
3 that the last time we were there.

4 And the witnesses that have all testified
5 basically have even said to you, "We don't have a
6 problem with the building being ADA compliant."
7 Why would we? Why would anybody? And that's
8 really what we're here for. Their objection is
9 not to what we're here for. There is no
10 objection to making this building ADA compliant.
11 There is no objection to any of these related
12 issues, quite honestly, as far as what we're
13 doing. Minor issues about buffer, yeah, okay,
14 3-foot buffers, 4-foot buffers. Unfortunately, a
15 4-foot buffer I don't believe will work here.
16 It's going to have to be a 3-foot buffer to get the
17 driveway where it needs to be. Theoretically, if
18 we probably put a 4-foot buffer, the driveway
19 would then become, you know, too narrow, we
20 wouldn't be able to do that.

21 But all these accommodations that
22 Mr. Grossman would ask for in a meeting has
23 really already been resolved. And if
24 Mr. Grossman had been here in September and
25 October, or whatever, there may have been a

1 resolution.

2 And I know, Mr. Chairman, you hate when I
3 say that my client is going to take another
4 financial beating every time we delay, because
5 you've already spanked me a couple of times about
6 that. I think on a certain level, okay, we went
7 from September, we adjourned it another month to
8 resolve issues. I don't think -- there's a
9 certain point where you have to have what I call
10 equitable fairness. We have gone on about -- out
11 of our way to make sure that we addressed the
12 issues of the neighbors.

13 What we're asking for in the big picture is
14 really minimal, but once you take the parking out
15 of it, and not -- there's nothing -- I don't
16 believe that we can do, or that you can do as a
17 Board -- I'm not -- I don't think the Board has
18 the right to limit the amount of hours that a
19 building can be -- can be open. I mean, maybe
20 Planning can talk about something. I don't
21 believe it's within your jurisdiction.

22 Mr. Prokop could probably answer that, but I
23 don't want to step out -- you know, step out of
24 tune, but I believe that's -- you may be able to
25 make a recommendation, but I don't think it's

1 within your province to say, "Okay, you can only
2 rent to a tenant, and if it's a doctor, it has to
3 be there from nine to five," it's just not
4 practical. Not that --

5 MR. PROKOP: Well, there's an issue. There
6 is an issue, though, that it came up, because one
7 of the things -- one of the things about the
8 application is that I think the -- at last
9 month's hearing, you produced a -- you produced a
10 1969 C of O which did -- which had authorized
11 this as a preexisting nonconforming use. As
12 compared to a legal use, it's a preexisting
13 nonconforming use. One of the things about a
14 preexisting nonconforming use is that it cannot
15 be intensified or expanded, but it also cannot be
16 changed.

17 So, in effect, I haven't heard this from
18 the Board yet, but one of the things which, of
19 course, I will be required to advise the Board is
20 that the use cannot be -- as I said, there cannot
21 be another use substituted for this use. The
22 preexisting nonconforming use is whatever the
23 testimony is as far as a medical use.

24 MR. SOLOMON: Okay. I got it, I
25 understand. Okay.

1 But what I'm really begging is I'm looking
2 to move this matter to where the Board takes it
3 into full consideration and gets it to a point
4 of, you know, making its motion and making a
5 determination. I think it would be unfair to
6 leave this hearing open for another month. I
7 mean, what's the purpose of the other month?
8 And, theoretically, if it's to read their
9 document, I think that would be totally unfair
10 where a document is dropped on the Board of
11 Zoning Appeals, Mr. Prokop said, almost 2 o'clock
12 in the afternoon on a 6 o'clock hearing and then
13 to take that -- and we had his testimony. It's
14 not that he didn't tell you his position, you've
15 heard his position, and that's -- I would most
16 respectfully ask that this hearing get closed and
17 we move -- and we move on to a determination of
18 the application. Thanks for your time.

19 CHAIRMAN SALADINO: I have a letter from a
20 neighbor. If it's okay with my colleagues, I'll
21 read this, and then come to a consensus about the
22 public hearing, I think, if no one else, after I
23 read this, wishes to speak.

24 Is this neighbor here? Is Andy Grover or
25 Dan Mazzarini here that would like to perhaps

1 read this for themselves?

2 (No Response)

3 CHAIRMAN SALADINO: Okay. "To whom it may
4 concern: We are delighted to be part of the
5 Greenport community, and as new neighbors to the
6 Stirling neighborhood, we are writing to share
7 our concerns and requests for the upcoming
8 construction at 222 Manor Place.

9 As neighbors, we have had the chance to
10 meet with the new landlord, review their plans,
11 and understand their intent for its use. We
12 sincerely appreciate the opportunity to meeting
13 the landlord's team and dig deeper into the plan
14 as we understand it: Gut renovate the interior
15 to further accommodate medical office use on the
16 first and second floor; bring the entire building
17 up to code, ADA, etcetera; significantly increase
18 the number of parking spots to accommodate future
19 tenants, namely Eastern Long Island Hospital;
20 renovate the upstairs apartment into a
21 two-bedroom apartment, and relandscape the
22 exterior around the entire property.

23 While we understand that the neighbors and
24 neighborhoods change, and the new landlords at
25 222 Manor Place want to invest considerable

1 capital in the property to attract tenants and
2 bring new life to the building, we ask the
3 Village to take into account current and future
4 neighbors of the project.

5 As with any project in the community, we
6 hope the end goal is to maintain and enhance the
7 character and intent of our neighborhood, and as
8 such would highlight the following:

9 Number 1 is current natural look, acoustic,
10 etcetera, and landscaping for all parts of the
11 building fit into the existing community, rather
12 than dominate and change its character, including
13 parking, make sure our neighbors' property lines,
14 landscape and input are considered. Because of
15 lot lines and current construction, many of our
16 neighbors will be living in extremely close
17 proximity to the finished product, and we do not
18 want their everyday quality of life to suffer.

19 Sound: Limited time of day uses to be
20 respectful of early mornings and evening uses,
21 and to limit occupancy of both parking and
22 housing quarters.

23 Number 2 is limiting types of use. While
24 we understand that medical use is long
25 established at the property and will continue

1 under new ownership, we want to ensure that they"
2 -- "that they type" -- that, I guess, "the type
3 of medical use remains consistent, namely
4 noninvasive primary care. To that end, we would
5 request that there be limitations to types of
6 use, and expressly prohibit uses that could
7 negatively affect the neighborhood: X-rays or
8 other investing testing, drug treatment,
9 Methadone, dispensing medical marijuana,
10 surgeries, and any other use that do not meet the
11 established community standards for the Village
12 or the Stirling neighborhood.

13 It is our hope that our new neighbor will
14 respect and help to foster the character of our
15 neighborhood, and become a natural fit to the
16 fabric of Greenport that we all call home.

17 Thank you. Andy Grover and Dan Mazzarini,
18 236 Manor Place, Greenport, New York."

19 Is there anyone else that would like to
20 speak before we --

21 MR. COLLINS: I would just like to address
22 Mr. Solomon's comments about addressing all of
23 our concerns. And with all due respect, concerns
24 have been addressed, but nothing has been
25 changed. You know, the driveways are still the

1 same place they were initially proposed, the air
2 conditioning staying on the side of the -- next
3 to my home. I don't care about the decibel
4 levels. If I want to sit in my backyard and have
5 a glass of wine with my family, there's going to
6 be -- there's going to be air conditioning noise,
7 because it's right up against my home.

8 The air conditioning that's currently
9 there, yes, it's been there all this time. For
10 25 years we've dealt with this with previous
11 owners. We have asked for fencing, we have asked
12 for buffer planting as well. We have been
13 totally ignored for 25 years. So it's a very
14 touchy subject for me about the air conditioning.

15 I'm sure the technology is just wonderful
16 now, but 53 decibels, or whatever, means nothing
17 to me. Unless it's totally silent, I don't want
18 them on my -- on -- next to my home.

19 So I -- you know, I feel like you can say
20 things have been addressed, but nothing has
21 changed. Nothing has been discussed to alter the
22 driveway, to alter the traffic pattern, to move
23 the air conditioning to the inside of the
24 perimeter of the building. Nothing has been --
25 nothing's changed. So I can't really say that my

1 needs have been addressed, or my concerns or
2 issues have been discussed or addressed. So
3 thank you.

4 MR. GROSSMAN: I just want to make a couple
5 of very brief comments, if I could.

6 I appreciate all of you listening to the
7 testimony tonight. I understand that this is a
8 difficult application, as I indicated initially.
9 And I also just want to mention again, I didn't
10 mean to put the Board in an awkward position in
11 terms of receiving my submission this afternoon
12 for tonight's hearing and not being able to get a
13 chance to read it.

14 But the people who have given testimony who
15 are the neighbors, they're going to have to live
16 with this for a very long time. They're going to
17 have to live with this, the outcome of this
18 application for as long as they continue to own
19 their properties. And I think you've heard a lot
20 of testimony about their concerns.

21 I know at the last public hearing it was
22 asked of the applicant to give more specific
23 information about exactly what was going to be
24 going on in the renovated building. I know that
25 was one of the things that was -- that was

1 requested. And I know the owner gave some
2 testimony tonight, but the plans are the plans,
3 that the neighbors didn't create these plans.
4 The plans show a lot of use of this -- of this
5 space. And I think that that's something that is
6 of real concern to the members of the audience
7 who are the neighbors that we're looking for an
8 increased operation. Now, I don't know. It
9 could be that many of these areas, indicating
10 doctor's office and doctor's assistants, might
11 be -- not end up being used. But there
12 apparently are contract negotiations with the
13 hospital to use -- to use this space.

14 And so there's no reason, you know, in my
15 view, for this Board to presume that it's not
16 going to be used exactly the way the plans spell
17 it out. And if that's the case, there are going
18 to be increased -- there's going to be increased
19 use in the property that will be -- result in
20 increased traffic, and an impact on all these
21 people who are practically on the property line.

22 When they bought their properties, from the
23 testimony that I heard tonight, and from what
24 I've read from the prior public hearings, it was
25 a less -- it was, you know, a modest amount of

1 use of this site. And what I'm seeing in the
2 plans is a much more active operation. And I
3 can't imagine how this is not going to have a
4 significant impact on all of the surrounding
5 residences. And so I ask this Board to take that
6 into consideration.

7 You know, Mr. Solomon is doing, you know,
8 what he can on behalf of the applicant, as he's
9 supposed to be doing. And I'm hoping that you'll
10 all consider what you've heard tonight and what
11 you heard previously in the public hearing from
12 the neighbors, because there's no dialogue going
13 on here about -- about the concerns of the
14 neighbors, there just isn't. Mr. Solomon comes
15 up to the podium and he says, "Oh, don't worry
16 about it, it's already been addressed." It
17 hasn't been, it really hasn't been. So I -- and
18 I think that's unfortunate, because it could be
19 that there could be constructive dialogue that
20 would make -- that the neighbors and the
21 applicant communicate much better in terms of
22 their concerns, so that -- so that maybe the end
23 result here will not be so harmful on the
24 neighbors.

25 And that's all I have to say. And thank

1 you all for your patience tonight in listening to
2 me and all of us who are here.

3 CHAIRMAN SALADINO: Thank you.

4 MR. GROSSMAN: Thank you.

5 MR. SOLOMON: Well, you forced me to come
6 back.

7 CHAIRMAN SALADINO: Well, we were going to
8 bring you back anyway, because Diana has a
9 question for you.

10 MR. SOLOMON: Okay, that's fine. But let
11 me -- let me just address this. We keep going
12 back on this issue about increased, you know,
13 occupancy. This is so speculative. I mean, thi
14 is -- nothing is definitive by the neighbors
15 objecting, other than saying about their going to
16 their own doctors, and how many people are in the
17 doctor's waiting room. Well, you know, I go to a
18 doctor in Manhattan, I'm the only one in the
19 waiting room. I mean, I don't know how we're
20 going to deal with how many people are in the
21 waiting room.

22 But I wanted to call your attention, it's
23 in the letter that I sent. The current building
24 at 4,750 square feet, with occupancy of one --
25 one person per 100 square feet of office permits

1 47 occupants, and an 890 foot of residence space
2 of 1 to 200 permits four occupants. That's the
3 State Code. What we're doing by reducing it, it
4 actually comes down, instead of being a total of
5 51, it comes down to a total of 50. This is
6 under the office building computation of how many
7 people could be in the building. Now nobody says
8 this is how many people are going in, but that's
9 what the State Law permits.

10 So when I'm listening to there's 17 people
11 in waiting rooms, and three -- I mean, you
12 can't -- you can't do that. You've got to look
13 at what the code -- and we're actually reducing.
14 By reducing the size of the building, we're
15 reducing the legal occupancy. So we're not
16 intensifying use. So when somebody looks at plan
17 and says, "Oh, you've got boxes here and offices
18 here and that means more use," that's really not
19 a -- it's not a proper argument, it's just not.

20 So, I mean, that's what I really wanted to
21 bring up. If somebody has questions for me, I'll
22 be more than happy to entertain them all.

23 MR. PROKOP: Let me just speak to that.

24 MS. GORDON: The density --

25 MR. PROKOP: I'm sorry.

1 MS. GORDON: Excuse me. But the density
2 you've just described is probably much more
3 likely to be acceptable in a nonresidential
4 neighborhood. That isn't the question, so --

5 MR. SOLOMON: Okay.

6 MS. GORDON: I mean, this is --

7 MR. SOLOMON: No, I understand what you're
8 saying.

9 MS. GORDON: But that's not the question I
10 wanted to ask. You've dealt with a number of
11 these issues that were brought up --

12 MR. SOLOMON: Correct

13 MS. GORDON: -- on page 14.

14 MR. SOLOMON: Right.

15 MS. GORDON: But you haven't dealt at all
16 with the issue of the driveways. And I do -- I
17 do see how very, very crowded the two houses on
18 the two sides are. Is there anything that could
19 be done? Is this a question we should be asking
20 the architect? Can you speak to it? I mean, it
21 seems that, you know, the building is a sort of
22 immovable object, but --

23 MR. SOUTHARD: Charles W. Southard, Jr.,
24 435 Bay Home Road in Southold. Good evening.
25 How are you?

1 The whole issue of parking that everybody
2 keeps bring up, more parking, more -- is required
3 by the Village. It's not our desire. We would
4 be happy not to put anymore parking places in
5 there. It would save us money.

6 MS. GORDON: I was asking about the
7 driveways. I'm asking about the driveways.

8 CHAIRMAN SALADINO: This is not about
9 parking, it's about access.

10 MR. SOUTHARD: The driveways are required
11 to be 10 foot wide, that's Village Code, all
12 right, and that's what they are. And we've
13 got -- given a buffer area against the adjacent
14 property of three foot, which is what the
15 Planning Code requires. We've provided for
16 landscaping, we've provided for fencing. We've
17 provided for drain, we've provided everything.

18 These are issues of the Planning Board.
19 When we get to the Planning Board, I'm sure that
20 they will review the site plan, and if they want
21 to make any changes, that's going to be their
22 purview. But this really -- all of these issues
23 of parking and site has nothing to do here, it's
24 got to do with the Planning consideration, and
25 we're merely trying to follow the Village Code

1 and provide what the code requires us to do.

2 MS. GORDON: Okay. I have a related
3 question on the specifics of the renovation. I
4 have a relatively new house and my HVAC is
5 silent. Can you guarantee a quality, a level of
6 quality that will mean that HVAC is basically
7 silent? I mean, this idea --

8 MR. SOUTHARD: Well, I don't know what you
9 mean by silent, but there's 60 decibels that's
10 quoted that was stated in the thing.

11 MS. GORDON: Okay.

12 MR. SOUTHARD: Sixty decibels is about the
13 sound level of normal conversation. All
14 equipment makes noise, they all have motors,
15 they're going to make some sort of noise, you're
16 going to have air noise. These are the latest.
17 They are called split units. They're mini split
18 systems. Instead of having one great big system
19 which makes a lot of noise, there are a few small
20 ones. They are the latest state-of-the-art.
21 They are the most quiet units that are available.

22 MR. KOUGENTAKIS: They're very quiet.

23 MS. GORDON: Okay. Thank you.

24 MR. SOUTHARD: As far as the occupancy,
25 just let me clarify. You can ask your Code

1 Official, who is here, and they will confirm the
2 fact that the occupancy numbers that have been
3 given to you are stated in the New York State
4 Building Code, which is what we all must comply
5 with.

6 Now the Fire Marshal in the Village, all
7 right, will set an occupancy limit on this
8 building, and it will be calculated in exactly
9 the way that I made the calculation. You can ask
10 your Code Official about that, but that's
11 something that's determined.

12 Now whether the building is continued to be
13 used as it's permitted under -- as a legal
14 preexisting use, all right, it's got the same
15 occupancy as on the new plans. There's no change
16 in the occupancy, because it's based on square
17 foot of the building.

18 MS. GORDON: Thank you.

19 MS. NEFF: May I ask a question about
20 lighting to the rear parking lot?

21 MR. SOUTHARD: Right.

22 MS. NEFF: Is it based on the number of
23 hours the building is in use? Does it stay on at
24 night?

25 MR. SOUTHARD: No, it won't stay on at

1 night. There will be timers on the lights. The
2 lights are -- all of them we're specifying are
3 LED lights. They're all Dark Skies compliant,
4 which is the Village Code, and they will be on
5 timers, and they'll go off at a certain time at
6 night, probably around 9 o'clock, whenever the
7 facilities in the building cease to operate,
8 which I guess is somewhere 8, 9 o'clock at night.
9 It won't go on until dark, 4 or 5 o'clock,
10 whatever time, whatever season it is. They'll be
11 on for a few short hours.

12 CHAIRMAN SALADINO: And I had a question
13 for the -- about the buffer. Eileen, 3 feet is
14 the buffer, or 5 feet, I thought, for parking lot
15 in a residential?

16 MS. WINGATE: We don't have a buffer
17 section of our code. And we also don't have a
18 Dark Sky compliance section of our code.
19 Driveways in the Village Code can be on the
20 parking lot.

21 The New York State Code, however, states
22 that a parking lot -- a driveway needs to be, I
23 think, 3 foot away from a combustible building.
24 So we can't push the driveways closer to the
25 building, because we need a section of

1 noncombustible material on a commercial building.

2 MR. CORWIN: Is this building going to have
3 sprinklers?

4 MS. WINGATE: No, there -- it's not
5 required, David.

6 CHAIRMAN SALADINO: The question for us now
7 is --

8 MR. SOUTHARD: Thank you.

9 CHAIRMAN SALADINO: I'm sorry.

10 MR. PROKOP: I just wanted to make --

11 CHAIRMAN SALADINO: I'm sorry.

12 MR. PROKOP: Can I make one other comment
13 about what was said? The calculation for
14 occupancy I don't think -- I think is a
15 calculation that is applied for the space -- if
16 the use was legal -- a legal use as compared to a
17 preexisting nonconforming use. I don't know that
18 that -- calculating the actual occupancy of the
19 building I don't think is merely a factor of the
20 application of the per square foot amounts that
21 are calculated under the International Code. I
22 think that you would also need to take into
23 account the fact that the building is a
24 preexisting nonconforming use.

25 MR. SOUTHARD: You want me to address that?

1 CHAIRMAN SALADINO: Could you expand on
2 that a little?

3 MR. PROKOP: Yeah.

4 CHAIRMAN SALADINO: I'm not sure I
5 understood that.

6 MR. PROKOP: There's --

7 MR. SOUTHARD: There is -- there is no
8 stipulation in the -- in the --

9 CHAIRMAN SALADINO: We're going to let the
10 Attorney talk one second.

11 MR. SOUTHARD: Okay, go ahead.

12 MR. PROKOP: At the last meeting we
13 determined that the use in the property,
14 because -- is a preexisting nonconforming use. A
15 preexisting nonconforming use cannot be enlarged
16 or intensified. It's not merely a factor of
17 calculating based on the square footage of how
18 many people can be working in the building or
19 occupying the building.

20 MR. SOUTHARD: With all due respect, that's
21 totally incorrect. Any building is determined by
22 the International Building Code for New York
23 State, it's determined on a square foot basis.
24 Whether it's existing, whether it's new, whether
25 it's proposed, whether it's renovated, everything

1 is calculated in exactly the same manner. It's
2 calculated for purpose of egress, it's calculated
3 for purpose of the door width, the stair widths.
4 It's all -- it's all based on the New York State
5 Building Code, no difference.

6 MS. WINGATE: Especially with a renovation
7 to this extent. A down-to-stud renovation
8 absolutely --

9 MS. GORDON: Louder, please.

10 MS. WINGATE: A down-to-stud renovation as
11 proposed would absolutely be calculated by square
12 footage of the building.

13 MR. SOUTHARD: Thank you.

14 CHAIRMAN SALADINO: The question in front
15 of us tonight is -- well, not tonight, but here
16 and now, is what's the Board's pleasure with this
17 public hearing? Before we -- before we get into
18 it, I'm not sure how my colleagues feel, but I
19 can understand the neighbors going to a public
20 hearing, listen to the testimony, present
21 testimony, offer their concerns, listen to the
22 reasonable responses, listening to the responses
23 from the applicant, and going home and pondering
24 those responses for two or three weeks, and then
25 deciding they weren't satisfied and hire an

1 attorney. I can understand that.

2 I can also understand that when you hire an
3 attorney, and I've heard from more than a couple
4 of people in this room tonight, that this was a
5 complicated -- not from the applicant so much,
6 but from some of the other people, that this was
7 kind of complicated. And I can understand it
8 taking more than a day or two to come up with a
9 document for this Board. We heard from the --
10 from the neighbors' attorney a summary of what
11 was in this document. I would just like a couple
12 of more minutes to consider it and think about
13 it. And I'm not sure how my colleagues feel, but
14 we're going to hear from them now, I think.

15 MR. CORWIN: I would like to adjourn the
16 public hearing and have an opportunity to read
17 the document. I'd like to make some comments one
18 way or another after the public hearing is
19 adjourned or closed.

20 CHAIRMAN SALADINO: Ellen? Diana?

21 MS. NEFF: I'd like to hear from Dinni
22 first. I do have a point of view about this.

23 CHAIRMAN SALADINO: Dinni goes first?

24 MS. NEFF: Yeah.

25 CHAIRMAN SALADINO: Okay. Diana?

1 MS. GORDON: Given that we've been given
2 this so late, and I don't think it contains a lot
3 of new information or new argument, I would be in
4 favor of closing the hearing and dispensing with
5 this, but I am also willing to go along with what
6 others -- I understand that needing more time is
7 going to be important for some and not so
8 important for others.

9 MS. NEFF: I would like --

10 CHAIRMAN SALADINO: If I could just
11 respond. I don't know what's in here. I haven't
12 been perusing it, I haven't been reading it. So
13 unlike maybe some people in the audience or
14 perhaps some people on this Board, I have -- I
15 don't have a clue what's in this, except for what
16 the attorney offered at the podium. He didn't
17 read it verbatim.

18 MS. NEFF: My point of view is since I have
19 skimmed part of it, and I appreciate that the
20 attorney highlighted kind of the gist and the
21 heart of it, I would like, as I proposed a long
22 time ago, to take a 15-minute break, and then
23 make a decision about whether we're adjourning or
24 closing and dealing with the matter. I would
25 like 15 minutes. And I'm heading for the

1 restroom.

2 CHAIRMAN SALADINO: Before you run away
3 again, I'd be more than glad to adjourn the
4 meeting for 15 minutes. We'll give everybody a
5 chance to relax and stuff. But just so you know,
6 when you come back from that 15-minute break, I
7 don't think 15 minutes is enough for me. I can't
8 speak for David. I kind of think --

9 MS. NEFF: For me, it's about the
10 repetition therein, that I'm not saying anything
11 23 pages long I could read in 15 minutes, but
12 this one, I think I can.

13 CHAIRMAN SALADINO: Well, if there's no
14 objection, I'm going to adjourn.

15 MR. CORWIN: I also want to note that these
16 people in the audience should have the
17 opportunity to look at this document, and they
18 may have some remarks they want to make at some
19 point in time. I can't read anything in 15
20 minutes, I can't read this in an hour. Sorry, my
21 reading comprehension isn't that great.

22 CHAIRMAN SALADINO: Well, we're going to
23 take 15 minutes, and we're going to blame the
24 stenographer. We're going to blame her for the
25 15-minute break, so she can rest her fingers for

1 a few minutes, so we're going to do that. So
2 we're going to be adjourned for 15 minutes.

3 (The meeting was recessed at 8:04 p.m. and
4 resumed at 8:19 p.m.)

5 CHAIRMAN SALADINO: Folks, we're ready to
6 start again. The question in front of us is what
7 are we going to do with the public hearing? Are
8 we going to keep it open, are we going to keep it
9 closed. I've expressed my opinion. Anybody
10 else? You're going to make a motion?

11 MR. CORWIN: I make a motion that we
12 adjourn the public hearing, which would continue
13 in a month.

14 CHAIRMAN SALADINO: Is there a second?
15 Then I'll make a motion that we close the public
16 hearing. Hearing no second, I'll make a motion
17 that we close the public hearing. So moved. Is
18 there a second?

19 MR. CORWIN: Second.

20 CHAIRMAN SALADINO: David?

21 MR. CORWIN: We're closing the public
22 hearing. I vote no, the public hearing is to be
23 left open.

24 CHAIRMAN SALADINO: I'm going to vote no.
25 So you want me to go first?

1 MS. GORDON: Okay, yes.

2 CHAIRMAN SALADINO: I vote no also.

3 MS. NEFF: Yes.

4 MS. GORDON: No.

5 CHAIRMAN SALADINO: So the public hearing
6 is going to remain open. We'll pick this up
7 again next month, and consider the -- everything
8 in front of us, and then reasonably certain we'll
9 close it next month. The last thing on our
10 agenda is --

11 MR. CORWIN: Can I just make some remarks?

12 CHAIRMAN SALADINO: Some comments by
13 Mr. Corwin. Remember, the public hearing is
14 still open.

15 MR. CORWIN: I understand. I move that we
16 adjourn the public hearing. We haven't -- we
17 haven't adjourned it, so. I think it -- well, I
18 ask the Attorney, is -- do we have to adjourn the
19 public hearing, or leaving it open is the same as
20 adjourning?

21 MR. PROKOP: I think that leaving it open
22 is the same as adjourning it. I think the
23 affirmative action is to close it. If you don't
24 close it, then I think it stays open. It's a
25 very unusual circumstance, but I think in this

1 situation, if it's not closed, then it stays open
2 until the next meeting.

3 MR. CORWIN: But I can make some remarks
4 that aren't part of the public hearing at this
5 point in time?

6 MR. PROKOP: When we go into meeting.

7 MR. CORWIN: What?

8 MR. PROKOP: In -- when we -- when we go
9 back into the meeting. If we're back in the
10 meeting now, then you can make those remarks.

11 MR. CORWIN: So we are back in the meeting,
12 correct?

13 CHAIRMAN SALADINO: Yes.

14 MR. PROKOP: Yes. I would just caution you
15 not to express an opinion about the application.

16 CHAIRMAN SALADINO: No testimony.

17 MR. PROKOP: Right.

18 MR. CORWIN: All right. I'll have to
19 scratch a couple of things off my list, then.
20 But I do want to say that one of the questions we
21 have to consider is whether a proposed variance
22 will have an adverse effect or impact on the
23 physical or environmental conditions in the
24 neighborhood or district, because some of these
25 things, I'm being told, "Well, you can't" --

1 "that's not your consideration, that's the
2 Planning Board's consideration," and I contend,
3 well, they are.

4 So I asked last month, lighting, I'm
5 concerned about the lighting, and the architect
6 said, "Oh, we submitted a lighting plan." I
7 haven't seen it. Maybe I missed it. I looked
8 through what I have. I want to know where the
9 lighting is located, what the specifications are.
10 That's certainly part of the environmental impact
11 on the neighborhood.

12 Also the heat pumps. I don't know how many
13 heat pumps are going to be used. I was told at
14 the inspection they were going to be mounted
15 10 foot in the air to get it out of the snow,
16 whatever. I would like to know how many heat
17 pumps are going to be used. You can say a heat
18 pump is 60 decibels, but I say what are they a
19 year or two down the road when they're dirty?
20 And what is the cumulative effect, how many are
21 you going to have? And how do you even add up 60
22 decibels, because decibels are on an exponential
23 scale, so if you got four or five. And that's
24 something I'd like an answer to, because that
25 would have an effect. And I'm not making a

1 judgment at this point in time, I'm asking a
2 question that I hope can be answered by the
3 applicants.

4 And I heard the applicant say five doctors,
5 then I heard the hospital say, "We're going to
6 have two doctors and administrative staff." So
7 does that add up to five doctors, or does that
8 add up to seven doctors?

9 I wonder if there could be a new unit
10 besides just how many doctors, but doctors'
11 hours. In other words, its representative, and
12 I'm sure it's true, that some of these doctors
13 will be in Stony Brook for two days and Greenport
14 for two days. So rather than just doctors, could
15 you make up a new unit that are --

16 MR. SOLOMON: I just want to just interrupt
17 for one minute. I've made it -- I'm sort of
18 trying to make it clear politely. You're asking
19 me to identify doctors. I don't have a tenant.
20 I don't have a tenant yet.

21 MR. CORWIN: Of course I opened my mouth.

22 MR. SOLOMON: I don't have a tenant.

23 MR. CORWIN: Sorry I opened my mouth. You
24 helped me. Thank you.

25 MR. SOLOMON: I didn't say -- you give me

1 whatever -- I'm just telling you, I don't have a
2 tenant. How am I going to give you doctors?

3 MR. CORWIN: I'm sorry I opened my mouth.

4 CHAIRMAN SALADINO: Then the comment --

5 MR. CORWIN: I was mistaken.

6 CHAIRMAN SALADINO: Mike, then -- the
7 comment should have been at that time, when it
8 came time to address Mr. Corwin's questions -- I
9 was just going to enumerate them, so the
10 questions are about LED, about LEDs.

11 MR. SOLOMON: I'm willing to take them.
12 I'm just -- instead of asking -- I can't ask a
13 question? I'm asking a question. I mean, wait,
14 I'm being asked --

15 CHAIRMAN SALADINO: Well, why don't we let
16 him finish first.

17 MR. SOLOMON: I'm just -- I'm asking a
18 question. I don't know why he gets so offended.
19 I'm just asking a question. I mean, you were
20 asking me to identify doctors. You're right, we
21 had -- the hospital said they're going to have to
22 two doctors. We know that. And we know we have
23 one doctor in there now, and potentially another
24 doctor. You know, we have a limit of five
25 doctors.

1 CHAIRMAN SALADINO: So that was the answer.

2 MR. SOLOMON: Okay.

3 MR. CORWIN: I don't want to go on any
4 longer. It's my turn to speak. We adjourned, we
5 effectively adjourned the public hearing. This
6 is between the Board. This is so you can come
7 back next month and say, "Here's an answer to
8 your question, Mr. Corwin." I don't want to
9 debate it anymore tonight. I've been here
10 enough, I've heard enough. I'm just trying to
11 help you guys out with an answer, and those guys
12 out with an answer. But if you're going to get
13 up and challenge me, fine.

14 MR. SOLOMON: It wasn't a challenge.

15 MR. CORWIN: I'll save it for when it's
16 time to vote.

17 MR. SOLOMON: It wasn't a challenge.

18 CHAIRMAN SALADINO: David, David, David.

19 MR. CORWIN: Well, I take it that way.

20 MR. SOLOMON: Well, then I apologize.

21 MR. CORWIN: Then why don't you just sit
22 down?

23 MR. SOLOMON: I'm not here -- I'm not here
24 to challenge. Then I will sit down.

25 CHAIRMAN SALADINO: All right. David,

1 continue with your question and --

2 MR. CORWIN: No, that's it.

3 MS. GORDON: But you have something
4 valuable to add, and you have taken --

5 MR. CORWIN: I don't want to step over the
6 line and have somebody say, "Oh, it's Article 78
7 time, Corwin opened his mouth." I've got other
8 things that I'd like to bring up, bring them up
9 next month.

10 MS. GORDON: We'd like to hear them, not
11 just this audience, we'd like to hear them.

12 CHAIRMAN SALADINO: They couldn't, they
13 couldn't --

14 MR. CORWIN: Is that okay with the
15 applicant?

16 CHAIRMAN SALADINO: It's not up to the
17 applicant, it's up to you.

18 MR. CORWIN: So back to the doctors. Was
19 it five or seven doctors? Would it be possible
20 to have a new unit to say doctors' hours? In
21 other words, because you know the doctors are
22 going to be split, to say, "We're going to have a
23 doctor that's there 16 hours a week, we're going
24 to have a doctor that's there 40 hours a week."
25 And I think that kind of includes staff hours,

1 too.

2 I have a couple of other questions, but I
3 think, rather than get into it with anybody, I
4 better save them for a later date.

5 MS. GORDON: I have one little question for
6 next time, also, which is the light pollution. I
7 mean, does what you've put down in your letter
8 constitute the lighting plan, or is there
9 something that can be more -- more informative
10 for the neighbors? But I think you can talk
11 about that next time.

12 CHAIRMAN SALADINO: Ellen?

13 MS. NEFF: No.

14 CHAIRMAN SALADINO: No? So tonight we
15 heard from this Board for the applicant for next
16 month a question about the lights, if it's
17 possible to just -- to put Mike on the spot, if
18 it's possible just to expand, or after further
19 conversation with the applicant, perhaps with the
20 neighbors, to give this Board a better sense
21 of -- we know you don't have a tenant yet, we
22 know you don't have an agreement yet, we know all
23 that. So maybe next month we could have a better
24 sense of the hours of operation, or the amount of
25 staff that's going to be on site at any one

1 particular time. Even -- we know you don't have
2 the answer to that now, we've heard Mike say
3 that. We don't know, you don't have a tenant.
4 Perhaps next month you will. And what was the --
5 the lighting, staff, doctors?

6 MR. SOLOMON: John, I didn't pick up the
7 first thing that Mr. Corwin was talking before.
8 Before the lighting plan, I think he raised
9 something else. I didn't pick it up. I just
10 want to --

11 MR. SOUTHARD: Dealing with the decibels of
12 the HVAC.

13 CHAIRMAN SALADINO: Oh, the mechanical
14 plant, the amount of --

15 MR. SOLOMON: Okay. Thank you.

16 CHAIRMAN SALADINO: The cumulative effect
17 of all the plants, if they ran together, because
18 we know sound goes up exponentially. I'm a big
19 fan of those units, by the way. But I think it's
20 a fair question that David will have for you --
21 has for you guys, and it will just make the
22 process a little bit easier next month, if the
23 architect can get up and say this is the amount
24 of noise they can expect from -- how many units
25 are there?

1 MR. CORWIN: Well, that's another question.

2 MR. KOUGENTAKIS: Four.

3 CHAIRMAN SALADINO: Four units?

4 MR. KOUGENTAKIS: I believe four of mine.

5 CHAIRMAN SALADINO: So if each unit -- you
6 kind of understand what Mr. Corwin's asking. If
7 there's going to be --

8 MR. SOUTHARD: Decibels are not cumulative.
9 You don't add decibels together to get -- you
10 know, don't work -- they don't work -- it doesn't
11 work that way.

12 CHAIRMAN SALADINO: Well, actually it does
13 in a setting, especially if they are -- I don't
14 want to get into the -- if that's your answer,
15 that's fine.

16 MR. SOUTHARD: Yeah.

17 CHAIRMAN SALADINO: That's fine. If no one
18 else has anything, I'm going to make a motion to
19 adjourn. Are we done? Is that -- is that what's
20 on the agenda? So Item No. --

21 MR. PROKOP: What about approving the
22 decision making -- approving the decision --

23 CHAIRMAN SALADINO: Oh, the Findings and
24 Determinations?

25 MS. WINGATE: Yeah.

1 CHAIRMAN SALADINO: We have them?

2 MS. NEFF: We don't have any.

3 MS. WINGATE: I got them late, so I
4 distributed them electronically. I'll make
5 sure --

6 MR. PROKOP: I sent in the --

7 CHAIRMAN SALADINO: The Findings and
8 Determine --

9 MR. PROKOP: The Findings and
10 Determinations.

11 CHAIRMAN SALADINO: For Sixth Street?

12 MR. PROKOP: Please look at it and let me
13 know if you have any comments.

14 CHAIRMAN SALADINO: All right. We could do
15 that. We could do that next time.

16 MS. NEFF: For -- oh, I see.

17 MS. WINGATE: The Sixth Street project.

18 MS. NEFF: Sixth Street, yes.

19 CHAIRMAN SALADINO: Sixth Street project?

20 MS. WINGATE: My apologies. I will make
21 sure they -- I think I did them electronically
22 late in the afternoon. I will make sure you have
23 them tomorrow.

24 CHAIRMAN SALADINO: Okay. You'll put them
25 out to the members for comment, and if there are

1 no comments, I could come up in and --

2 MS. WINGATE: Actually, yeah.

3 CHAIRMAN SALADINO: Okay. All right. Item
4 No. -- what's the last Item No.? Item No. --

5 MS. GORDON: Six. We're skipping 5.

6 MS. NEFF: No, that's adjourn.

7 CHAIRMAN SALADINO: Item No. 6 is a motion
8 to adjourn.

9 MS. NEFF: Yes.

10 CHAIRMAN SALADINO: So moved.

11 MS. GORDON: Second.

12 CHAIRMAN SALADINO: All in favor?

13 MR. CORWIN: Aye.

14 MS. GORDON: Aye.

15 MS. NEFF: Aye.

16 CHAIRMAN SALADINO: Aye. We're adjourned.

17 Thank you, folks.

18 (The Meeting Was Adjourned at 8:34 p.m.)

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