

Reference: 123 Sterling Avenue

11/9/20

Scope: Proposed amendments to the site plan and floor plans.

To Whom It May Concern:

RECEIVED
NOV 10 2020

BY:

We would like to highlight that we have met with the SBNA and they support these site plan and floor plan changes. The main reason for the change is to improve the issue of parking directly on Sterling Ave. and offer more green space and sidewalks to fit within the residential character of the neighborhood. Overall the impact and intensity is reduced with a smaller site footprint and lot coverage. Please see attached letter from the SBNA.

We are proposing to modify the parking configuration for the 123 Sterling Avenue Site Plan while staying within the code requirements for parking. We are also proposing to utilize the already approved storage area on the first floor and make that indoor parking spots. As for the second floor, in that same area, we propose to make that residential storage space only.

Please know that we are not asking to change any merits to this current approval and the agreed upon Stipulation for this property. Our goal is to improve the site plan while improving the floor plan by adding storage and needed parking with proximity of the main building.

Moving the parking spaces off of Sterling Ave. to the interior would allow us to install sidewalks and green space as per code in those areas. We will also plant street trees as per recommendation of village plan reviewer and Tree Committee. This would improve the issues of street traffic along Sterling Ave. and soften the scale of the building.

We also added green space buffer along the neighboring residential properties while still conforming to code with regards to travel lanes and parking spot sizes. All drainage requirements stay the same as there is no change to this requirement as well as lighting requirements.

With regards to the already approved indoor storage area on the first floor we propose to make that area for 12 parking spaces which will then allow us to remove the parking spaces along Sterling Avenue while still having parking that is efficient to the building. This area for the proposed parking spots was originally intended for storage needs, as to the reason the floor plan has garage doors. This area was also open to above, we propose to make the second-floor space of this area to become residential storage space only and not additional living space. The reason for this is will allow us to provide storage space for the residents since there is no basement. As for the balance of the waterfront commercial space as per the stipulation please see attached floor plan showing WC commercial spaces within that approved area.

We also propose to no longer build the second small storage outbuilding that was permitted as shown on original site plan. The SBNA supports these changes, including the indoor proposal with parking spots and second floor storage space.

Please see the following exhibits:

Proposed site plan showing the exterior site plan amendments

- removal of parking along Sterling and Ludlum
- addition of sidewalk and trees along Sterling and green area on Ludlum
- addition of greenspace buffer to the properties to the northwest side of the property.

Proposed floor plans showing the first floor proposed parking area and second floor proposed storage area.

Original site plan as well for reference

Landscape Sketch for reference

Parking Notes:

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NOV 10 2020

BY:

By code with the proposed parking changes including the first floor storage area, if supported, we would be required to have 60 spaces. We provide 60 physical spaces, 48 outside and 12 inside.

In short this is a change to improve the overall site plan, still have efficient parking that would be inside and not visible from the street, and add storage to an area that was deemed to have double-height ceiling storage.

We respect the current approval and hope these improvements are supported.

Regards

Paul Pawlowski



BUILDING DEPARTMENT
 VILLAGE OF GREENPORT
 236 Third Street, Greenport, NY 11944

IS PROPERTY IN THE HISTORIC DISTRICT?
 IF YES, PLEASE SEE CHECKLIST ITEM 8
 ON PAGE 4.

SITE PLAN REVIEW APPLICATION

Applicant

NAME: 123 STERLING AVE. / PAUL PAWLONSKI
 IF A CORPORATION,
 NAME AND ADDRESS OF AUTHORIZED OFFICER: _____

ADDRESS: _____

SIGNATURE: [Signature] DATE: _____
 STATE IF APPLICANT IS OWNER, LESSEE, AGENT, ARCHITECT, ENGINEER, BUILDER,
 GENERAL CONTRACTOR, ELECTRICIAN, and PLUMBER, OR OTHER: _____

Owner

NAME: Paul Pawlonski 123 STERLING AVE CORP.

ADDRESS: [Redacted]

PHONE: _____

Location Of Site

TAX MAP DISTRICT: 1001 SECTION: 003 BLOCK: 015.4 LOT: _____

STREET ADDRESS: 123 STERLING AVE. GREENPORT NY

Project Description

Residential Commercial
 PROPOSED STARTING DATE: _____ PROPOSED COMMERCIAL DATE: _____

PROJECT DESCRIPTION (UTILITY HOOK UP, STRUCTURES, USES) RE-WORK PAVING LAYOUT ON SITE PLAN.

PROPERTY IS ZONED (R-1) R-2 CR (WC) CG

PROJECT WILL REQUIRE THE FOLLOWING PERMITS:
 VILLAGE OF GREENPORT:

- BUILDING PERMIT
- WETLANDS PERMIT
- ZBA VARIANCE
- SUFFOLK COUNTY PLANNING BOARD
- N.Y. STATE D.E.C.
- U.S. ARMY CORPS OF ENGINEERS
- SUFFOLK COUNTY HEALTH DEPARTMENT
- N.Y. STATE DEPT OF STATE COASTAL ZONE MANAGEMENT

RECEIVED
 NOV 10 2020
 BY:

PB

Reference: 123 Sterling Avenue

1/26/20

To Whom It May Concern:

With reference to the landscape plan , I would like to amend the current plan that is before you and add a brick landscape wall.

With working with the SBNA and adding some design features the intent of this wall is to not only make the building look better but also hide cars that will line the west side of the building

I would like to point out that this has no effect on the site plan in terms of sidewalks, parking etc. and is placed in an area that will not affect the approved layout or the proposed landscape plan before you

I put the wall up to show good faith that I was committed to improving some of the architectural details of the building. I apologize to asking for approval of this wall after the fact.

Attached is site plan showing location and picture showing the landscape wall

Regards Paul Pawlowski

JAN 27 2021



JAN 27 2021

123 Sterling Avenue

To Planning Board

Attached is the following

- 1- Application
- 2- Site plan showing the proposed modifications
- 3- Building floorplans showing the proposed indoor parking on first floor and
- 4- Copy of Stipulation
- 5- Environmental Assessment Form

PROPOSED SITE PLAN MODIFICATIONS

REMOVE PARKING SPOTS ALONG STERLING AVENUE
INSTALL SIDEWALKS, CURBING, TREES, GREENSPACE ALONG STERLING AVENUE
PROVIDE LARGER GREEN SPACE ALONG LUDLAM PLACE
PROVIDE GREEN SPACE BUFFER ALONG PROPERTY LINES

PROPOSED FLOORPLAN MODIFICATIONS

CONVERT FIRST FLOOR STORAGE AREA TO PARKING SPACES
CONVERT SECOND FLOOR OPEN SPACE TO RESIDENTIAL STORAGE SPACE

**BUILDING DEPARTMENT
FILE COPY**

JAN 05 2021



PLANNING BOARD SITE PLAN REVIEW APPLICATION

236 Third Street, Greenport, New York, 11944
(631) 477-0248
www.villageofgreenport.org

Date of Application _____

All information below is to be completed by the applicant. This completed application is to be accompanied by the proposed Site Plan, Copies of Covenants and/or Restrictions, where applicable, Environmental Assessment Form, building plans showing elevations, setbacks, floor plans, room dimensions, current survey and quality of material, where applicable.

THE OWNER OF THE PROPERTY IS: (PLEASE PRINT CLEARLY)

123 Sterling Avenue
Paul Pawlowski

First Name Last Name Business Name, if applicable

[REDACTED]
Mailing Address City/ Town/ Village State Zip

[REDACTED]
Phone # E-Mail Address

CONTACT PERSON (if different from owner)

The person to receive all correspondence:

Sam

First Name Last Name Business Name, if applicable

Mailing Address City/ Town/ Village State Zip

Phone # E-Mail Address

IF ANYONE OTHER THAN THE OWNER COMPLETES THIS APPLICATION, WRITTEN CONSENT FROM THE OWNER MUST BE SUBMITTED WITH THIS APPLICATION.

Location:

Suffolk County Tax Map Number: 1001 Section: *003* Block: *05* Lot *016.4*
016.5

Street Address: *123 Sterling Ave* Greenport, New York, 11944

Zoning District: WC R1 R2 PD CR CG

Is property located within the Historic District? Yes No

JAN 05 2009



PLANNING BOARD SITE PLAN REVIEW APPLICATION

236 Third Street, Greenport, New York, 11944

(631) 477-0248

www.villageofgreenport.org

Project Information:

Residential Commercial

Proposed Starting Date: _____

Project Description:

Please describe project in detail. (Use an additional sheet if necessary)

please see after on

Please check the following boxes for permits this project will require:

- Building Permit
- Wetlands Permit
- Suffolk County Planning Board
- New York State D.E.C.
- United States Army Corps of Engineers
- Suffolk County Health Department
- New York State Department of State Coastal Flood Management

Does this application require a Zoning Board of Appeals Variance? Yes No

BUILDING DEPARTMENT
FILE COPY

JAN 05 2021

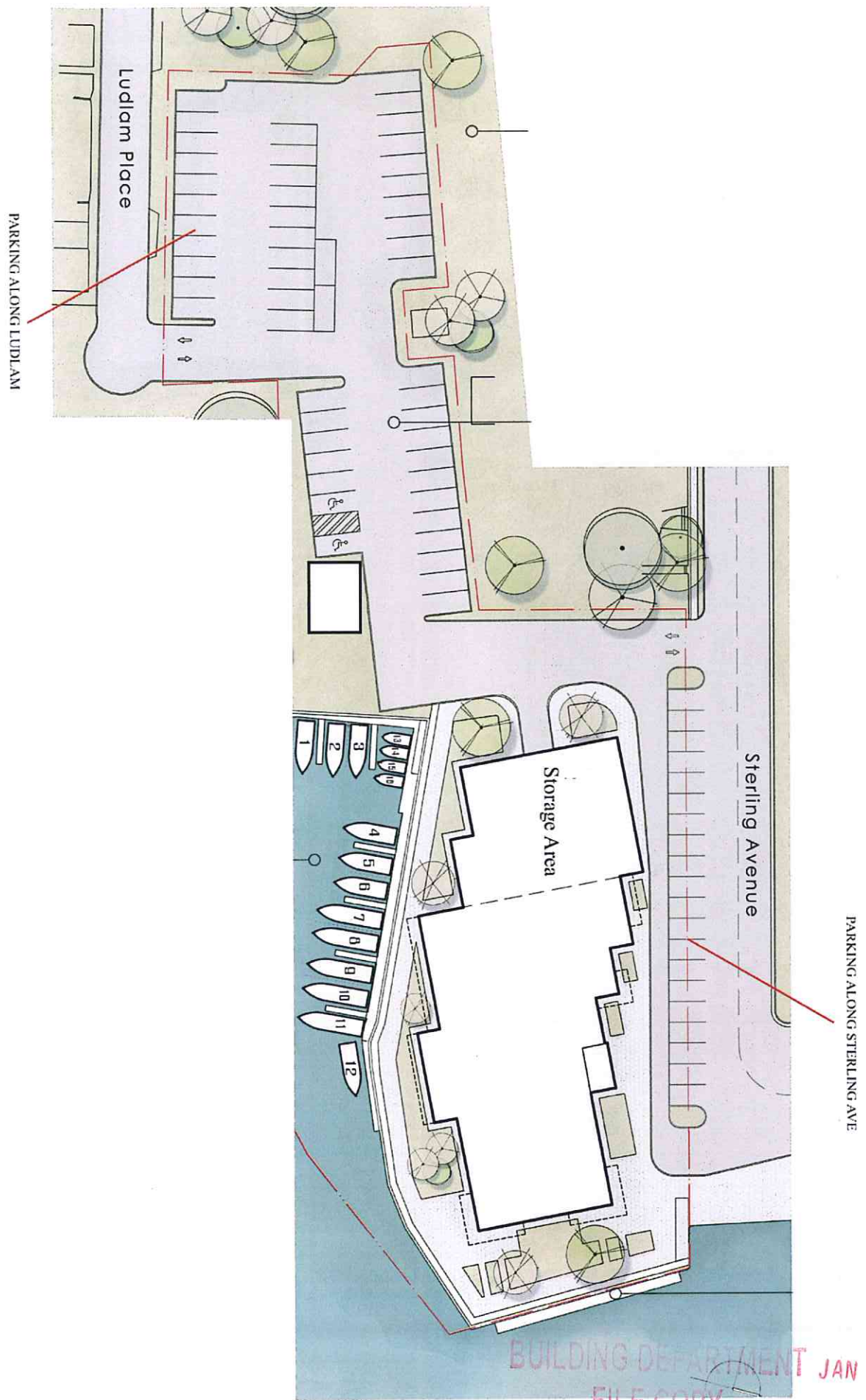
SITE PLAN - PROPOSED



BUILDING DEPARTMENT
FILE COPY

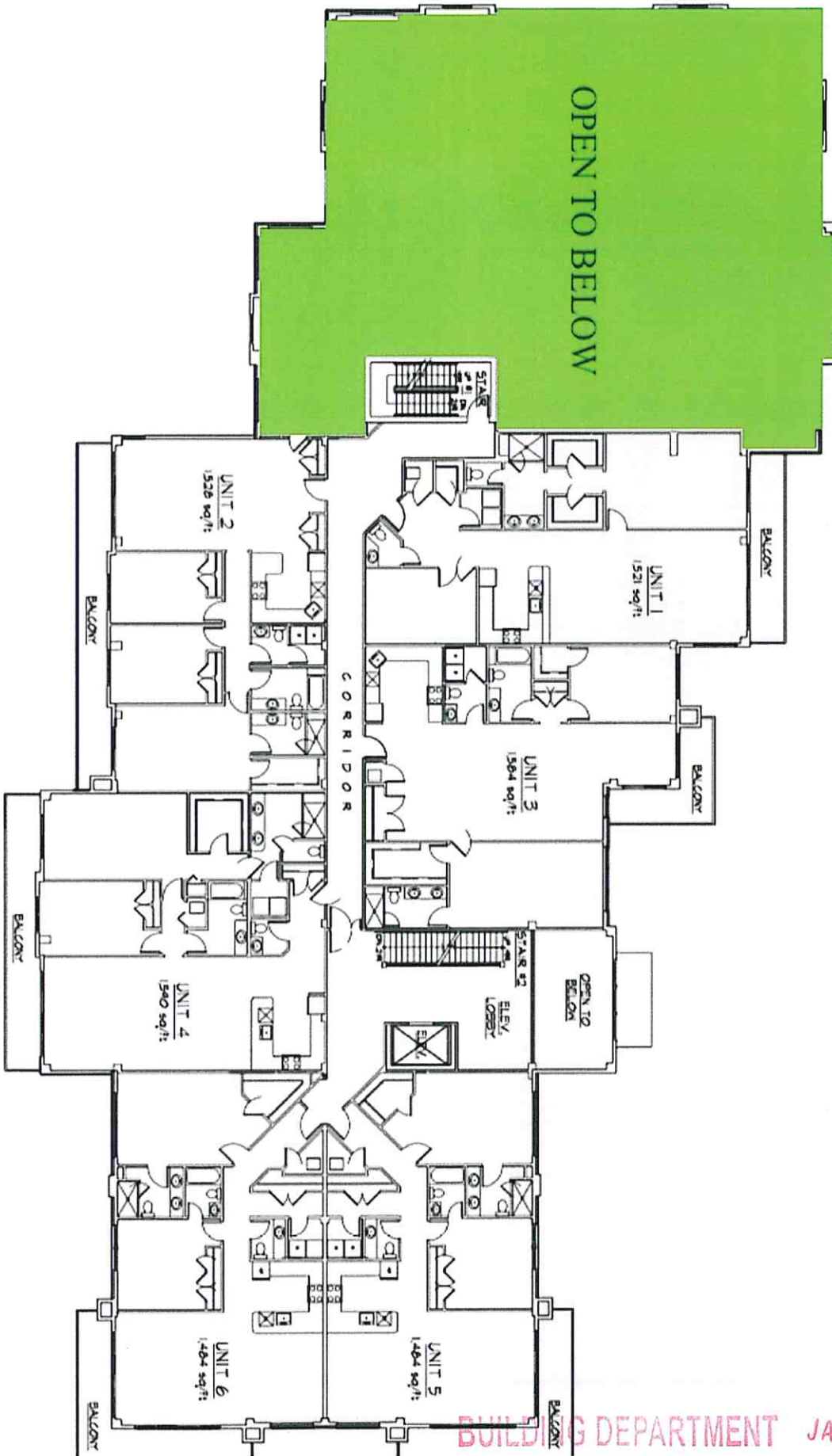
JAN 05 2021

SITE PLAN - APPROVED

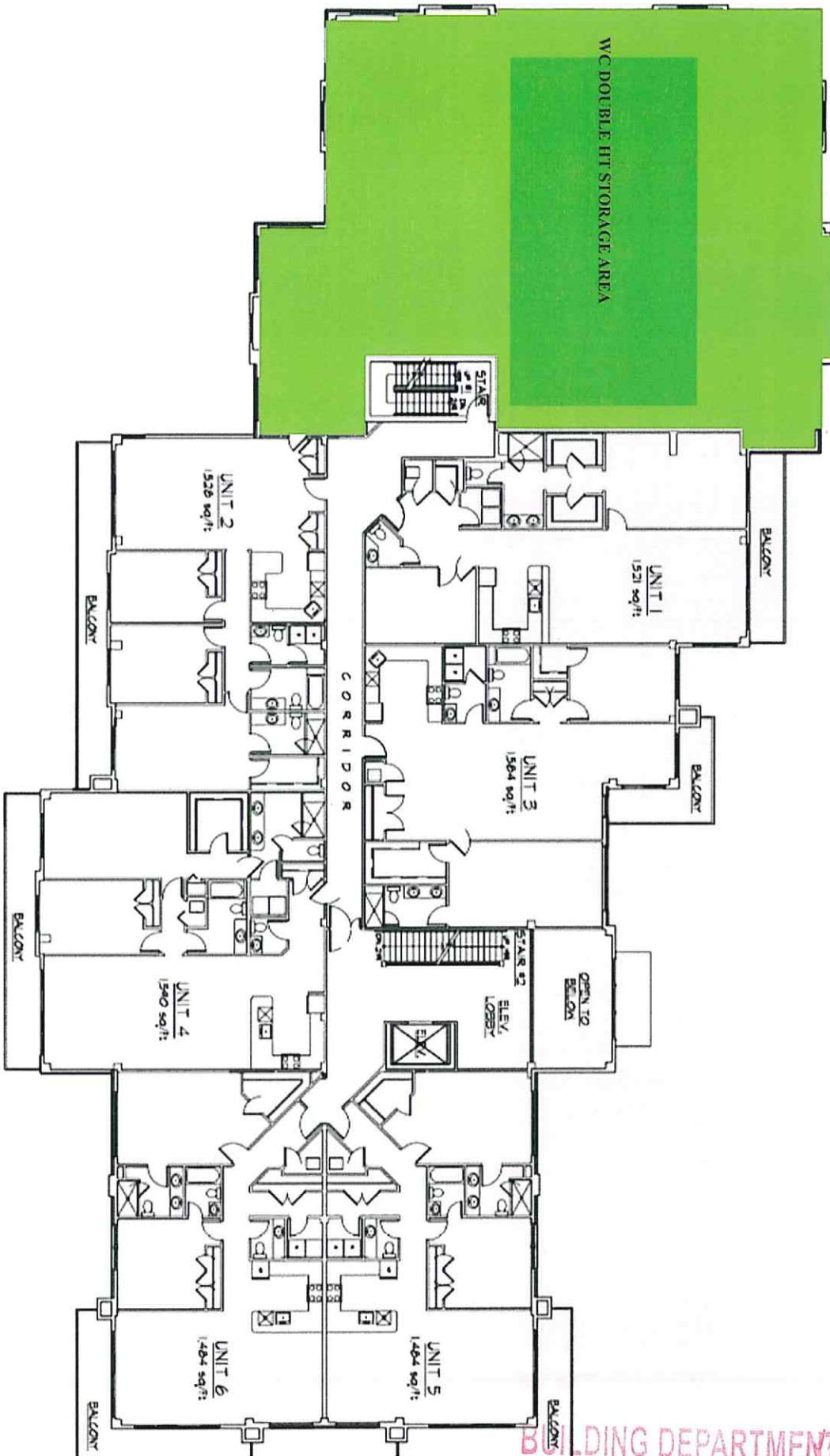


BUILDING DEPARTMENT JAN 05 2021
FILE COPY

CURRENT SECOND FLOOR LAYOUT NO STORAGE

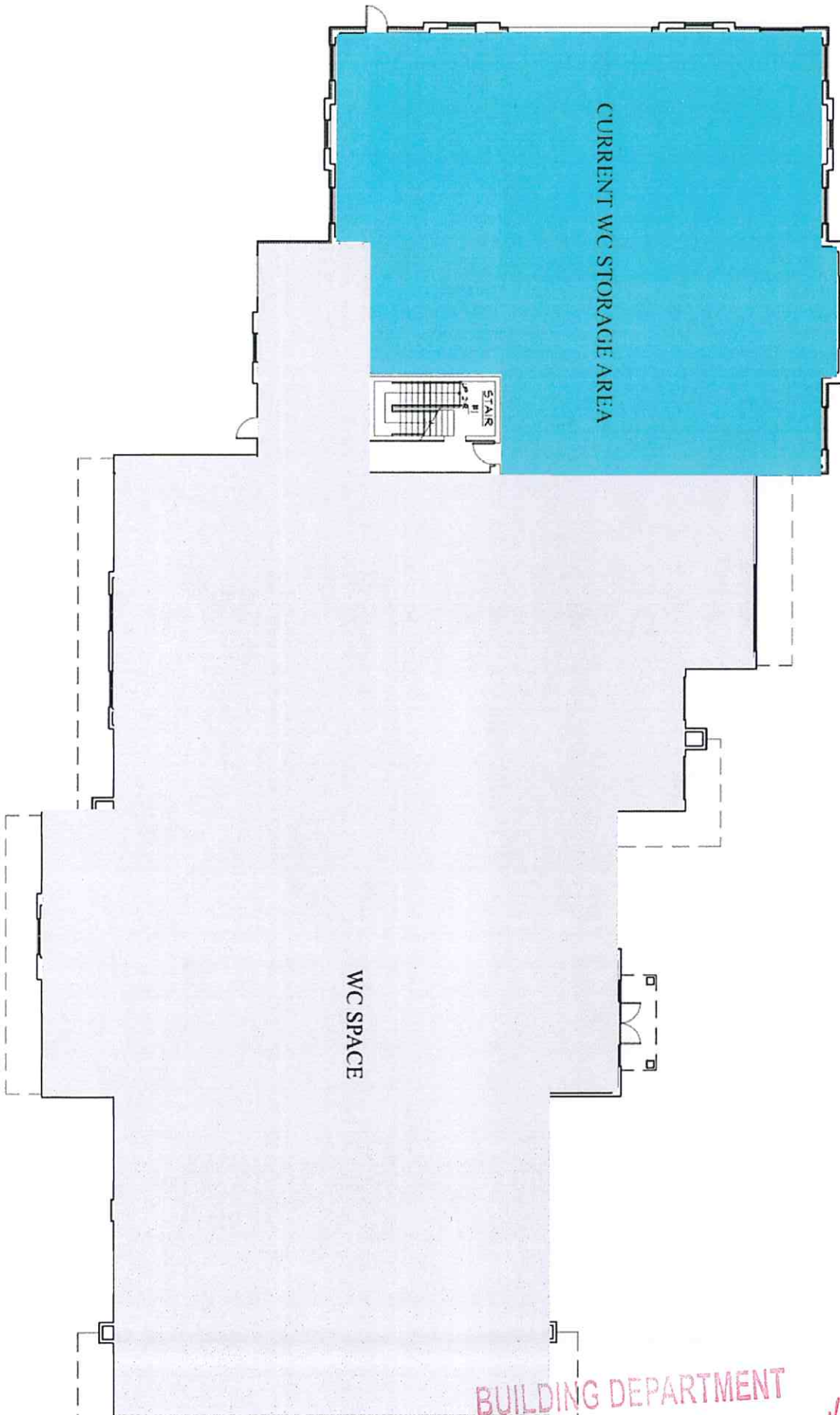


CURRENT SECOND FLOOR LAYOUT WITH STORAGE



ALL ARE APPROXIMATE

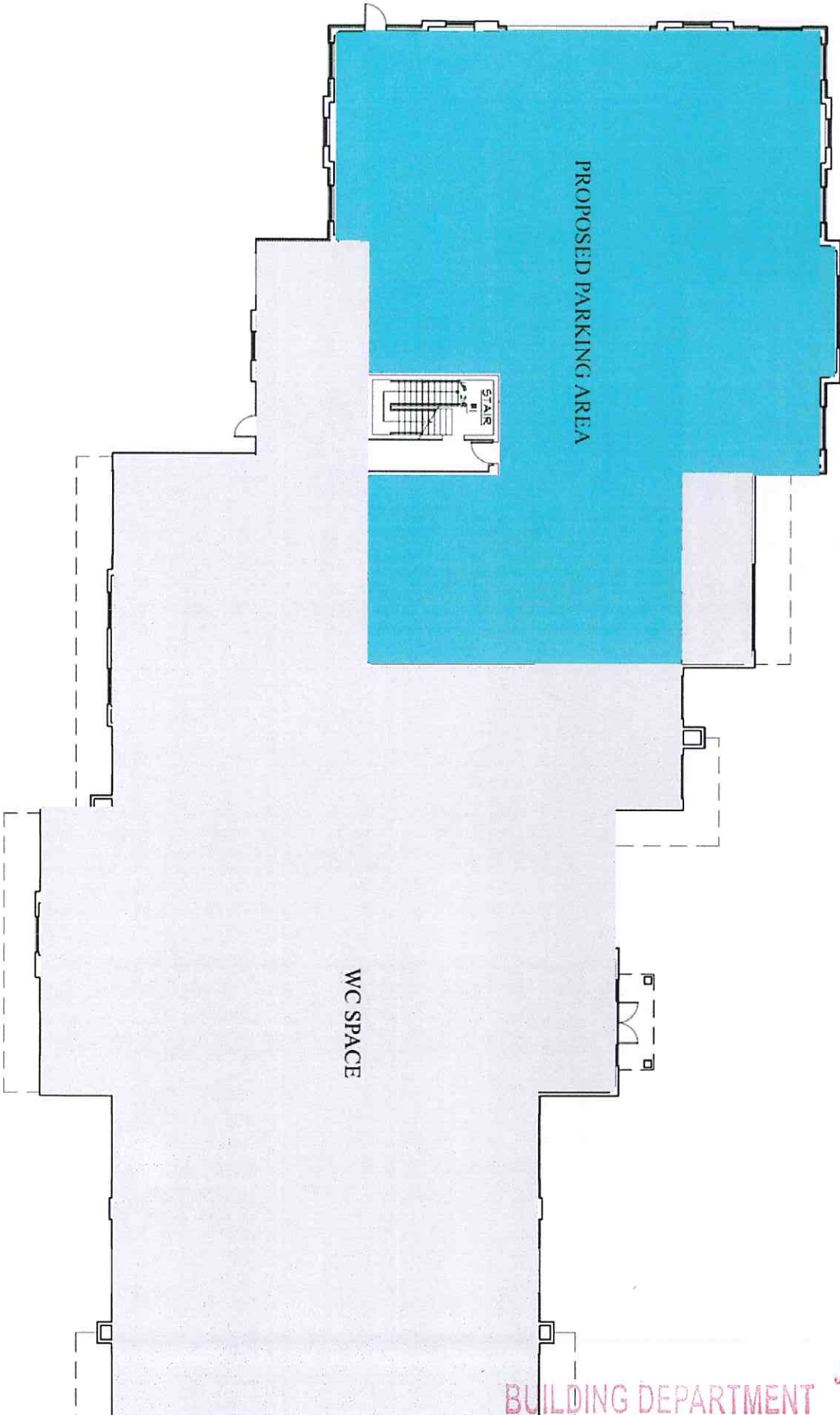
BUILDING DEPARTMENT N 0 5 2020



~~MANAGED~~ FIRST FLOOR LAYOUT

BUILDING DEPARTMENT
FILE COBV

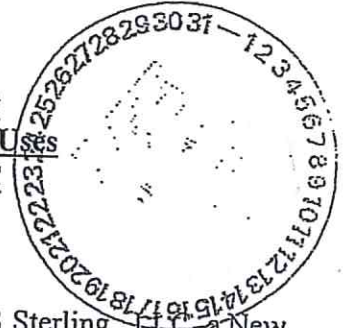
JAN 05 2021



FIRST FLOOR LAYOUT

Stipulation and Agreement of Settlement
Including Approval of Revised Site Plan and U
for Property Owned by 123 Sterling LLC

Dated: March 12, 2007



AGREEMENT dated this 12th day of March, 2007, between 123 Sterling, LLC, a New York State limited liability company with offices located at 219 Miro Place, Port Washington, NY 11050; Sterling Basin Neighborhood Association, a membership organization, with an office address of with an office address of c/o Susan Heaney, PO Box 874, Greenport, NY 11944; Bob Stahman, with an address of 130 Sterling Ave., Greenport, NY 11944 ; and George Limperis, with an address of 264 Liberty St., San Francisco, CA 94114; the Village of Greenport, with an address of 236 Third Street, Greenport, New York; the Zoning Board of Appeals of the Village of Greenport, with an office located at 236 Third Street; and the Village Planning Board of the Village of Greenport, 236 Third Street, Greenport, New York 11944, as follows:

WHEREAS, 123 Sterling LLC ("123 Sterling"), owns 1.72 acres of land, which is located along the south side of Sterling Avenue in the Village of Greenport, identified on the Suffolk County Tax Map as parcels numbered 1001-003-05-016.4 & 016.5 (hereinafter referred to as "the property"); and

WHEREAS, since October 28, 1971, tax lot 016.5 has been zoned Waterfront Commercial ("WC") and tax lot 016.4 has been zoned WC in part and R-2 Residential ("R-2") in part; and

WHEREAS, that section of lot 016.4 which is zoned R-2 is included within the Village of Greenport Historic District; and

WHEREAS, in 2003, 123 Sterling applied to the Village of Greenport Planning Board

BUILDING DEPARTMENT JAN 05 2021
FILE COPY

("Planning Board") for site plan approval to permit the demolition of some of the existing structures on the property to allow for the construction of a 14,480 square foot structure, along with associated marina facilities as part of its proposed "Greenport Marina" site plan; and

WHEREAS, the Planning Board adopted lead agency status for purposes of SEQRA and initiated a coordinated SEQRA review and thereafter, following several public meetings and site plan review, on March 31, 2005, the Planning Board issued a negative declaration for the proposed development under the State Environmental Quality Review Act ("SEQRA") and then rendered a conditional approval which approved the "Greenport Marina" site plan, conditioned upon the Village of Greenport Zoning Board of Appeals (hereinafter "ZBA") rendering an interpretation that the use proposed by 123 Sterling for that portion of the property that is zoned R-2 Residential existed as a pre-existing nonconforming use; and

WHEREAS, a proceeding was commenced in Supreme Court, Suffolk County, challenging the Planning Board's March 31, 2005 decisions entitled "*Matter of Sterling Basin Neighborhood Association and Bob Stahman and George Limperis v. Planning Board of the Village of Greenport and 123 Sterling, LLC*," Suffolk County Index No. 05-10801; and

WHEREAS, by decision dated March 20, 2006, and judgment dated May 5, 2006, the Supreme Court, Suffolk County (Loughlin, J.) upheld the Planning Board's decisions; and

WHEREAS, SBNA subsequently filed a notice of appeal from the May 5, 2006 judgment; and

WHEREAS, the ZBA held a public hearing on July 27, 2005 concerning the interpretation called for by the Planning Board; and

WHEREAS, on September 28, 2005, the ZBA adopted a resolution finding that the use of the R-2 parcel as proposed by 123 Sterling constituted a pre-existing nonconforming use of the

property; and

WHEREAS, in October 2005, SBNA and George Limperis commenced a proceeding, entitled "*Matter of Sterling Basin Neighborhood Assoc. v Zoning Board of Appeals of the Village of Greenport,*" Index No. 05-26023, challenging the ZBA's September 28, 2005 determination; and

WHEREAS, on January 24, 2006, the Supreme Court, Suffolk County (Loughlin, J.), granted the petition in that proceeding to the extent that the Court remanded the matter back to the ZBA to adopt findings regarding its September 28, 2005 decision; and

WHEREAS, on February 22, 2006, the ZBA adopted a new resolution, in which it found that the use of the R-2 parcel as proposed by 123 Sterling constituted a legal pre-existing nonconforming use of the property; and

WHEREAS, SBNA and George Limperis commenced a new proceeding challenging the ZBA's February 22, 2006 decision, under the caption "*Matter of Sterling Basin Neighborhood Association and George Limperis v. Zoning Board of Appeals of the Village of Greenport and 123 Sterling, LLC*" Supreme Court, Suffolk County, Index. No. 06-09063; and

WHEREAS, by order dated October 6, 2006, the Supreme Court, Suffolk County (Spinner, J.) dismissed this proceeding and upheld the ZBA's February 22, 2006 decision; and

WHEREAS, SBNA subsequently filed a notice of appeal from the October 6, 2006 order; and

WHEREAS, the appeals in the proceedings with Suffolk County index numbers 05-10801 and 06-09063 are still pending; and

WHEREAS, the parties to those proceedings (including 123 Sterling and SBNA) have

had extensive discussions regarding proposed modifications to the original, approved development plans for the property (hereinafter, "Original Plans"); and

WHEREAS, the proposed modifications to the Original Plans are shown and described more fully in (1) a revised Site Plan, prepared by Kenneth H. Beckman, L.S., dated 12/16/02 and last revised 2/06/07, attached as Exhibit A hereto, (2) revised elevation and floor plan drawings, prepared by Gary D. Cannella Associates, architects and planners, dated January 31, 2007, attached as Exhibit B hereto, and (3) a narrative entitled "Description of Revised Site Plan and Uses for 123 Sterling Avenue," dated February 7, 2007, attached as Exhibit C hereto; and

WHEREAS, the modifications to the original, approved development plans as shown in Exhibits A, B, and C, are collectively referred to as the "Modified Plans"; and

WHEREAS, the parties to those proceedings have also had extensive discussions with Village officials, including representatives of the Village Trustees, the Planning Board, and the ZBA, regarding the Modified Plans; and

WHEREAS, 123 Sterling and SBNA are desirous of settling their differences by pursuing the Modified Plans in lieu of the Original Plans, while reserving their rights, as provided herein; and

WHEREAS, the Village is desirous of settling the litigation and dispute in the manner proposed by 123 Sterling and SBNA for numerous reasons, including:

- 1) The Village believes that a development plan that is preferred by both the owners (123 Sterling) and neighbors (SBNA) is preferable to the original development plan (which is opposed by SBNA) and will bring more community accord;
- 2) Under the Modified Plans, 123 Sterling has proposed a voluntary set-aside of five residency-restricted, price-limited residential housing units within its proposed new building

on the property; and

3) Said residency-restricted, price-limited residential housing units will serve a legitimate Village need for such housing, at no cost to the Village;

4) The proposed development plan appears to be a proper and desirable use of the subject property which will have a significant positive impact on the neighborhood, the community and the Village;

5) The settlement of this matter and the pending litigation limits the uncertainty which is interjected by the potential outcomes of the litigation and the continued use of public resources for that purpose; and

WHEREAS, the Modified Plans have been submitted to the Planning Board and ZBA, as well as the Board of Trustees of the Village of Greenport, as provided herein, and those boards, having reviewed and considered said the Modified plans at a joint special public meeting including the ZBA, Planning Board and Board of Trustees held on March 12, 2007; and

WHEREAS, the Planning Board, acting as lead agency for the project, has circulated the Modified Plans to all involved agencies prior to said public meeting; and

WHEREAS, the Village has referred the Modified Plans to the Suffolk County Planning Commission in accordance with the requirements that are set forth in GML § 239-m; and

WHEREAS, the Suffolk County Planning Commission has determined the consideration of the project and any action by the boards with respect to the matter to be one for local determination; and

WHEREAS, the undersigned on behalf of 123 Sterling represents that he/she/they has/have the authority to enter into this stipulation on behalf of 123 Sterling, and;

WHEREAS, the undersigned on behalf of SBNA represents that they have the authority

to enter into this stipulation on behalf of SBNA and its members, including George Limperis and Bob Stahman, and that the members of SBNA duly authorized such action; and

WHEREAS, the parties intend that this agreement have no effect on any rights of way or easements benefiting George Limperis or his property, and;

WHEREAS the parties intend that this agreement have no effect on any easement or right of way of the Village of Greenport may have across the subject property, including but not limited to the easement or right of way for the Village sewer lift station, and that the easement or right of way for the sewer lift shall station stay in full force and effect, and ;

WHEREAS the subject property is unique among waterfront commercial sites in the Village because it is bisected by the WC Waterfront Commercial and R-2 residential district boundary line, and;

NOW, THEREFORE, after due consideration, SBNA and 123 Sterling stipulate and agree as follows, and the Planning Board, ZBA, and Village Board of Trustees stipulate and find as follows:

A. STIPULATION AND AGREEMENT:

1. Without relinquishing any rights 123 Sterling may have under the Original Plans, 123 Sterling agrees to use its best efforts to pursue the development of the property according to the Modified Plans so long as the Village's and any other governmental approvals of such plans are not challenged in any administrative or judicial proceedings and/or found invalid by any agency or court of law. Nothing herein shall be construed as requiring 123 Sterling to challenge any decisions made by such agencies, to commence litigation, or to defend any challenges to governmental approvals brought by third parties, but 123 Sterling shall be entitled, in its sole discretion, to do so. 123 Sterling agrees that the Modified Plans are to be submitted for approval

to the Village Boards in connection with the review of this agreement. If all approvals are received from the Village and not challenged or invalidated, 123 Sterling agrees to use its best efforts to obtain any remaining approvals to effectuate the Modified Plans. Provided that all approvals are received, 123 Sterling agrees to develop the property according to the Modified Plans in lieu of the Original Plans. 123 Sterling reserves the right to pursue development of the property according to the Original Plans and existing approvals in the event that any governmental agency rejects the Modified Plans, or in the event that any necessary approvals for the Modified Plans are not given, or in the event that any such approvals are challenged and/or invalidated. In the event that 123 Sterling develops the property in accordance with the Modified Plans as set forth herein, 123 Sterling reserves the right at any time to seek any modifications to said plans through the ordinary channels for obtaining such modifications at that time. In the event that 123 Sterling obtains all approvals for the Modified Plans and no such approvals are challenged or invalidated, 123 Sterling reserves the right to abandon the Modified Plans, except that, in the event 123 Sterling abandons the Modified Plans but thereafter seeks to develop the property, 123 Sterling shall apply for approvals of the new development plans *de novo*, through the ordinary channels for obtaining such approvals.

2. Without relinquishing its or its members' rights to the pending appeals challenging the Original Plans, SBNA agrees that the Modified Plans are acceptable to SBNA and its members, and that SBNA and its members support the Modified Plans. SBNA, its members, and its counsel will not challenge or assist in any challenge to the Modified Plans or any approvals given in connection with this stipulation, or any future approvals (such as a building permit or certificate of occupancy) that are consistent with the Modified Plans. SBNA reserves the right to oppose or challenge any future changes that may be made to the Modified

Plan or to changes in operations or uses at the site, including before any regulatory authorities considering such changes. SBNA further reserves the right to pursue its appeals challenging the Planning Board and ZBA decisions approving the Original Plans, except that, to the extent that 123 Sterling pursues and develops its property in accordance with the Modified Plans, SBNA agrees that any challenges to the Original Plans shall not affect the Modified Plans. SBNA reserves the right to perfect the pending appeals in the event that any approvals granted to the Modified Plans are challenged, or that 123 Sterling seeks to implement the Original Plans. SBNA further reserves such rights as may be extant to challenge or oppose the Original Plans in the event that 123 Sterling seeks to implement the Original Plans.

3. 123 Sterling and SBNA agree that the promises they herein make to each other shall be enforceable at law or equity, except that SBNA expressly acknowledges that it shall have no right to file a notice of pendency against 123 Sterling's property in connection with any legal action to enforce the promises herein. This agreement shall be binding upon and inure to the benefit of SBNA, its officers, and its members, and 123 Sterling, its successors and assigns, but in no event may this agreement be recorded and in no event shall this agreement be construed as conferring rights upon other parties. 123 Sterling agrees to notify SBNA's counsel within three days of receipt of notice of filing of a legal challenge to any of the approvals sought for the Modified Plans. By entering into this stipulation, 123 Sterling and both the Planning Board and Zoning Board of Appeals of the Village of Greenport herewith consent to any application(s) SBNA elects to make to enlarge the time to perfect the pending appeals in the cases under Suffolk County Index Numbers 05-10801 and 06-09063

4. Without relinquishing any rights that the Village of Greenport, the Planning Board or the Zoning Board of Appeals may have with respect to any prior actions or approvals of

those Boards, or to the position of the Village and the Planning Board and Zoning Board of Appeals in the underlying litigations, the Village agrees to take such actions as may reasonably be expected to accomplish the terms of this settlement agreement.

B. FINDINGS AND APPROVALS

1. VILLAGE TRUSTEES APPROVAL: The Village Trustees, after considering the Modified Plans and this stipulation at a public meeting, hereby approve this stipulation and agreement and the Modified Plans. This approval is given pursuant to the Village Trustees' powers under Village Law § 4-412(3)(3), which authorizes the Village Trustees to compromise claims, as well as pursuant to its general police powers and zoning powers (Article 7 of the Village Law).

2. PLANNING BOARD APPROVALS:

The plans for the proposed development of the subject property having been duly submitted to the Planning Board, and the Planning Board having duly considered the Modified Plans at a public meeting, that application being the use of the property as described in the Modified Plans, in a joint session with the Zoning Board of Appeals and the Board of Trustees of the Village of Greenport, and;

The Planning Board having duly considered the application in the form of the Modified Plans and and duly considered the Modified Plans, and the impact of the project on the environment and the community, neighborhood, and Village, the Planning Board hereby determines as follows:

a) As lead agency for SEQRA purposes, Village Planning Board, in connection herewith, hereby determines that the proposed Modified Plans do not constitute a significant variation from the original project for which a negative declaration was issued, and that there will not be a

significant negative impact on the environment that will be created by the project as modified, and the Planning Board therefore adopts a negative declaration of significance.

b) The Planning Board hereby approves the site plan modifications for the Modified Plans, as set forth in Exhibit A hereto.

c) The Planning Board hereby approves the terms and conditions of the within stipulation and agreement stated herein.

3. ZBA APPROVAL:

The Modified Plans for the proposed development of the subject property having been duly submitted to the Zoning Board of Appeals, and the Zoning Board of Appeals having duly considered the Modified Plans at a public meeting, and the approvals as may be required for the uses specified in the plans, that application being the use of the property as described in the Modified Plans, in a joint session with the Planning Board and the Board of Trustees of the Village of Greenport, and;

The Zoning Board of Appeals having duly considered the application in the form of the Modified Plans, the uses specified in those plans, and the Modified Plans and the uses specified in those plans, and the Zoning Board of Appeals having determined that the project will not result in a significant negative impact on the neighborhood or neighboring properties, and that the impact of the project on the environment and the community, neighborhood, and Village, the Zoning Board of Appeals hereby determines as follows:

a) Consistent with the ZBA's prior involvement in the matter, the ZBA hereby approves the Modified Plans and finds said plans to be consistent with the zoning code and prior approvals and further approves the Modified Plans and the uses contained in those plans..

4. EFFECTUATING CONDITION OF APPROVALS: The Village approvals granted hereunder are conditioned on 123 Sterling's voluntary offer to set aside residency restricted/price restricted residential units as set forth in the Modified Plans (see especially Exhibit C hereto). Accordingly, 123 Sterling shall not be entitled to receive a Certificate of Occupancy for the approved structures in the Modified Plans unless and until it has recorded covenants effectuating the residency and price restrictions. Such covenants shall (1) provide for an initial sale price of \$175,000, (2) prohibit the merger of any affordable unit with any other unit, (3) permanently restrict ownership to persons who can demonstrate to the satisfaction of the Greenport Housing Authority that they have either maintained their primary residence and/or place of full-time employment within the boundaries of the Greenport Union Free School District for at least two years prior to application for approval to purchase, (4) agree to occupy the restricted unit as a primary residence . The Village shall work with 123 Sterling to draft such other restrictions as may be necessary to support the foregoing restrictions. Prior to recording the covenants, the form of covenants shall be presented to the Village Attorney and Board of Trustees, which shall review the form of covenants and approve same prior to their recording. Presentation of proof of recording to the Village shall satisfy this condition of the approvals.

STIPULATED AND AGREED TO BY:

Richard Raskin
Richard Raskin, Managing Member
123 Sterling, LLC

Susan Heaney
Susan Heaney
Ellen Schnepel
Ellen Schnepel
Co-Chairs
Sterling Basin Neighborhood Association

APPROVED AND STIPULATED TO BY:

By: Jessica E. Lapalme
Village of Greenport

By: Mary L. Coyle
Village Planning Board

By: Mary Beth Perisic
Zoning Board of Appeals

I certify that this is a true copy of the original

JANET E. STAPLES
Notary Public, State of New York
No. 4831949, Suffolk County
Commission Expires July 31, 2009

Janet E. Staples

BUILDING DEPARTMENT
FILE COPY

JAN 05 2009



Home | Architectural Sketches | Photo Gallery | Offering - Information Sheet | Site Plan | Stipulation | Description of Uses | Contact Us

Description of Uses 123 Sterling Avenue, Greenport, NY

February 7, 2007

1. A 3 story, approximately 15,000 square foot footprint building with a footprint similar to that shown on the Site Plan (rev. 2/6/07) and the Gary D. Canella sketch plans (5 pgs) attached will be built.
2. The building will have waterfront commercial operations on the 1st floor.
3. The 2nd floor will have 6 market rate residential condominium units of about 1500 sf each.
4. The 3rd floor will have:
 - a. 6 market rate residential condominium units of about 1500 sf each.
 - b. 5 Affordable Housing Residency Restricted (AHRR) residential units of approximately 600-650 sf each. The ownership and occupancy of the ARR units shall be restricted as follows:
 - (i) The units can only be sold to people who have had the Village of Greenport or the Greenport School district as their primary residence for no less than two years or who have worked in the Greenport School district or Village of Greenport for no less than two years and are so certified by the Village of Greenport's Housing Authority.
 - (ii) The units will have to be owner occupied as the owner's primary residence.
 - (iii) Initially sold for no more that \$175,000 to people who qualify under Village of Greenport Affordable Housing Residency Restrictions as described herein and more particularly to be drawn by the Village with the developers input.
 - (iv) By covenants that prevent the merging of the units into other AHRR unit or any other unit.
 - (v) There will be a limit on the number of people who may occupy the units as to be drawn by the Village with the input of the developers to prevent overcrowding and uses not in accordance with the intent of these units.
 - (vi) Subsequent sales of these units will be at market rates but the residency and no merging restrictions shall be deeded restrictions.
 - (vii) In the event the original owner of a unit sells the unit within two years of the Closing of Title a "flip tax" equal to 25% of the difference between the new purchase price of the AHRR unit and the purchase price paid for the unit initially but in no event less than 10% of the purchase paid by the seller shall be paid by the seller. This provision shall survive the deed and closing of title. Such flip tax shall be shared 50/50 between the developer/sponsor and the Village Housing Authority.
 - (viii) Any and all flip tax money going to the Housing Authority shall be used by the Housing authority to further its mission.
5. The property will have a Work/Storage building as shown on the sketch site plan.
6. The balance of the property shall be devoted to parking, open work /storage space and other uses that are consistent with the waterfront commercial and residential activities on the site. No

multi tiered boat racks are included in this plan and 123 Sterling LLC understands that if it ever wanted to install same they would have to make a new application to the Village.

7. In the event the occupants of the 1st floor do not need to tie up vessels directly to the bulkheads of the property fronting on Rackett's Basin, 123 Sterling LLC and its successors and assigns reserve the right to build, install and operate the docks, floats and slips shown on the Site Plan previously approved by the Village and the NYS DEC.
8. The condominium plan will be written in such a way as to allow the developers/sponsors (123, its successors or assigns) to own the first floor, the common space mentioned in 6 above and the Work/Storage building mentioned in 5 above and allocate such space to the W/C tenants of the first floor and/or the residential owners on a basis that the sponsors determine.

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