| 1 | VILLAGE OF GREENPORT |
| :---: | :---: |
| 2 | COUNTY OF SUFFOLK STATE OF NEW YORK |
| 3 | x |
| 4 | ZONING BOARD OF APPEALS |
| 5 | REGULAR SESSION |
| 6 |  |
| 7 | Third Street Fire Station |
| 8 | Greenport, New York |
| 9 |  |
| 10 | August 20, 2019 |
| 11 | 6:00 p.m. |
| 12 |  |
| 13 | B E F ORE: |
| 14 | John Saladino - CHAIRMAN |
| 15 | DAVId CORWIN - MEMBER |
| 16 | DINI GORDON - MEMBER |
| 17 | JaCK REARDON- MEMBER |
| 18 | ARTHUR TASKER - MEMBER |
| 19 |  |
| 20 | ROBERT CONNOLLY - ZONING BOARD ATTORNEY |
| 21 | PAUL PALLAS - VILLAGE ADMINISTRATOR |
| 22 | KRISTINA LINGG - CLERK TO THE BOARD |
| 23 |  |
| 24 |  |
| 25 |  |

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CHAIRMAN SALADINO: Folks, this is the August 20th, 2019 regular meeting of the Zoning Board of Appeals.

Item No. 1 is a motion to -- there's a small typo on the agenda for the folks that are looking. We didn't have a meeting last month. But Item No. 1 is motion to accept the minutes of the June 18th, 2019 Zoning Board of Appeals meeting. So moved.

MEMBER TASKER: Second.
CHAIRMAN SALADINO: All in favor?
MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER REARDON: Aye.
MEMBER TASKER: Aye.
CHAIRMAN SALADINO: Aye. And I'll vote aye.
Item No. 2 is a motion to approve the minutes of the May 21st, 2019 Zoning Board of Appeals meeting. So moved.

MEMBER GORDON: Second.
MEMBER REARDON: Second.
CHAIRMAN SALADINO: All in favor?
MEMBER GORDON: Aye.
MEMBER REARDON: Aye.
MEMBER TASKER: Aye.

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CHAIRMAN SALADINO: And I'11 vote aye. Any abstentions?

MEMBER CORWIN: Abstain.
CHAIRMAN SALADINO: And one abstention.
Item No. 3 is a motion to schedule the next Zoning Board of Appeals meeting for Tuesday, September 17th, 2019, at 6 p.m., at the Third Street Fire Station, Greenport, New York 11944. So moved.

MEMBER TASKER: Second.
CHAIRMAN SALADINO: A11 in favor?
MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER REARDON: Aye.
MEMBER TASKER: Aye.
CHAIRMAN SALADINO: And I'11 vote aye.
I just wanted -- before we get to the important application here, I'm going to skip to Item No. 5. We'11 get these out of the way, this way we know exactly what's on our plate.

Item No. 5 is a motion to accept various documents regarding findings and determinations for the following properties:

110 South Street, 112 South Street, and 512 Second Street. I'm not going to get into the

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findings, the members have read them.
MEMBER GORDON: Yes.
CHAIRMAN SALADINO: If we're all comfortable on voting, I'm going to make that motion, that we accept these three findings and determinations. So moved.

MEMBER TASKER: Second.
MR. CORWIN: "Accept" does not mean we're approving them, we just receive them?

CHAIRMAN SALADINO: We11, normally, normally we accept them, and to me, that had always meant that --

MEMBER GORDON: In other words, there's only one step in this part for this purpose, not two, the way there is for minutes, right?

CHAIRMAN SALADINO: Well, by accepting them, we're attesting that it's, in fact, what happened and they're correct.

MEMBER TASKER: That's what you're assigning to us.

CHAIRMAN SALADINO: Am I -- am I missing something here?

MR. PALLAS: Traditionally, that's all -the only action that you've ever taken, is to accept them, best of my knowledge.

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CHAIRMAN SALADINO: To my recollection.
MEMBER GORDON: Well, since you're signing for it, we'll blame it on you if it's not right.

CHAIRMAN SALADINO: I don't care. As long as there's no hitting involved, I don't care. So I'11 make that motion. So moved.

MEMBER TASKER: Second.
CHAIRMAN SALADINO: All in favor?
MEMBER GORDON: Aye.
MEMBER REARDON: Aye.
MEMBER TASKER: Aye.
CHAIRMAN SALADINO: And I'11 vote aye.
MEMBER GORDON: Are you hesitating?
CHAIRMAN SALADINO: Any opposed?
MR. CORWIN: Opposed.
CHAIRMAN SALADINO: Okay. So we're going to -- we're going to send these over to the Clerk of the Board. Could you guys pass these down, please, to Kristina?

Item No. 4, out of order, is a motion to accept an application and schedule a public hearing for the application of ANVK Holdings Trust (the Greenporter Hote1). The Suffolk County Tax Map No. is 1001-4.-8-29, 30 and 31.

MS. RIVERA-PITTORINO: Hi. My name is

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Deborah Rivera-Pittorino, and I'm here to talk to you a little bit about the project.

So in 1999, my husband and I came out here, came out to the North Fork for a wedding and fell in love with the area, and a few months later we were the owners of a motel. It was called Greenporter Motel at the time. And there was a lot of work to be done there. We bought the parcel with the property on it, and then we bought two adjacent properties. It was all one package, but it was, you know, three different items on the tax map.

So the first part of the project was to renovate the existing 15 rooms, and we put in a pool and a Jacuzzi, and then we added a restaurant, because at the time there weren't restaurants that our customers could walk to year-round. This was before Frisky Oyster and Noah's, and before all the other restaurants opened in town that now offer dining to guests year-round. But, at the time, a lot of the restaurants would close in the wintertime.

So we opened our restaurant, and my husband took a very large part in the restaurant. He had a restaurant background, I did not. And we moved

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forward with our business plan, and then the next part of the plan was to build another wing with a lobby and offices, and that brought us to a total room count of 30 rooms. And so at the time we had 30 rooms and we had the restaurant, which seated, I don't know, something like 45 people inside, and we had another 40 covers on the terrace.

And the restaurant was very popular. You know, we never had any problems with parking, so we always had, you know, 30 rooms and a very busy restaurant. And I think a lot of -- a lot of people from the neighborhood would walk there, so we had a lot of regulars that were from the area. And, obviously, our guests just had to walk out their door and maybe have dinner with us the first night, and then venture into the Village after that.

So, you know, a lot of things have happened in 20 years. It's amazing that it's been 20 years. So yeah. So Greenport's changed a lot in 20 years, for better or worse in some opinions. I see both sides. A lot -- you know, the Village has changed, my life has changed. I lost my husband last April after a four year battle with

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pancreatic cancer. It was very tough. And since he was really -- you know, he was the front-of-the-house person for the restaurant, so I really couldn't operate the restaurant without him.

So this whole thing for us, I need to reevaluate my whole life and my whole business plan. And $I$ have not been able to open the restaurant, and I won't, really don't want to do it without him. And then we've had other challenges, 1 ike all the other hotels and bed \& breakfasts in the area.

We've remained competitive and afloat, thank God, because -- because of my primary business in Manhattan, and the years I worked in corporate America. I have a lot of contacts in corporate America, and I was able to bring a lot of corporate business to Greenport that comes during the week. And, you know, we send them downtown to the brewery, and to the stores, and to the restaurants, and we send them -- we arrange for private tastings and events at the vineyards. And it's the only way we've been able to stay competitive, because, quite frankly, Airbnb is really giving all, all legal hotels a
hard time. So I've been able to stay afloat by focusing on corporate business.

So this brings me to the next quandary, is that for a lot of companies, you need more than 30 guest rooms. You need -- to get on lists, you need 50 guest rooms. You can't get on a lot of these corporate lists without 30 guest rooms.

And I find that for me, changing the direction of my business is better for me, because, first of all, I'm not looking for my husband in the restaurant, and I can start a new life. And I can do something that I wasn't doing with him, because we didn't do corporate business together. And I think it gives the Village a lot. It brings in people when there aren't people. You know, we bring in -- we brought in the Discovery Channel in April, when there was nothing happening downtown. And we sent business to the restaurants downtown and to the brewery, and we sent them to the vineyards, and we sent them shopping.

And I think that it brings a lot to the area, and they're not -- the companies don't come in to get wasted and, you know, do crazy things. They come in and they're very respectful, and

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it's -- I think a lot of our local merchants really benefit from that business.

And so I really need this third floor, because I really need these additional rooms. And I need this to continue to operate my business year-round, and to continue to have a business that doesn't have to compete with the Airbnb, because it's harder for how -- you know, a lot of companies aren't going to rent houses for meetings, they're going to rent hotel rooms. And we use our restaurant for meetings. You know, we set up meetings there. We have Smart TV, and we have all the audiovisual, and they can stay onsite, and then they go downtown for dinner, they go downtown for lunch. And it's very peacefully.

You know, I run a very peaceful business. There's nothing -- there's no rooftop parties, there's no, you know, deck parties. There's -the business is quite open for anyone to see what happens there. It's a very respectable business. I run a family establishment. You know, it's me, and I've been in this community for 20 years. And I would be really disappointed if I couldn't move forward with this plan and continue to

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employ local people year-round, and not have to put people on unemployment in the summer, like a lot of other companies have to do, because they don't have year-round business.

And I really hope that you think about what this means for my employees and for the people in the community that depend on this income, and for our business plan as a whole to be able to remain sustainable, because, quite frankly, the Village will never enforce the Airbnb laws. I mean, it's clear that's just never going happen, so we need a way to survive, and this is my way.

So if anyone has any questions, I'd be open to it. Any code questions, I will defer to our architects. But does anyone have a question about the general concept?

CHAIRMAN SALADINO: Members?
MR. CORWIN: I have a question.
MS. RIVERA-PITTORINO: Sure.
MR. CORWIN: Really, of the Architects, rather than yourself. The application package was very thorough and very good. But the one thing, if I could ask, I don't know if I could ask for it or not, is you have a view from the south, in other words, from Front Street, and I

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think it would be helpful to me if I could see the buildings, a couple of buildings on either side of Front Street.

MS. BERRY: Sure.
MR. CORWIN: I don't mean something elaborate, but I'm interested in the roof lines, because, quite frankly, I think I made a mistake in approving something that was a little too big for the street, so I don't want to make the same mistake twice.

MS. RIVERA-PITTORINO: We understand that, and she's going to address that. I do want to remind everyone that we're not changing our footprint, our footprint is the same. We're not -- our hotel is not on top of the sidewalk. We have a huge setback, many, many feet setback, and we're not changing the footprint of our building. We're going up one floor, and that one floor is actually set back even further than the initial foundation. So it won't be an obtrusive project. And it's a very different proposition, so --

CHAIRMAN SALADINO: If I could, I don't have a view from the south. Do you --

MR. CORWIN: I think there is one in the

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big plan.
MS. BERRY: Right. Big plan.
CHAIRMAN SALADINO: Oh, in the big plan. Maybe G1ynis, maybe the Architect, we could get something looking from the south.

MS. BERRY: Sure.
CHAIRMAN SALADINO: At the -- at the property.

MS. BERRY: And, also, the Planning Department asked us for many -- oh, sorry. G1ynis Berry. Also, the Planning Department asked us for views from the neighbors, and, you know, so we have a lot -- it's in this program, so it's not articulated. But we've gotten a lot of more views than we printed. So we can print out more and give them to you so you can see.

CHAIRMAN SALADINO: Yeah, on1y because you're asking us to deal with a question about height --

MS. BERRY: Sure.
CHAIRMAN SALADINO: -- and the third floor.
Normally, that would be -- you know, if that request wasn't being made --

MS. BERRY: Yeah.
CHAIRMAN SALADINO: -- I'm guessing we

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wouldn't even -- if it was strictly about parking.

MS. BERRY: Yes.
CHAIRMAN SALADINO: And unless -- do the members have another -- I have another question. I'm -- and this might be off topic, but I'm looking at your application, and are you asking for an interpretation, also?

MS. BERRY: We11, I guess what it is, is I will take whatever you want to do. So if you want to call -- if you want to address these all as variances, that's fine. But $I$ also had some arguments that I wanted you to consider.

CHAIRMAN SALADINO: We11, it's your application.

MS. BERRY: Sure.
CHAIRMAN SALADINO: And we have no problem making an interpretation.

MS. BERRY: Okay.
CHAIRMAN SALADINO: But you realize, especially here with your experience, you realize that interpretations carry the weight of the public hearing. So we would have to have a public hearing on each interpretation.

MS. BERRY: Oh.

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CHAIRMAN SALADINO: And then we would move on to the variances, if there are any or --

MS. BERRY: Okay.
CHAIRMAN SALADINO: So --
MS. BERRY: I mean, it's totally up to you what you think is the best way to move forward, and, obviously, Building thought it was better to move forward with the variances. So either is fine. But let me give you some of my arguments, and then maybe that will help guide you on --

CHAIRMAN SALADINO: Well, again, we can't change your application.

MS. BERRY: Right.
CHAIRMAN SALADINO: You know, you're going to have to tell us. We can't change your application.

MS. BERRY: Well, we were told that we were applying for four variances.

MS. RIVERA-PITTORINO: Is that not correct?
CHAIRMAN SALADINO: But on the application you're asking for an interpretation of 150-12 and 150-16, so --

MS. BERRY: I mean, if you want to address it as a variance, that's fine, but I'd like to give the arguments, because maybe that will --

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CHAIRMAN SALADINO: Oh, we're certainly going to give you the opportunity to make the arguments.

MS. BERRY: Yeah.
CHAIRMAN SALADINO: But I'm just --
MS. BERRY: I mean, whatever your precedent is in how you address these issues, because I'm sure you've addressed them before. So if your interpretation of that is fine, then fine for variances, but --

CHAIRMAN SALADINO: We11, let me explain our position.

MS. BERRY: Okay.
CHAIRMAN SALADINO: Our position is we've made an interpretation --

MS. BERRY: Oh, you have.
CHAIRMAN SALADINO: -- about a third floor.
MS. BERRY: Okay.
CHAIRMAN SALADINO: So the Zoning Board on two occasions has made an interpretation for a third floor. As you well know, interpretations have the weight of precedence.

MS. BERRY: Okay.
CHAIRMAN SALADINO: So if you're asking us if we think that a third story would need a

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variance just by the record, or just by a previous interpretation, the answer is going to be yes.

MS. BERRY: Okay.
CHAIRMAN SALADINO: If you ask for that interpretation, we're going to have to set a public hearing for next month.

MS. BERRY: All right. No, I'm not going to make you do that (laughter).

CHAIRMAN SALADINO: I just thought we kind of been clear with that.

MS. BERRY: And just want -- I didn't know all the past determinations of interpretations of these items, so I'm happy to go along with whatever you have decided. And I'm just raising those issues, so --

CHAIRMAN SALADINO: Okay.
MS. BERRY: For -- so for the building height, the definition is from the crown of the street to the highest point of the roof. So the question is are railings and solar panels considered part of the roof? If you look at the building code, they're not, but, you know, it's what you interpret it as, but -- so if you did not consider the hand railings and the solar

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panels, which are set back, they're not right on the outside wall, if you consider that part of the roof --

MR. ARIIZUMI: No. MS. BERRY: If you don't consider them part of the roof, then we're under the 35 feet. But if you do consider them, then it's a variance of two feet. And we're not $100 \%$ sure, it could be lower, but we wanted to give ourselves a little leeway, because we haven't actually designed the attachment of the solar panels, so we wanted to give a little leeway.

The other thing about this is this site is unusual in that the lot is actually higher than the street. So the ground floor is four feet higher than the average crown, so we've lost four feet. So I think that's a good argument for considering us for a variance, because the actual height of the building is less, so it's only about 31 feet. So, you know, there's that leeway there, and I hope you consider the site 1imitations.

You already talked about the stories. The code says "or", so -- but, anyway, precedence. The parking need, this one I was a little
confused on why we're not considered to be covered by a couple of the code references. First, I'11 talk about the need.

There are 53 sleeping rooms in the proposal, three of which are used by staff. So the total need, when you count the staff back in, is 55. And there are -- currently, there aren't accessible parking spaces, so we've incorporated them. And so there's a total of 29 , and there are an additional two spots that are for rental or valet parking, so that total number of spots is 31 , and there's a differential of 24 parking spaces. There's also a dropoff and loading area, increasing the total number of spaces to 33. Rough1y --

CHAIRMAN SALADINO: Can we consider those parking spaces?

MS. BERRY: No, no. But I'm just saying that we're providing them, so they're there for moving.

Roughly, 35 to $47 \%$ of the guests arrive by public transportation. It's walkable from the train and bus. The demand for parking spaces has only increased over the current use by four spaces, and that's what everybody keeps

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forgetting, because the permit is for a fully operational restaurant, and we don't have that parking need anymore. So when you look at that, the differential is actually only four.

CHAIRMAN SALADINO: David, without shutting you down a little bit, a lot of the things that you're explaining here I'm thinking should be part of the public record at the public hearing. MS. BERRY: Yeah, okay.

CHAIRMAN SALADINO: Right now, we're just going to debate about accepting or any -MS. BERRY: Okay.

CHAIRMAN SALADINO: Anything with the application as far as -- as far as --

MS. BERRY: Okay.
CHAIRMAN SALADINO: As far as what's going on. After we accept this and after we schedule a public hearing, and after we open up the public hearing, that might be a better time. I don't want to shut you down.

MS. BERRY: Okay.
CHAIRMAN SALADINO: I don't want to, you know --

MS. BERRY: Sure. No, I'11 repeat myself.
I can bore people to tears.

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CHAIRMAN SALADINO: Okay. (Laughter)

MS. BERRY: The other thing that I forgot to put in here is there's Section 150-16(A)(1), and it says, "Land within the CR and WC Districts which is improved as of January 1st, 1991, shall be entirely exempt from off-street parking requirements and from payments in lieu therefore. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these parking regulations."

So right now the -- we're getting zero credit for predevelopment. I would argue that we should get $100 \%$ compliance because of that consideration of single ownership. The hotel that was built in the '50s actually was on -- the actual construction was on one of these lots, but it was always one ownership.

And, also, when the addition was made, the parcel was considered one parcel in terms of setbacks. They weren't required to meet the setbacks of every single lot. So it's always been considered as one parcel, even though the code doesn't allow people to amass lots, but it's

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always been treated as one, even though it's three.

So I would argue that in this case, there should be no parking requirement at all. And then, if you want, because I think that what I just read applies, but even if you wanted to say -- took that one parcel that was developed, and I didn't count the parking spots needed for that one building, I'd be compliant with the number of parking.

So I kind of wondered why this project is not being given the same consideration that other previously developed parcels in the Village have been. Like even the Sparkling Pointe, you know, it went from a house to -- and that got approved and they don't provide any parking, you know. So I question if, you know, that is really fair.

CHAIRMAN SALADINO: Well, could the portion of the code that says the three lots would be considered one unit, could that be interpreted by someone, perhaps the Building Department, perhaps a member of this Board, as the new addition from 2002 or 2003, would have to make the entire property comply with 150-16?

MS. BERRY: I think either way you look at

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it, if you look at the three lots considered as one, we're -- obviously, there's no parking requirement. And even if you look at just the old wing and take that, and it's even more rooms, because part of the other wing goes onto that initial property, even if you just take the parking requirement of the newer wing, we'd be compliant with the parking requirement. So I think either interpretation, and we didn't get any credit for any preexisting development.

CHAIRMAN SALADINO: Well, when we open the public hearing, I'm thinking we're going to hear from the Building Department. We'11 get their reasoning.

MS. BERRY: Okay.
CHAIRMAN SALADINO: And the members will
hear their reasoning and hear your argument again.

MS. BERRY: All right.
CHAIRMAN SALADINO: Because we're going to make you repeat yourself.

MS. BERRY: I know, that's fine.
CHAIRMAN SALADINO: And we'll take it from there, I think.

MS. BERRY: Okay. Do you have any

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questions?
CHAIRMAN SALADINO: So, just so -- again, so it's clear in my mind, we're going to take 150-12(B) off the table for an interpretation. Are you still asking for an interpretation about 150-16?

MS. BERRY: In some ways I think it should be, but it's up to Deborah if she wants to create that delay.

MS. RIVERA-PITTORINO: I don't really want to create a delay. And I think that, you know, the word "interpretation" is -- that's what it is, it's an interpretation. So it might be one interpretation for this guy and a different interpretation for this woman, you know?

CHAIRMAN SALADINO: We11, we try not to do that. We try not to do that.

MS. RIVERA-PITTORINO: You try?
CHAIRMAN SALADINO: And -- but there's other people to remind us not to do that, because, again, interpretations have the weight of precedent. So you, or your Architect, or your Attorney could say, "Well, wait a second, in 2004 there was an interpretation about this." So to say that we do it arbitrarily, maybe in 2004 they

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did it, but they don't do it in 2019. So it's up to you.

MS. BERRY: It's totally up to -- it's up to Deborah. MS. RIVERA-PITTORINO: I don't think it works in my favor to ask for an interpretation, because I don't -- I don't think -- I just don't think $I$ can benefit from it in any way. I just don't think that it would.

CHAIRMAN SALADINO: Okay.
MS. RIVERA-PITTORINO: I think however I ask for it, $I$ just don't -- I don't know. Just like, I mean, with the -- the height, you know, everything I read in New York State code, solar panels are treated like a chimney or like an antenna, so I don't even know why the solar panels are an issue with the height.

CHAIRMAN SALADINO: Well, you're still going to need a variance for the third floor. MS. RIVERA-PITTORINO: Right, yeah. CHAIRMAN SALADINO: So when you talk about a variance for adding a third story, somehow railings and, you know, other stuff --

MS. BERRY: Okay.
CHAIRMAN SALADINO: -- becomes the lesser

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of the two evils. I don't want to say evils;
lesser of the two issues, so --
MS. BERRY: So I guess the answer is we're not asking for an interpretation so we don't slow down the process.

CHAIRMAN SALADINO: That makes it easier, too. That makes it easier for us, also. Members, any questions for Ms. Berry?

MEMBER REARDON: I have a couple of questions regarding the solar panels. I see they're propped on an angle.

MS. BERRY: I was just trying to figure out the maximum height that might -- we have not -you know, you go through the planning process, but you don't know what you're going to be allowed to do, so you don't spend time detailing the plans until after you get the approvals. So I just allowed that allowance in case they need that slope to get the better treatment. Some installations are flat, some are angled to maximize, you know, the energy.

MEMBER REARDON: Right. But you see we're zeroing in on the height, and now you have these things pitched on an angle, which is going to give you an additional three four feet of height

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that --
MS. BERRY: Oh, but the building is under the 35.

MEMBER REARDON: I know, but you're dealing with people that are looking at it.

MS. BERRY: Yeah.
MEMBER REARDON: And that's not flat on the roof, you know. So people are going to --

MS. BERRY: But that's --
MEMBER REARDON: I'm just bringing this to your attention.

MS. BERRY: Yeah. So that's the two feet that we're asking for, you know.

MEMBER REARDON: Uh-huh.
MS. BERRY: Even measured to the crown of the road --

MEMBER REARDON: Right. No, I get it.
MS. BERRY: -- we're only --
MEMBER REARDON: Your building is four feet high, I get all that stuff.

MS. BERRY: Right. We're only 33 feet, you know, so even with that loss, so -- and they are set back. So, you know.

MEMBER REARDON: Okay.
MS. RIVERA-PITTORINO: And in the end,

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honestly, if the deal-breaker with you is the solar panels are flat or raised, I mean, honestly --

MEMBER REARDON: I'm just bringing it to your attention. I understand all the logistics involved.

MS. RIVERA-PITTORINO: Okay.
MS. BERRY: Yeah. We just put in the maximum that we thought might happen --

MEMBER REARDON: Uh-huh.
MS. BERRY: -- might be allowed for curbs, because some details include curbs. You know, so we just wanted to make sure we didn't have to come back for an extra foot or something, you know.

MEMBER REARDON: The other question $I$ have is more of a - it's probably a learning curve that I need to adjust to --

MS. BERRY: Okay.
MEMBER REARDON: -- but it has to do with the parking spaces.

MS. BERRY: Yeah.
MEMBER REARDON: And anybody who lives in the town, which I do, you know, we all have, you know, "Oh, my God, there's no place to park." So

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I hear what you're saying, and I would appreciate it if you wouldn't come to a meeting thinking that, you know, you're a hotel and you don't really have to abide by any parking, you know.

MS. BERRY: I'm just reading the code.
MEMBER REARDON: I understand, but in reality, we've got a hotel that's looking for 50 rooms --

MS. BERRY: Right.
MEMBER REARDON: -- and parking has to be addressed.

MS. BERRY: Okay.
MEMBER REARDON: And it has to be addressed in like a legitimate way.

MS. BERRY: Well, there are three aspects to this project that I think help parking. One, it's at the gateway, so it's pulling all those people off the road before they actually enter the Village. So anybody staying there, you're actually reducing the load in the heart of the Village.

MEMBER REARDON: Could you say that again?
I can't quite hear you.
MS. BERRY: The hotel is at the gateway of the Village.

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MEMBER REARDON: Oh, I understand.
MS. BERRY: So you're -- you know, most of the people are coming from the west, so you're actually stopping them, and most people will then walk to the Village. So it's actually an ideal spot.

The other thing is she does have the two rental locations, so it appeals to people that come --

MS. RIVERA-PITTORINO: Don't have cars.
MS. BERRY: That don't have cars that come by train or bus. They have options if they want to, you know, drive somewhere. So they have the option of just walking, or they have the option, so that's a benefit.

And then if the demand gets too high, she has valet parking, and it's a generous parking lot compared to any of the other facilities. So she can fit quite a few more cars with valet parking.

MEMBER REARDON: So valet parking is more efficient than customer parking?

MS. BERRY: Yeah, because you can fill in the spaces, because you can move the cars around --

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MEMBER REARDON: Gotcha, okay.
MS. BERRY: -- you know, depending on when people want --

MEMBER REARDON: How many can you cram in there on valet?

MS. RIVERA-PITTORINO: Fifty-five.
MEMBER REARDON: Fifty-five, okay. Thank you.

MR. CORWIN: One question I'11 ask is you claim that 35 to 40 -something percent don't come in a car, they come by bus or by train.

MS. BERRY: That's based on -- Deborah.
MR. CORWIN: Is there any documentation for that number?

MS. RIVERA-PITTORINO: We have data, we do have data. So when -- and I brought it to the last meeting, but $I$ don't think anybody was interested in it, but I'm happy to bring it to you.

MR. CORWIN: We11, I don't want to get into that stuff until the public hearing. But I just want to tell you that's the kind of question I would ask --

MS. RIVERA-PITTORINO: Sure, uh-huh.
MEMBER CORWIN: -- do you have some

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documentation.
MS. RIVERA-PITTORINO: I agree with you.
And I hope that you haven't misunderstood. It's not like we don't think that we need parking. I know -- well, I mean, I've been there for 20 years, I know what our parking needs are. And we're at the entrance of the Village, and everybody else would know if our customers are using other people's parking. And, quite frankly, we have to guard our parking against -we have to police our parking, because so often, even though we're full, the parking lot doesn't look full. People try to use our parking lot, so we have to police our parking, and then we have to hire someone on weekends to police the parking. And people say, "Well, you have parking, you know, you should let us use it," but the parking is for our guests. And it's true that we often don't use all of it, but we need to have it in case we do need it.

CHAIRMAN SALADINO: Oh, we certainly understand.

MS. RIVERA-PITTORINO: Yeah. And the reason we have the data is because -- so we have a -- well, we have a thing called roomMaster,

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which helps us collect all the data. We know where people live, and when they -- when we're taking the reservation, we ask them how did they find us, or why are they staying with us, and a lot of them say, "Because we can walk everywhere." And we have customers who I'm sure would rather stay on the water, but they want to stay with us because they can walk everywhere. CHAIRMAN SALADINO: Well, that doesn't mean they're walking here.
(Laughter)
CHAIRMAN SALADINO: Yeah, that means they're walking once they get here, but we understand.

MS. RIVERA-PITTORINO: Yeah.
MS. BERRY: Yeah.
MS. RIVERA-PITTORINO: So there's, you know, the fact that -- and then, you know, a large part of our clientele comes from Manhattan. You know, I mean, I still live in the City part-time and, you know, it's impossible. It's very hard to own a car in Manhattan, so people just -- a lot of people don't have cars, and, you know, they take the Jitney, they walk to the hotel, and they leave their car -- the people
that come in a car leave their car there and they Uber, or they rent a lot of bicycles and they get around a lot on bicycles.

CHAIRMAN SALADINO: Anyone else from the Board?
(No Response)
CHAIRMAN SALADINO: Paul, did you have --
MR. PALLAS: Just a point of information on the subject of parking.

The requirements that we placed in the Notice of Disapproval were based on information on the applicant's submittal that said that the restaurant was only for guests. If the restaurant were not for guests only, then it would require an additional 15 spaces. We didn't -- couldn't put that in the notice, because the application didn't include that in the site plan, but just so you're aware of it.

MS. RIVERA-PITTORINO: But, I'm sorry, Paul, it's not that the restaurant is only for guests. So we don't have a public restaurant anymore. So the only thing that's served in the restaurant is breakfast for guests of the hote1, and once in awhile there's a private event that everyone's staying on the premises. It's like, I

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don't know, like the company has a dinner there, or it could be a rehearsal dinner, but those people are saying there. And sometimes there will be people who know -- who maybe aren't staying there who are -- you know, a lot of people who have weddings on the North Fork who have family in the area. So what am I going to say, "Well, you're from the North Fork and you're not staying at the hotel, so you can't park in my parking lot, or you can't come to my restaurant"? So it's not -- there's not a public restaurant anymore.

CHAIRMAN SALADINO: Well, doesn't that --
MEMBER GORDON: It's not a restaurant.
CHAIRMAN SALADINO: What? I didn't hear.
MEMBER GORDON: It's not a restaurant, she's saying, which is --

MS. BERRY: Yeah.
CHAIRMAN SALADINO: We11, sure, you can -you can say whatever you want, it's your time. But just -- but just now, I just heard that people that aren't staying at your hotel --

MS. RIVERA-PITTORINO: If they're invited to a rehearsal dinner. So let's say that, I don't know, one of the Claudio kids -- one of the

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Petrocelli kids gets married and they -- it's the family that stays, they book the entire hotel, they have a rehearsal dinner there. They know probably 20 people in the area. So it's a wedding party. It's a rehearsal dinner for that family that book the entire hotel, but they know some people in the area. Maybe they invited you. So am I going to say, "You can't come to the rehearsal dinner at the Greenporter because you're not a guest there"?

CHAIRMAN SALADINO: No. What you would ask me is where are you going to park? If I'm someone -- if I'm someone --

MS. RIVERA-PITTORINO: That's never been a problem, though. I mean, I've been there for 20 years. We've never had -- I mean, I will-- for the hearing, I will have our neighbors come --

CHAIRMAN SALADINO: Okay.
MS. RIVERA-PITTORINO: -- because our
neighbors know. I mean, I can assure you that most times when there's an issue, it's us letting our neighbors park in our parking lot, because whatever, snow removal, or, you know, something broke down, the car and they need to use our park lot. It's usually us lending our neighbors our

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parking lot. We don't -- we don't take other people's parking spaces. Quite frankly, we don't need to.

CHAIRMAN SALADINO: No. Right now, all I think we're talking about is the use of the space that was -- that's --

MS. RIVERA-PITTORINO: It's for catering. It's for catering. So you can't go in there for dinner tonight. And my guests staying, one or three, can't walk in the restaurant right now, unless he booked the entire property for an event, and we have maybe seven or eight of those per year.

CHAIRMAN SALADINO: Anyone else? Dinni?
MEMBER GORDON: I don't have any questions for them. I have a question for all of us, but maybe that comes after this.

CHAIRMAN SALADINO: The only way we're going know is if you ask it.
(Laughter)
MEMBER GORDON: Okay. Al1 right. This is not a question to the two of you, it's a question about the code. I want to be sure I understand what "or" means in 150-12(B), because if it means that each individual property must comply -- I

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mean, is it really clear that it's supposed to -that it's "or" rather than "and"? Because it seems to me if -- if they were able to persuade us that, really, it's only 35 feet, or that it can be 35 feet, then it seems to me if we take seriously the "or", then they could have three stories.

So I just want to be sure that I understand that this "or", and I might argue that, doesn't mean "and", because I think the Notice of Disapproval really treats this as though "or" means "and".

MS. RIVERA-PITTORINO: We agree with you.
MEMBER GORDON: We're asking them their -we're asking them to justify, one, construction of more than two stories, and two, an additional two feet, which takes it beyond the Village Code maximum requirement of 35 feet. So we're asking them to satisfy both, not one or the other. So I just want to be sure -- I mean, I guess I'm asking for an interpretation, but $I$ certainly don't want to delay the process by a month.

CHAIRMAN SALADINO: You could ask.
MEMBER GORDON: What do we all think?
CHAIRMAN SALADINO: We11, for me, I thought

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it was kind of clear because of two previous interpretations, one for the Harbor Front Hotel and one for the Menhaden. Actually, I kind of thought it was settled, the fact that those two applicants --

MEMBER GORDON: So "or" means "and" in the code, that's what you're saying?

MS. RIVERA-PITTORINO: Then why does it say "and"? I'm just curious, like, because for me "or" is "or" and "and" is "and".

CHAIRMAN SALADINO: Well, the only reason sometimes there isn't -- there is a request for an interpretation, because one or two words in the code might be ambiguous, given it might mean one or two different things. And it's one of the jobs that we're charged with, is to interpret what "or" in this case means. And in 2017 -- or 2018, I thought -- 2017? I thought we did. But, again --

MS. BERRY: I would just change the language in the code to "and" --

CHAIRMAN SALADINO: We don't get to do that. We don't get to do that.

MS. BERRY: -- if your -- if that's your understanding of the code.

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MEMBER GORDON: But we can't do that.
MS. BERRY: Right.
CHAIRMAN SALADINO: We're not -- Thursday nights, you go Thursday nights, they legislate there.
(Laughter)
CHAIRMAN SALADINO: So, right new, we just have to go by what we did in the past. And I say "we". We are like all the Zoning Boards that face this issue, the one in 2002, and the one in 2017, so.

MS. RIVERA-PITTORINO: Are there any questions about the general project, like the genera1 -- just if you want to have a better understanding of the general project.

CHAIRMAN SALADINO: I'm thinking we're just kind of -- we're thinking you just want to make your hotel bigger.

MS. RIVERA-PITTORINO: Just go -- I just want to go up one story, and that one story is set back. And I want to continue to run the same kind of business I'm running, quiet. You know, our -- you know, we're a green certified hotel. Our guests are very concerned about the environment, they're very respectful of our

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neighbors of the area. They come to the North Fork looking for the North Fork. They don't come to the North Fork looking for something else. They come here looking for the peace and quiet and everything that's here.

CHAIRMAN SALADINO: We certainly -- we certainly understand, but you also have to look at it -- the dynamic in the Village now, you have to look at it from I guess our point of view. The dynamic in the Village now, parking is on everyone's lips, everyone lips, it's a big deal --

MS. RIVERA-PITTORINO: And I have plenty of it.

CHAIRMAN SALADINO: -- is parking.
MS. RIVERA-PITTORINO: I have more parking than every other --

CHAIRMAN SALADINO: We11, listen, we're going to get second-guessed regardless what the outcome of this is.

MS. RIVERA-PITTORINO: You're right, you're right.

MS. BERRY: Yeah.
CHAIRMAN SALADINO: So -- and not to belabor this point. We took care of 112 --

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150-12, and we took care of 150-16, as far as you asking for an interpretation. Are you going to ask for an interpretation for --

MS. BERRY: No. We're asking for -CHAIRMAN SALADINO: -- for 160-- 150-16, too?

MS. BERRY: We're asking for a variance, yeah.

CHAIRMAN SALADINO: Oh, for the size of the spaces, we're asking for a variance?

MS. BERRY: Right, yeah.
CHAIRMAN SALADINO: Okay.
MS. BERRY: Their -- her former approved plan had 9 feet, and there are widths that are less than 9 feet currently. So if we moved to 10, that's kind of a loss, and it's operating, you know --

CHAIRMAN SALADINO: You would have to provide what, three, three extra -- four extra spaces, I guess.

MS. BERRY: Probably, yeah. So --
CHAIRMAN SALADINO: Can the Planning Board --

MS. BERRY: You know, it --
CHAIRMAN SALADINO: My question is can the

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Planning Board -- and I'm not asking you. I think I'm asking the Board. Can the Planning Board issue a variance?

MR. CONNOLLY: No.
MS. BERRY: No.
CHAIRMAN SALADINO: I mean, can the
Planning Board decide that --
MR. CONNOLLY: No.
CHAIRMAN SALADINO: -- nine spaces is appropriate?

MS. BERRY: No, you -- it comes to you.
CHAIRMAN SALADINO: I didn't think so. But I though I would get that out of the way.

MS. BERRY: So that's a very clear variance where we're asking for -- you know, to keep the 9 feet, so that we don't lose more spaces, because we lost some by putting the handicapped in, which we think we should have. You know, it's valid, so -- and it's the law, so -- but, you know.

CHAIRMAN SALADINO: Okay. Anybody else had any questions for the applicant? No? Nobody? (No Response)

CHAIRMAN SALADINO: Then what's the pleasure of this Board? Are we going to -- we're going to accept this application and --

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MR. CORWIN: I make a motion that we accept the application before us.

CHAIRMAN SALADINO: So moved.
MEMBER REARDON: I'11 second that motion.
CHAIRMAN SALADINO: All in favor?
MEMBER CORWIN: Aye.
MEMBER REARDON: Aye.
MEMBER TASKER: Aye.
MEMBER GORDON: Aye.
CHAIRMAN SALADINO: That was very lopsided. (Laughter)

CHAIRMAN SALADINO: And I'11 vote aye. Did you vote aye?

MEMBER GORDON: I voted aye, yeah.
CHAIRMAN SALADINO: Okay. We're going to set a date for the public hearing. I have -- I have a date here, is --

MEMBER GORDON: The 17th?
CHAIRMAN SALADINO: Is September 17th. We set all the public hearings at 6 o'clock, you know, so it will be 6 o'clock. And we're going to go for -- usually, want a site inspection, we're going to look around. What time are we thinking? Maybe a little earlier, this way it's -- we could walk around a little bit. Maybe

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5:15 for a site inspection.
MEMBER GORDON: Yeah.
CHAIRMAN SALADINO: Is that -- Arthur, is that acceptable?

MEMBER REARDON: Is that good with you guys?

MS. BERRY: Sure, we'11 make it work.
CHAIRMAN SALADINO: Do you want to --
MS. BERRY: No, it's fine.
MS. RIVERA-PITTORINO: It's fine.
CHAIRMAN SALADINO: We11, we don't want to intrude on your business. We understand September --

MS. BERRY: This is her business.
MS. RIVERA-PITTORINO: 5:15? What day of the week is that? What day of the week is the 17th?

CHAIRMAN SALADINO: Tuesday.
MS. RIVERA-PITTORINO: Tuesday? Yeah, that would be fine. Yeah, it's fine. Tuesday is a great day.

CHAIRMAN SALADINO: A11 right. So we have -- the date of the public hearing is September 17th at 6 p.m. The site inspection will be 5:15.

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And there's just one other thing with the -- with the application. I don't think it's -- because I'm willing to wait until next month for you to provide it. I know the Planning Board, the Planning Board declared themselves Lead Agency, so -- and they declared it an Un1isted Action?

MS. BERRY: Yes.
CHAIRMAN SALADINO: And they asked you for an EAF, the long form?

MS. BERRY: Yup.
CHAIRMAN SALADINO: Could we have that, also?

MS. BERRY: Sure.
CHAIRMAN SALADINO: We have the short form.
MS. BERRY: Sure.
CHAIRMAN SALADINO: Is that okay with the members, that they provide this next month for us, or perhaps before that, so the Clerk of the Boards could get it to us?

MS. BERRY: We'11 give you the long form. I was going to do it anyway, but then it said short form, so we did the short form. But we'11 give you the long form, and we'11 give you more pictures with different angles and from

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viewpoints.
CHAIRMAN SALADINO: We asked for the short form?

MS. BERRY: On -- yeah.
MR. CORWIN: The application.
CHAIRMAN SALADINO: A11 right.
MEMBER CORWIN: The application sheet.
CHAIRMAN SALADINO: Yeah. A11 right.
Well, it's moot, right? You're going to get us the form.

MS. BERRY: We'11 give it to you. It's not a problem, it's already done.

CHAIRMAN SALADINO: Okay.
MS. BERRY: So --
CHAIRMAN SALADINO: So anybody else, any questions? Any other things?
(No Response)
CHAIRMAN SALADINO: That's it on my iist. Thank you.

MEMBER GORDON: Thank you.
CHAIRMAN SALADINO: See you --
MS. BERRY: Thank you very much.
CHAIRMAN SALADINO: See you next month.
MS. RIVERA-PITTORINO: Thank you.
CHAIRMAN SALADINO: See you next month.

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Item No. 6 is any other Zoning Board of Appeals business that might properly come before this Board. Anybody? Any member, anybody? (No Response)
CHAIRMAN SALADINO: I have something. I don't belong to social media, but occasionally I get to read it. And two years after a past decision that this Board made, I'm still reading about people that didn't know what happened, or still upset, and couldn't understand how people could come to a conclusion like that.

In front of us now is not a very complicated application, but a major application for the Village. I mean, I would -- I would suggest to anybody in the audience, or anybody that might be watching this, or anybody any of us talk to later on that perhaps they might want to attend, or at least watch on television, the public hearing, the discussion that's going to happen next month, and this way any decision that this Board makes, they can -- they can see the reasoning behind it. This way we won't have to hear 18 months from now or two years from now about what's happening on Fourth Avenue, you know. So that --

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MEMBER GORDON: You probably will anyway. (Laughter)

CHAIRMAN SALADINO: Yeah, but we can -- but then we can honestly say, "Shut up, you should have watched" --

MEMBER GORDON: You had your chance, right.
MEMBER TASKER: You should have been here.
CHAIRMAN SALADINO: You should have watched television, yeah, or should have showed up. But that's all $I$ would say.

Anybody? Having said that, if no one else has anything, Item No. 7 is a motion to adjourn. So moved.

MEMBER TASKER: So moved. Second.
CHAIRMAN SALADINO: A11 in favor?
MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER REARDON: Aye.
MEMBER TASKER: Aye.
CHAIRMAN SALADINO: And I'11 vote aye.
Thanks, folks.
(Time Noted: 6:49 p.m.)

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C E R T I FICATION

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

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on August 20, 2019.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of August, 2019.

Lucia Braaten
Lucia Braaten

Flynn Stenography \& Transcription Service (631) 727-1107

|  | 3 | abstention [1] - 3:4 | ANVK ${ }_{[1]}$ - 5:22 | attachment ${ }_{[1]}-18: 11$ |
| :---: | :---: | :---: | :---: | :---: |
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