

Appendix A

VILLAGE OF SAG HARBOR

COUNTY OF SUFFOLK: STATE OF NEW YORK

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VILLAGE OF SAG HARBOR

BOARD OF TRUSTEES

PUBLIC HEARING REGARDING DRAFT

GENERIC ENVIRONMENTAL IMPACT STATEMENT

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January 29, 2009
5:00 p.m.

55 Main Street
Sag Harbor, New York

A P P E A R A N C E S:

GREGORY N. FERRARIS, Mayor

BRIAN GILBRIDE, Trustee

EDWARD GREGORY, Trustee

TIFFANY SCARLATO, Trustee

EDWARD DEYERMOND, Trustee

ANTHONY B. TOHILL, Attorney

SANDRA SCHROEDER, Village Clerk

RICHARD WARREN, Consultant

Barbara D. Snyder
Court Reporter

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MAYOR FERRARIS: We're going to get started. If you can all rise for the Pledge of Allegiance.

(Pledge of Allegiance recited.)

MAYOR FERRARIS: Welcome everybody to the public hearing, the first public hearing on the zoning codes updates.

I'll entertain a motion to open the public hearing.

TRUSTEE SCARLATO: So moved.

TRUSTEE DEYERMOND: Second.

MAYOR FERRARIS: It's been moved and seconded. All those in favor?

ALL: Aye.

MAYOR FERRARIS: Opposed? None. So carried.

What we're going to do here is, I'm going to make some opening comments just on the history of what's transpired over the last couple of years. Then we'll

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certainly open it up to any comments from the Board and then any comments from the public.

We'll start from the front row and move back. If you would like to make a comment, please just step up to the podium, state your name; and if you can do us a favor, just let us know if you're a Village resident and taxpayer, and so forth.

If you are representing a group, just please state that you are representing a group and who you're representing. We'd appreciate it.

We started this process approximately two years ago I guess at this point in time. We started to hear -- feel some development pressures from some large development projects in the Village, the Gruen property that we're all familiar with, the

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Loeffler property that's being constructed now down on Bay Street, the West Water Street project, the Bulova project was just coming on board at that point in time, and 21 West Water Street. We had a lot of concerns.

We also heard from a number of members of the ZBA who were having problems dealing with some of those applications. They felt somewhat defenseless with the code in its current state. We did speak to a number of people. I know Trustee Scarlato had worked with some members of the ZBA, talked to counsel, talked to other attorneys. And it really became that the code was somewhat defenseless. It was patchwork over the last 25 years, and it really needed to be amended.

So Trustee Scarlato started to work with this. She approached the Board and explained that we

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really did need to address this. She had volunteered her efforts to start the process. She had met with Planner Lisa Liquori from the Town of East Hampton to determine really what the next step was.

Once we figured out the size and the scope of this project, it was determined that we really could not do it in-house. It really was too much work for to us deal with at our board level. So we did reach out to Anthony Tohill, attorney, and Rich Warren, planner, to help us with these projects. They've had experience in the past with drafting zoning codes for other municipalities in the area.

So we started that process. We then became aware of some rumors circulating that a large box store was looking into signing a lease down where the 7-Eleven complex exists.

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That was only rumor at the time, but it soon became a reality when we were approached, the building department was approached with some discussion items and so on.

We started to meet with our consultants to map out a strategy to determine really how we wanted to move forward with this. And what we did is we held two public meetings in the months of August and September of 2007 to really elicit public input on really what the concerns were regarding the incoming -- the overdevelopment or the impending overdevelopment, the zoning code, the CVS issue, and so on.

So we held two meetings; one here at Village Hall and one up at the firehouse. We had a lot of comments, which I thought was very productive at that point in time.

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But then some of the comments that -- a majority of the comments had to do with the lack of the appropriate development controls, and the potential for the destruction of the historical integrity here in the Village, mostly in the commercial district; the adequacy of infrastructure, outdated provisions of the current code, implementation of provisions in the LWRP.

So subsequent to those meetings, during the fall of 2007, Rich Warren developed a document, which was dubbed The Planning Strategies for the Village of Sag Harbor with the emphasis on the commercial district.

What this document did was really summarize the concerns that were heard from the individuals during those two meetings and was well-received, as well as the

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comments that were received in writing.

This document covered many items including land use, Village demographics, prior planned studies, the existing LWRP, and mostly important the diversity of commercial uses that currently exist within the Village Business District.

The planning studies document listed a number of goals and objectives of the study. I'll just, for the record, read them into the record. "Development of appropriate listing of permitted and special fee permitted use for the Village Business District that will maintain a productive retail trade;

"To establish regulations that would encourage the creation of affordable housing provisions in residential and commercial

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districts; evaluate the appropriateness of the existing zoning designations, and consider the creation of new zoning districts;

"Consider whether it is appropriate to establish restrictions which would limit the maximum size of an individually occupied commercial space so as to preclude the transformation of a commercial district to a series of larger, less diverse shops;

"Evaluate how to promote and maintain the current commercial district by restricting the establishment of new nonretail uses on the first floor within the Main Street core commercial area;

"Evaluate whether it is possible to create restrictions which would cause both diversity and the distribution of appropriately-sized uses that are

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considered essential and maintain the character of the Sag Harbor commercial district."

This planning strategies document then transcended these goals and objectives into 20 or so planning recommendations that were made to the Village Board here in order for us to draft the proposed code amendments.

I'm going to read some of these. These recommendations include, but are not limited to "Redefining the permitted and special exception uses within the Village Business District to focus on supporting the retail and shopping trade;

"Redefine the boundaries of the Village Business District to follow what is considered the core of the commercial downtown shopping district; the creation and management of a new zoning

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district, the Office District,
including defining permitted and
special exception uses and design
standards within that Office
District;

"Creation of general and
specific standards that are
appropriate to those uses, which
are deemed to be special exception
uses; create a new and more
detailed table of uses for all
zoning districts utilizing the
North American Industry
Classification System;

"Shift the review of special
exception applications from the ZBA
to the Planning Board;
establishment of a maximum gross
floor area to encourage and
maintain a diversity of shopping
opportunities within the commercial
district;

"Establishment of provisions
which would encourage and permit,

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on a limited basis, seasonal outdoor seating for restaurant uses within the Village Business District;

"Evaluate and adjust parking regulations to reflect appropriate parking to meet the needs of a particular use; create a process which appropriately deals with issues relating to a change of use within the commercial district;

"Modify the site plan review process; evaluate the appropriateness of maintaining a Multifamily Residence District, the Moderate Income Residence District, and the Marine District; prepare a new updated zoning code map and create regulations that provide appropriate protection for the natural resources found in the Village;

"Creation of accessory apartment opportunities in the

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district, R-20 district, and creation of inclusionary affordable housing standards for residential development plans."

So a lot of items are included in that planning strategy that we really used for the base of the first draft of the zoning code amendment. It was issued to the Village Board in April of 2008 and subsequently to the public in May of 2008.

The Village held numerous informational meetings in the late spring and summer that were dedicated to the proposed code. There were a lot of comments and responses from the community. I believe these comments were well-received.

We heard these comments. We've made a lot of amendments and revisions to the code based on the comments that were received from

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the public.

Some of the revisions that we made were, we reduced the area of the Office District in areas on Bay Street, Rector Street, Cross Street, Division Street, and West Water Street.

We revised the site plan review process with the implementation of a 3,000 square feet threshold for this review, which allows for an expedited review process for properties meeting this threshold.

Revision to allow properties on West Water Street to remain in a waterfront district; revision to remove the affordability requirement that we had put forth on accessory apartments; revision to increase the density in the resort/motel district from 15 units per acre to 20 units per acre;

Revision to remove the

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parking requirements for accessory apartments. There were other certain unique revisions that were made for unique situations that impacted specific property.

And revision -- which I want to talk to you about tonight, which I want to recommend, but revision to permit and allow offices to be located on the second floor of commercial uses within the Village Business District.

Those are some of the revisions that we've already made based on your comments here in the Village. So I think it's -- we have heard your comments. We made revisions, and now we're going to start the public hearing process on the code.

Let me remind everybody, and I think we've said this time and time again that these code amendments are not written in

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stone. We're in the public hearing process of this. And if there's something that we feel needs to be changed, we'll do so, and we can do so, and we'll move forward.

So with that, are there any comments from the Board that anyone wants to make on this process and/or on the public hearing, the start of the public hearing?

TRUSTEE SCARLATO: I just want to say that I'm very pleased with the process. It's taken a very long time. I'm pleased with the way that we have interacted with the public and had done -- you know, given up a little and still have gotten done what we wanted to do. And I think that the document that is prepared is a fair document. I think it's evenhanded.

And much of what we've done is updating. Some of the things were a little bit -- were more

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innovative than others, but it does give -- the majority of the code is updated and it does give all of the boards guidelines to operate and utilize in dealing with applications that they didn't previously have.

And I think at the same time, we did address all of the concerns of the public that we were able to address, and all of the concerns that we had that were articulated to us.

So I'm happy with the way it's gone so far, and I'm looking forward to hearing what the public comments are. That's it.

MAYOR FERRARIS: Okay. I'm going to open it up to public comments now. I'm going to start from the front of the room. I think it's going to work best if -- you know, there's basically two groups of people here that have

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attended most of the meetings; Save Sag Harbor Group and the Sag Harbor Business Alliance Group. And we certainly appreciate everybody's input. I mean, it certainly helped the process and will continue to.

But if we can use maybe those questions as a base here for which we can start a dialogue at this meeting regarding the issues that remain out there, whether you would like further revisions to things, whether you would like changes, additions, and so on.

Everybody is welcome to comment. But again, maybe we can just start the process with the Sag Harbor Business Association and Ted.

MR. CONKLIN: We can go from the front -- you know, last or first. But we have about ten people who are going to speak succinctly on certain levels.

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MAYOR FERRARIS: What I want to try to do, Ted -- and they're certainly welcome to speak and make their comments, but if we can isolate issue by issue so we don't go through it a number of times.

If we can isolate one issue, open it up to public dialogue to whoever wants to speak about that, and then maybe move on to the next issue. I think a lot of the issues that will be spoken about tonight will be repetitive. So if we can try to do that. I don't know if you want to come up and speak, make any initial comments at the beginning, and then move forward.

MR. CONKLIN: I'm happy to do that if you want.

MAYOR FERRARIS: Sure.

MR. CONKLIN: Ted Conklin. I'm a resident and a business owner, and a representative of the Sag Harbor Business Association.

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Just to kick this off, I'd like to draw your attention to the ad that we took out this morning, which is a short version of a letter that we've submitted to you. I don't know if you've had a chance to read that or not.

MAYOR FERRARIS: Um-hum.

MR. CONKLIN: But what we -- our position basically is that we're not so happy as you are with this procedure. I know it's been tough. It's long. It's hard for volunteer politicians to, you know, spend so much time, family time and business time, on this.

So we appreciate the work. However, we do want to comment that we think that the process has been too closed. We haven't really had access to, you know, our elected representatives.

We don't feel that there's been enough give and take. And at

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this point we've got -- you know, I think -- mainly everyone in the audience -- well, I shouldn't say in the audience, but there's an awful lot of commonality. We all want the same result. But the vision that we have for the future is I think not terribly different from one camp to another.

However, what we'd like to do is suggest that this code really puts in peril for our small businesses what we think will -- you know, puts our businesses in peril.

And I'd also like to draw attention to the number of people who endorsed this ad. It represents without even, you know, doing a terribly thorough job of contacting people, you know, who happened to not to have been around.

We have three-quarters of

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the buildings on Main Street in the commercial district. And we're not dealing with -- there are few landlords like Mr. Zucker and a couple of others, but generally when you're talking about landlords and businesses, we're all talking about unique landlords, small landlords, small business owners.

Often landlords aren't business owners, and that's what makes Sag Harbor unique. And putting us under the pressure of lots of the rules with this very legalistic document we feel is going to really make it impossible for us, particularly in the economic circumstance that we're faced with now, to survive.

So we consider it to be considerably risky, and we would like to go back -- unfortunately, we would like to ask you to go back and actually study with us, you

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know, potential plan. And then from that plan, work through a new code.

I know that is a tall order, but we would hope to prove our point by the end of the night. Thank you.

MAYOR FERRARIS: Can I just -- I really want this meeting to be -- for there to be a lot of dialogue back and forth.

I haven't been a part of your meetings so I'm not sure exactly what was discussed. I guess I'm just going to pose the first question. You say this code puts business in peril, the small business in peril. I'm just not sure how.

MR. CONKLIN: For instance, if I have to be -- if I'm a landlord and I want to -- I've got somebody who's interested in leasing my property, what happens

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is that a couple of weeks from now somebody will come out and say, you know -- we'll arrange the price, you know, and then we need a permit.

Now, the permit -- you keep referring to expedited permitting process. But just in terms of a simple lease, if you're going from a shoe store to a -- certainly a real estate office, or to a Pilates studio, or something like that, there is a use change. And you have the standard industrial code definition, which instead of being dry retail to dry retail, which is what it is in most places, you have gotten very, very specific to the extent that the bureaucracy has to control or can control the future of a possible tenant.

So the point is that if in -- especially in this tough economic circumstance -- we've got

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somebody who just is moving out of a retail space today, and the landlord is going to let that store. Somebody will come in a month from now, and unless they can get an immediate answer as to whether they're permitted to take a one-year lease or a two-year lease, that store is not going to be rented for another year, not until next spring.

And most of the landlords here are just -- you know, all of us, we're just individuals. We're going to be stuck with an empty store and we will be pressured to sell out.

And I think, you know, a number of our speakers will, you know, elaborate on that point.

MAYOR FERRARIS: I guess, Ted, my question is twofold. First, we used the North American Classification Industry System

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really because that's what's used in all municipalities now. We were antiquated before, and rather than going from dry goods to dry goods, it's a consistent method of doing it for everyone so everybody is on the same playing field. So you don't have to --

MR. CONKLIN: You know, I'm not lawyer. I don't have the experience, but I'm not told that by other lawyers.

As you know, Attorney Bragman, Attorney Tohill, and Rich will all speak to what goes on in East Hampton and Southampton. And I have taken the position that what's good for East Hampton and good for Southampton is not necessarily good for Sag Harbor.

We have been very successful. For instance, if somebody has an old fancy store, somebody can come in and rent it.

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And usually you get creative,
wonderful new tenants. And
sometimes they don't quite fit the
mold, but that's what makes Sag
Harbor.

We've have 25 years of, you
know, extraordinary success with
the existing code. There have been
some problems. I mean, you've got
noise problems. You've got -- you
know, how does the building on Bay
Street happen. You know, what do
you do with -- you know, there are
certain exceptions.

But it's not that you can't
look back over the last 25, 30
years and say we haven't been
successful, because we're the envy
of all the other Villages. And now
the attorneys are telling us to
adopt their laws. I don't get it.

MAYOR FERRARIS: I'm going
to put the question out there
again. A change from one use to

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another, which is really more of a formality. There is no process. You say if they don't do that now, the store is going to be vacant for a whole 'nother year. Going from one permitted use to the next permitted, it's done. There's no additional procedures.

MR. CONKLIN: Well, I mean, I can tell you that, you know, this is anecdotal evidence, and there may be other details that, you know, will prove me wrong, but there was a known store on Bay Street that wanted a change from a -- I guess a furniture store to a, I believe, a nail parlor, or something like that. That deal fell through because they couldn't get an immediate answer.

We had a situation where Mike Caviola (phonetic) I believe wanted to expand into the store next door, and they couldn't get an

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answer so they had to go through this procedure which was going to take 90 days or something, and that was a no.

And I believe there was one or two others that --

TRUSTEE SCARLATO: I think you're talking about the moratorium exemption process, which is in place so that we're able to work on the code. It's not --

MR. CONKLIN: Well, once you get into the --

TRUSTEE SCARLATO: One you get past that, and the code is enacted --

MR. CONKLIN: Well, that would speak to really pulling the -- you know, getting rid of the moratorium, at least that aspect of it.

But we're quite concerned without, you know, getting in this whole law that there are no caps on

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fees for permitting, site plan fees are unlimited. Legal fees are unlimited.

The time frame, there is no restriction on bureaucracy to answer -- if you're going from a shoe store to a dress store, we believe that it's dry retail to dry retail. You should be able to go to the building department and in a set time, 48 hours, get approval.

Now, what's happened -- I wish I had one of our lawyers with us. He's trapped in New York. But my understanding is that the bureaucracy does not have to respond in a timely manner. We would like it to happen that way. But there is no time frame.

And for instance, New York City, I understand, has a set schedule fee for different aspects of the permitting process, and we don't. And for the little guy,

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it's impossible to, you know, go through it.

MAYOR FERRARIS: Just again, I mean, you're insinuating that there's a bureaucracy that's going to create a hardship, and I think it's unfounded.

I think the two situations, what you referred with Caviola and the other store, I mean, I looked into those situations. And both times the applicant decided they didn't want to go through anything. And that's why. It was not because of the Village.

Regarding the fee structure, we implemented the code provision that allows the Village to be reimbursed for the fees for any site plan review, large site plan review. You're talking about a project like 1 Ferry Road, or you're talking about a project like the Bulova watch factory. There's

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no site plan --

MR. CONKLIN: I think Michael Eiche will talk differently.

MAYOR FERRARIS: Okay. But at the same time, we looked into this, and I questioned it. I questioned the same thing because it occurred to me that somebody's going to enter into a situation where they don't know how much it's going to cost them to do it.

We looked into it. And I guess there was recently a court case in Southampton that they threw it out and said that -- the court of appeals stated that they described such a schedule as an invitation for trackless uncertainty. And they stated you cannot have a fee schedule associated with that. That the only way legally to get reimbursed for the cost --

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MR. CONKLIN: I'm not a lawyer. I was told by a lawyer yesterday that New York City has a fee schedule.

TRUSTEE SCARLATO: Well, there are certain fee schedules with respect to permit applications and things like that.

MR. CONKLIN: Let me just -- what we want to do is, we would like to have a relationship where the Village -- you know, you're us, and we would like you to help the businesses which are in terrible trouble by helping -- I mean, actively, affirmatively streamlining the process, and capping the costs.

Because if somebody is not able to make it in retail in the next two or three months, and there happens to be a replacement tenant, under these circumstances, that's going to be an empty store for

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another year.

MS. SCARLATO: With respect to the fees, I just want to go back to that for a second. It's sort of my feeling on it and it has been all along that it's sort of incumbent upon the applicant to make sure that they have a proper application. The Village repeatedly incurs fees with respect to applications because an applicant hasn't submitted proper drainage plans. And these are large projects we're talking about. We're not talking about the small, you know, you need a special permit to convert from one change of use to another. We're talking about the large projects --

MR. CONKLIN: Well --

(inaudible)

TRUSTEE SCARLATO: Right. And those are the applications in which the Village has incurred

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significant amounts of fees. And those are things we're talking about having to be reimbursed for. And it does create a situation for the Village, which is a good thing. It makes it a little more incumbent upon the applicant to make sure that they come in with an application that is suitable for the Village, and that isn't going to require that much review because they've done their homework in advance.

MR. CONKLIN: Well --

TRUSTEE SCARLATO: And that's encouraging for both sides because at that point everybody spends less money doing it. If you've done it right the first time, you won't have to do it again.

MR. CONKLIN: More academically though, the more correct you are, the less apt you

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are to have, you know, an entrepreneur. You're going to get a national chain that can deal with these things. They will know. They will have their lawyers. They can go through the process.

If we had, in other words, a -- we started this process by saying, gee, we really want to support business. Let's have an economic development department that can help shepherd these applications through, that can guide people through the process so that we continue to have this -- in other words, we're proactive.

We're not saying you can have this store and this store and this type of store. But what we're doing is we're maybe going out and encouraging a certain type of business to come into town because that's our sensibility.

So I'm just saying, you

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know, it would be great if we could turn it around so that the Village Board really is our ally. We feel that the Village Board and the Village machinery is really helping us and on our side.

And the more difficult it becomes, or the more maybe distant, the more bureaucratic it is, the less likely we are going to have -- see a future with the same kind of tenants we have on Main Street now.

MAYOR FERRARIS: I agree with that comment, and I hope that we've made it as less bureaucratic as possible. I think that even to some extent it's a lot less bureaucratic and the process is a lot -- it's more streamlined than currently exists under the current code.

MR. CONKLIN: Well, with all due respect, I think that -- you know, my experience in 40 years

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hasn't been that. And I don't know. There are an awful lot of people in our group -- and our group represents, you know, probably 70, 80 percent. I don't know. We're not even very well-organized.

And our experience has not that -- it's very difficult to get through city hall sometimes. And I'd also -- you know, again, I'd like to thank you because it's a tough deal. It's a tough deal.

We would like to, at the end of the meeting, present to you the results of -- our planner, EEK, did an assessment of the draft environmental impact statement, and the comprehensive plan, and the new code. And there's some very germane comments to this particular statement. But that's more of a general thing. Thanks.

MAYOR FERRARIS: Thanks,

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Ted. Yes, Michael.

MR. EICHE: Michael Eiche, Christy's Art Center, 3 Madison Street. I'm speaking for my business.

I just want to come back to the history of -- I know I have three minutes. I will make it in those three minutes.

MAYOR FERRARIS: No, whatever you need.

MR. EICHE: I want to come to the history of the Christy's building, which was built in 1843. We took it over in 1993. We took it over at that time when it was basically boarded up after it had been empty for five or six years.

In those 150 years preceding that it had about, I think, 22 different uses including a bar, probably a small brothel, probably a hardware store, and a liquor store. So it carried all those

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trades in the building. That's the character that building had.

When I bought it, it nearly was falling down. I took my money, which I brought from abroad to invest in your lovely little Village, to which I have fallen in love with the first day I came in.

I smelled something very special about Main Street and of the side streets too, and started that building when everybody said, Michael, you're spending too much in this town. You've been overcharged for the property. And you're putting too much money to the work, the craftsmanship.

So we established our own business, which we had moved out of London into your town to be near to New York and again to be near to the friendly people. And has worked out great.

But as I said, there was an

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incredible amount of money and experience which went into that building. So we established a trade, which was working well in those days. It's not working anymore today.

It's one of those typical examples when you lose a certain spring of business which is knocked down from the first floor by Internet, that's how most of the people operate. You don't need a shop anymore, and it's time wasting to sit down there and wait because it's a certain type of merchandise. So I probably have a typical example of losing out in the economy.

A year ago you all recall that we've been teaming up with the Bulova factory, or Bulova to create a type of business, which we -- they build the factory, I can supply them with what I have in

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warehouses and what probably fits them.

We made a contract, or we planned a contract to find out how we can work together, that we could work together. We had to obtain -- ask for a change of use, which again in those negotiations of can we get the contract with them or not, which would give us our lifeline.

It turned out that we lost two months in the application form. And this would have been the exact time when probably the tenant would have said no and said goodbye.

So all our spending in this matter, for six, seven months to work it out was nearly going to fall down because of that process, which you said will be trimmed very soon, but it's still -- you have to go to town. You have to ask for the okay, and this is taking away

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the freedom of the trade for you.

I think it's the most dangerous thing in this code at the moment. All the rest you're probably trying really to team it up and work it up and make something out of it. But the freedom of the trade, and to decide who we want to take, and to give us the survival, and is essential for Main Street.

The next thing that happened, Bulova has dropped out. They won't be our tenants anymore. So we lost two years of a safe feeling. Now I have to look for new tenants. So my shop is empty from now on. It's probably one of the two black windows, the first black windows on Main Street. And if I have an apartment with a future tenant tomorrow, I simply have to tell him I can't give him an answer. We have to go through

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the moratorium. We don't know if they want you. And they're all pretty nervous to hear this message, what the town is planning.

I'm not sure how the future of Christy's building will be. I had another lovely tenant in my building, which is on second floor. In preparation of the code and preparing myself not to be attacked later by lawyers or anybody else, I had to ask the tenant quietly to move out.

And so a lovely combination of these people who were very well fitting into my property, into the Christy's building, in connection with the folks downstairs, had to leave just to be sure that there's no problem in the future. So it's frightening.

MAYOR FERRARIS: Mike, now you just referred to -- did the Village do something to this tenant

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on the second floor?

MR. EICHE: No. They had an office on the second floor, which was established two or three years ago. But in preparation that in the future when the code is finished that you can't have offices anymore on the second floor.

MAYOR FERRARIS: Actually, we said that it's going to be allowed. That's not an issue.

MS. SCARLATO: But even if we didn't --

MR. EICHE: But in preparation, I asked the tenants to move out so I have no problem when the code is done. So this is one of the first -- okay, they can come back now. Thank you very much.

MR. WARREN: They would have been permitted to stay as a nonconforming use.

TRUSTEE SCARLATO: Right.

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They would have been preexisting.

MR. WARREN: They would not have been required to move out. If this was an existing office on the second floor, they would have been permitted to stay.

MR. BUCKING: Phil Bucking, Sag Harbor. I think the comments back here among some of the real estate owners is the whole change of use issue.

And you've modified code for the buildings that are under 3,000 square feet. And it appears to me -- you're coming in and you tell me that you're going to change -- I'm going to tell you I'm going to change the type of business. And if it's permitted, great, go on.

However, there are several businesses in town -- I shouldn't say several, four or five retail businesses with larger footprints, over 3,000 square feet. The

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variety store, the hardware store, Schiavoni's, Fisher's, et cetera.

That's where I think some of the issues are. And Lisa Field, the owner of the variety store couldn't attend tonight, but she did write a letter. So I'd like to just read her letter which may bring up some of the concerns on that particular issue.

"To the Sag Harbor Village Mayor and Board of Trustees. My family has owned and operated the Sag Harbor Variety Store for almost 40 years. This Main Street commercial building has about 5,000 square feet of retail space.

"The proposed code places severe restrictions on commercial properties over 3,000 square feet, and will adversely affect my family's investment.

"Under the proposed code, we can only sell or lease to another

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five and ten without special permission. To be blunt, five and tens are a dying business, and in most parts of the county an extinct business.

"If a different type of business was interested in buying or leasing our property, we have to get approval from a Village board. Our livelihood would be in the hands of people who most likely do not run retail businesses. My family would not be treated this way if our building happened to be less than 3,000 square feet.

"My family's investment in the real estate was done to secure our financial security. We love what we do. My father worked until the week that he died. My retirement-age mother still works seven days a week. But my children may not be able to run the business they want without the approval of

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some government official.

"Sag Harbor is a unique mixture of large and small businesses. Large stores are an asset to a Village, yet we are treated as if we are not. The only fair and reasonable choice is to grandfather in all existing businesses regardless of their square footage.

"You must allow a change from one permitted use to another permitted use regardless of size without bureaucracy. Please stop trying to fix a problem that doesn't exist. Sincerely, Lisa Bucking, 114 Main Street, Sag Harbor."

MAYOR FERRARIS: If I can just make a couple of comments. I know you didn't write the letter, but --

TRUSTEE SCARLATO: Does he want to hand the letter in to

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Sandra?

MAYOR FERRARIS: Please do.

MR. Bucking: Yeah, I will.

MAYOR FERRARIS: Lisa

mentioned severe restrictions. And I just want try to clarify that again that if you're going from one permitted use to another over 3,000 square feet there is a waiver that can be granted by the building inspector.

So it's just a trip to the building department. And if it's determined that it's a permitted use to a permitted use and you're not asking for more parking or more sewage capacity; if you're not changing from the five and ten to a restaurant; if you're changing the five and ten to a furniture store; if you're changing from a five and ten to a home furnishings or whatever another permitted use is, really it's just a waiver from the

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building department at that point
in time.

MR. Bucking: But will that
then have to go before the Planning
Board?

MAYOR FERRARIS: Absolutely
no. If it's a permitted use to a
permitted use, it doesn't go to the
Planning Board unless you're trying
to increase the size, unless you're
changing something, unless
triggering some other effect for
site plan review like -- I'm just
trying to think of an example,
increasing sewage capacity,
increasing parking use because it's
a use that would encourage more
parking or require more parking at
that point.

TRUSTEE SCARLATO: If you
went from a five and ten to a gym,
or an exercise studio, or something
like that.

MAYOR FERRARIS: Something

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like that, then it would require site plan review. But let's even take it that step. If, in fact, you did change from a permitted use that had additional parking or additional sewage and you had to go to site plan review, going to that site plan review doesn't necessarily mean you're going to have to go through a burdensome process.

There's a lot of items in that that won't apply to your particular project. Again --

MR. Bucking: But how is that distinguished? How is -- I know there are several different permitted uses. Where does that line get drawn where, you know, it's a rubber stamp versus -- how do you determine well, this type of business is going to need more parking? Is that already written down?

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MAYOR FERRARIS: Yes. It's included in there. It's not an arbitrary process whatsoever, Phil. It's not arbitrary. It's included in the table of uses. If it's a use that requires again additional parking, wastewater treatment capacity, those items, and there are several of them, then you have to go that route.

Let me just give an example. Let's say you did do that and went before the Planning Board. I think we're perceiving the Planning Board to be some sort of enemy here. I mean, this is a board that is made up of individuals. Jack Tagliasacchi, who owns Cappuccino's. Neil Slevin. These are people who have the best interests as well. So let's not vilify I guess members of the Planning Board.

MR. Bucking: Oh, no. I'm

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not doing that at all. But the concern was that if a use were -- you know, if you were to make a change of use -- you know, we all know you guys. Ten years from now, 20 years from now there may be somebody sitting in that chair with an agenda that may not like a furniture store, or -- you know, and they'll make this thing go on forever.

Now, why the 3,000 square feet cutoff? Is that a box store issue?

MAYOR FERRARIS: Rich, do you want to speak to that? It was a calculated --

MR. WARREN: What we did was, we did an inventory of the square footage of the space within the Village. And the Village's first floor space throughout the Village has 309,674 square feet broken into 160 inventoried spaces,

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and that averages out to about 1,935 square feet per space.

What we did is we looked at -- actually we looked at how that's actually broken down in median value. So 50 percent of those spaces are small and 50 percent are greater. The median value is 1,394 square feet. So it's actually even smaller. And the range is between 280 and 14,960 square feet. So you've got a big range of median value; 50 percent large and 50 percent small is 1,394.

We looked at what we thought would be an appropriate number with the average being 1,935 square feet per use. We established in the code a limit of 2,000 with the automatic right to expand to 3,000. So there's the automatic right to expand to 3,000.

The intention was to try to maintain diversity that you have in

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the Village. If you look at the shopping experience that you have in the Village where people can walk into shops, and go into the 280-square-foot store and find something interesting, and then go into the other stores that may be larger, because you've got an interesting shopping experience.

If you compare that to something like the Kinko Shopping Plaza, which has 288,000 square feet, it's not that much smaller. There's 39 stores, only 39. It's a completely different experience.

People don't go to Kinko Shopping Plaza to walk around to have a pleasant day. They go up there because it's destination oriented. I know that I'm going to go up there, I'm going to stop at Williams-Sonoma or someplace, and I'm going to buy something because that's what I need to go for.

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Here you have the opportunity for people to come in because of the diversity of the stores, the number of the stores, which makes up a lot of diversity. That's important when you're trying to maintain the retail trade that you have.

So we thought that it would be best not to allow the merger of the spaces so that you can reduce the number and then you start to affect the attractiveness of the Village. So that's why we decided on 2,000. It was based upon actual numbers that we got in the calculations.

Then we said these people have to have some ability to expand, so we said 50 percent. And 50 percent, when you look at the number of spaces in the Village right now that are larger than 3,000 square feet, it's about 11

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percent. So 89 percent of the spaces are smaller than 3,000 square feet.

So if we talk about the way history has happened here, that seemed to be actually what the Village wants to be. So we wanted to make sure that someone doesn't come from out of town so to speak, and upset what the Village has turned into. So we tried to establish some limits.

It makes sense for businesses that may be only 2,000 to say I need some room because my business is growing. There's a little bit of room so they can go up to 3,000 square feet. And that doesn't preclude anyone from ever saying you know, I have got a building that's 2,900 square foot and I need a little bit more than 3,000, they can still go to the Zoning Board of Appeals. It

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doesn't preclude that.

But it's to try to establish some parameters here to try to maintain what you've got, which is the diversity in the buildings.

MR. Bucking: Okay. Thank you.

MAYOR FERRARIS: David.

MR. LEE: From the Sag Harbor Business Association, I'm David Lee. I manage some real estate in Sag Harbor.

We don't want to get into more confrontational position with the Village Board. We're all supposed to be on the same side. But there are a few things that we came across.

Some of the retail outlets in Sag Harbor are experiencing tremendous problems financially. I'm in the process of redoing some leases now and some people are not having it too well. And anything

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that we do, we allow to be done to us, it hurts.

And if we have to go through a long process of changing from one thing to another, every time we lose a month's rent, it hurts because we still have to make the bottom line. Luckily you people don't have to worry about the bottom line. Most of these people here don't have to worry about it.

Now, I now see a new one, I just came across it. The ARB under site plan look over things, they're going to also have a right of determination of what's going on inside the building. Since when does the ARB have any business on what the hell goes on inside the building? As long as it meets all the requirements of the zoning code, it's none of their business.

I don't know where -- can anyone explain why the ARB has to

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have a right to go look in a window and decide whether it's any good or not? I don't think so.

MAYOR FERRARIS: First, Dave, just to make the comment, we're very cognizant of the financial situation that exists today. I, for one, professionally represent 11 of you that sit on the Sag Harbor Business Association.

I'm on Main Street sometimes 12, 16 hours a day. So, I see it every day. I see it on the East End. I see it on the North Shore. So I certainly have an understanding of what's going on.

And I personally would not be in favor of implementing any code provisions that would provide direct adverse impact to any business. And I can assure you of that.

Your question regarding the Architectural Review Board

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approval, I mean a site plan, that's incorrect. The only way that the ARB gets involved in a site plan process is it's referred -- an application, if it is going for a site plan review, it's referred to ARB only for the items that the ARB reviews. They do not review interior issues.

So again, it's not the understanding of that particular provision.

MR. LEE: Maybe I made an error. But it seems to me that having read that thing I don't know how many times, it appears that the ARB can say hey, I don't like the way that looks.

TRUSTEE SCARLATO: Well, they are able to say they don't like the way it looks. That's the job of the ARB.

MR. LEE: What's in inside the building?

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MAYOR FERRARIS: No, not what's inside the building.

TRUSTEE SCARLATO: Outside.

MR. LEE: Stay out of my windows. Thank you.

MAYOR FERRARIS: Jane.

MS. HOLDEN: Jane Holden. I live at 18 Bridge Street. And as you know, I've been selling real estate in Sag Harbor for 30 years.

And the company I work for, Town and Country, had come before the Planning Board in June to have a change of use to put our office on Main Street, and we were denied.

The problem we had when we came to the Trustees -- and we realized the error of this, and I just want to make sure that the new code continues to be aware of this. This building owner had a Certificate of Occupancy that stated they were allowed to have an office in one of their storefronts.

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It doesn't say which storefront.
They pay taxes on their ability to
do that.

This new code seems to be
throughout Certificates of
Occupancies which are supposed to
go with the building. And yet
people's taxes are based on the
use, the value of their property.
The appraisal is based on the uses
they're able to put in those
buildings.

And now all of a sudden even
though their Certificate of
Occupancy says they can have an
office in a storefront, they can
have whatever, all of a sudden
you're saying no, we don't like,
they can't have that. That's not
right.

MAYOR FERRARIS: Jane, I
understand what you're saying, but
I think there's a little confusion.
If the CO lists an old use -- there

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might be an old use on that CO, and I'm not sure that's not what you're referring to.

But the current use is included on that CO, then that use will be grandfathered in. They can have that use on there, what's currently there. Just because they were a brothel 25 years ago doesn't mean we're going to go ahead and approve that type of use.

TRUSTEE GREGORY: Why not?

(Laughter)

MS. HOLDEN: What I'm saying is, it's still -- you're hurting businesses. I can tell you in East Hampton they now have seven storefronts empty and no tenants on the horizon.

And part of the reason we wanted to get through is because the time it took us to come from the Planning Board to get to you -- in that time period, the lease was

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gone. I mean, luckily for this building owner they were able to find somebody else to commit.

It will be interesting to see how long it lasts because it's another jewelry store and Sag Harbor now has five jewelry stores.

But the bottom line is, even as a realtor when I'm presenting a rental to someone or I'm presenting a sale to someone, when they start figuring out the cost of having to come -- because it's easy to say the building inspector can come and say it's okay. But it depends on whether he says it's okay. If he doesn't say okay --

MAYOR FERRARIS: It's not arbitrary, Jane, really. It's included in the code. If it's a permitted use to a permitted use, then it's done at that point.

TRUSTEE SCARLATO: It would be actually easier to do with this

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code than it had been in the past. And it's a lot less arbitrary because it's right there. You can look at it. You can see it. You can know exactly what it is by just opening the book as opposed to in the past where you couldn't do that.

MS. HOLDEN: But they also then have to go to the ARB to approve the change of sign and everything else.

TRUSTEE SCARLATO: You have to do that now, and you had to do that last week, and last month, and five years ago, and five years from now.

MS. HOLDEN: It's just -- I sincerely hope that people's Certificates of Occupancy that exist are still going to count, they're not going to be told new rules, that don't exist -- what's approved under the old rules aren't

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the same under the new rules, so you no longer have them. That's not correct.

MAYOR FERRARIS: Again, that's not the case. Whatever is there now, whatever use currently exists in any partial -- in any spot will be grandfathered in.

MS. HOLDEN: But when you have a building that has six storefronts and offices above, or apartments above, your Certificate of Occupancy covers all the possible uses, not necessarily this year or next year.

You might not have a real estate this year. You might not have a barber shop that come in this year. You know, things change as the Village needs it. Where the -- Metaphysical Books. That was a barber shop for years. Before that it was some other little store.

TRUSTEE GILBRIDE: But those

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CO's should have changed with the businesses; right, Jane?

TRUSTEE SCARLATO: You don't normally see --

MS. HOLDEN: But the C of O had said that there could be, you know, offices, retail. There were different -- it covered all of these things that could be in there.

TRUSTEE GILBRIDE: Because there are many rents in one building, is that what you're --

MS. HOLDEN: In one building.

TRUSTEE GILBRIDE: But it still should cover that space. I mean, if I'm understanding correctly, that space should have been covered by a portion of the CO.

MS. HOLDEN: But see, the way the C of O reads, it doesn't say storefront one is this,

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storefront two is this, storefront three is this. It just says this building with these spaces.

Upstairs can have an office or apartments, or you know, just -- there can be an office. It was very specific the way it was written. And you did try and correct it. I agree with that 100 percent. It's just the time process of getting here to have the error corrected --

TRUSTEE SCARLATO: But again, you're talking about the moratorium process. The moratorium process is something completely different from the way the code is going to operate.

The moratorium process was in place so that we could work on the code and --

MS. HOLDEN: But the Planning Board, they literally said this Certificate of Occupancy is of

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no significance, which was wrong.

TRUSTEE SCARLATO: That's a different issue. You're talking right now about the timing issue and how long it took to get through the process. And I'm just saying that what you're talking about is the moratorium exemption process, which is a different process than the code is going to be.

MS. HOLDEN: But just so the building owners -- because if this changes their C of O's that means everybody in this Village is expected to get a new Certificate of Occupancy, and that can be a hardship for a lot of people, especially residents. You know, it requires new surveys. It requires a lot of things. It's an adverse charge on people.

MAYOR FERRARIS: Yes. Jill.

MS. SCHERER: Jill Scherer.

I am a business owner and a

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commercial property owner. I do not live in the Village, and I'm not a member of the Business Alliance.

The main reason that I support the Trustees' efforts to limit or -- limit office space on first floors, is for the very reason that Sag Harbor Village does not have a lot of retail space.

When you take out six restaurants, six retail offices, a municipal building, a firehouse, a laundromat, the Sag Harbor Express building, there's not a whole lot. And daytrippers probably aren't going to be interested in a hardware store, the pharmacy, or the supermarket.

So there's not a lot there. And when I heard last year that three real estate offices, two or three, were planning to open on Main Street this year, I was very

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much concerned because on average we have just three openings every year.

And if all these openings are used for real estate offices or other offices, there's nothing fresh and new coming to the town for shoppers to see.

I think it's a scary trend if it continues over the next few years. And if retailers pick up on that trend, no retailer is going to want to come to Sag Harbor, and nor is any retailer going to want to stay in Sag Harbor.

But I do -- I don't have a problem with the second floor use. That's it.

MAYOR FERRARIS: Okay. Next row. We'll just keep on going back until someone raises their hand. Yes, Frank.

MR. DeANGELO: I'm Frank DeAngelo, and I'm a property owner

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on Main Street, and a Main Street retail business person. And I am a member of the Sag Harbor Business Alliance.

I appreciate the Board's efforts, and I recognize your willingness to make changes, and you have made many changes.

There is still some concerns that I have with respect to size. I understand the necessity to maintain retail spaces on the first floor. I don't have a big objection to it. I'm basically in agreement with what Jill just said.

I do have a concern about -- I know you've made changes with respect to size. I think it's reasonable for 8,000 square feet for hardware and for furniture. I'm a bit concerned about the limitation of 8,000 square feet for a grocery store.

I think that -- I hold open

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the possibility that someday someone, either the existing grocery operator or a chain, would open up something more substantial in a grocery store.

You can go any day down to Bridgehampton and see many of our own clients from our trading area shopping there in the chain stores. That has tremendous negative impact on our retailers.

There are retailers who won't go to a particular venue and open up because there isn't a significant anchor store there. And frankly, we don't have a significant anchor store here.

And I don't think it's too much to ask since we especially had grocery chains in this Village. I think 15,000 square feet is not too big even for Sag Harbor for a grocery store chain. That's how I feel.

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And parking for such a store, well, that's just another issue that we haven't fully corrected here yet. And the possibility to correct that exists.

As far as change of use goes, following up on what Phil Bucking was saying, if he has to or his sister can no longer run her business, of course, her first choice would be to sell it as a going business, and then there's no problem in finding new buyer.

In the event that she has to lease the space to someone else, you're telling me that there is no site plan or Zoning Board review of the situation. Now, does that hold true no matter who that other tenant is as long as it's another -- a permitted use to permitted use, another dry retail use?

So that if a Williams-Sonoma is the only person or the only

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entity that make sense to rent to, the only taker, that that kind of a business would go in there, whereas we've heard many objections from people about formula stores, chain stores?

Personally, I don't think it's going to happen. And personally I don't think they're all going to be poison to the Village. But these are real possibilities.

And you know, as long as you say that, you know, there's not a big rigamarole to make that change, I think that's an improvement. Because that's a very distinct possibility, and it's a serious impact to the efforts that someone like the Bucking family has made over 30, 40 years with their property.

What else was I going to bring up? You mentioned that

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second floor offices, there won't be a restriction on them even if they're not associated with the first floor.

MAYOR FERRARIS: That's correct.

MR. DeANGELO: I think that's a significant improvement. Because we need the flexibility to generate revenue as a marketplace.

Just as an aside, you know, I've been looking at the Sag Harbor Express every week for the last couple of months and I'm seeing many of the same apartments, affordable apartments, still going unrented throughout the trading area here.

I had an apartment that became available in December. And actually I had more people that wanted to use it as an office space than an apartment. And I turned them away. As a matter of fact,

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Michael Eiche's tenant approached me to go in there. And I said, "Well, I've got the same problem that Michael does. As far as I'm concerned, you're not going to be allowed in here."

All right. So you've made that improvement. All right. Thank you again. I appreciate it.

And I do recognize the necessity to update the code with definitions and perhaps redistricting and procedural matters.

So I thank you very much for your time.

MAYOR FERRARIS: I guess the one thing, Frank, that I disagree on is that we don't have an anchor store because I believe we do. I believe we have the Emporium Hardware as an anchor store, and the variety store is an anchor store.

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MR. DeANGELO: Well, to a lesser degree you're right. But there are different degrees of being an anchor store. And you know, I've taken the trouble this off season to just go see who's shopping across the street during the week.

I'm not talking about the summertime. The summertime is three months where everybody is looking for a convenient place to shop for a loaf of bread of something, but you don't see it.

But for eight months of the year, you compare what's going on here on this street to what's going on at King Kullen and see -- and I recognize the faces because I come across them all the time. I see where people are shopping.

Now, I know that there is certainly a hardcore group of people in this community who mean

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what they say. They want to shop locally. And I appreciate that and I've told them so. Unfortunately, they're a minority. They're dedicated to this.

But the majority of people in our trading area are going to shop where they feel as though they need to shop, where there's variety, where they believe there's the best price and the best deals. And I believe that you've got to give them something, give them a reason to be here in order to have them here.

All of the -- you know, advertising and saying you know, shop locally, shop locally. Unfortunately, it doesn't seem to make a big difference. It certainly doesn't -- the difference isn't made, certainly compared to actually marketing something that people really want.

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So, competing is a very difficult thing. And a venue like this needs to have all it can get going for it in order to do well. That's all -- that's just what my point is. Thank you.

MAYOR FERRARIS: Thank you.
Yes, Larry.

MR. BAUM: Just a clarification, if you could. Larry Baum resident, building owner. If you could just clarify for me the second floor apartment versus office uses because the last version I saw didn't have the change. If you wouldn't mind.

MAYOR FERRARIS: I think the last discussion over the last month or actually two months in light of what's going on right now in the general economy that, you know, we have thought that this is a way to make it more feasible for a landlord if they are running into

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situations. We have seen more apartments come up for rent and sit vacant for quite some time. And that's certainly understandable.

Although we're not going to throw the whole affordable housing issue out the window right now, we certainly understand that during these tough economic times, it's not our position to burden the landlord, to have a vacant space when somebody that wants to put an office use on the second floor, they can do that.

TRUSTEE SCARLATO: The draft that has been advertised for public hearing doesn't contain that provision. We're going to put it in before it's adopted.

MR. BAUM: So we're going to be able to review that and understand it once it comes out?

MAYOR FERRARIS: Yes. We didn't want to go through the whole

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expense of reprinting everything
and so on right now, but yes.

MR. BAUM: We, by the way,
do appreciate all your efforts.
And we know it's been a long
process. This particular issue is
one that I think is important
because it just makes, as you know,
things economically viable for us
building owners. So that's great.
Thank you.

MAYOR FERRARIS: Thanks,
Larry. Jeff.

MR. SANDER: I'm Jeff
Sander, a resident of North Haven.
I own a commercial building in town
on Madison Street, and I'm a member
of the Sag Harbor Business
Alliance.

I became fairly involved in
Business Alliance, and actually it
got formed right in the middle of
the Bulova effort. And we formed
it pretty much to bring forward our

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feelings about the importance of that project, and I think we had a lot of hopefully positive input to do that.

As a result of that Greg, you know, you outlined the whole process that was used to come up to the code as it exists now. And we were not involved in the early days of that process. I don't think there was a lot of business owner involvement in setting up the standards.

So as a result, when we looked at the final document I think there were a lot of concerns that came out. We've heard some of them today. Some of them were related to the basis in which it was developed, was it the right basis, or whatever.

So the only the thing I'd like to add to what's been stated, and we've heard a lot of concerns

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of the Business Associations, a little bit about the process. The process we've had to express our concerns and get feedback on them, I don't think has been, you know, the most effective that you could have.

And by that I mean we go off and we have a meeting. And we talk about problems, and what we think we heard at the meeting tonight. And we open a vote and we say yeah, did Greg say that, or well, he said that, but it didn't show it in the code.

And I would like to make an appeal once again to see if there's any way in which we can do a comprehensive review of the business owners' concerns one by one, many of which we reviewed today and some of which we've gotten clarification on, some of the big ones; the offices, the size

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limitation and the procedure to go from an acceptable use to another acceptable use.

I think a lot could be gained from a comprehensive review. I know you can't have a meeting without all the public there. Perhaps the public could attend. But if we could focus on a systematic review of those, knock them off one at a time, determine whether the ones that remain are important or not important, I think we'd go a long way.

And it could be a lot more effective than, you know, every month trying to come forward and throwing out a couple more things, and then go back and see if they're resolved or not resolved.

So I ask you to consider whether there's some forum where we could do that, come to an end to this in terms of either solving the

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issues or saying we've heard them and we're not going to consider them.

MAYOR FERRARIS: I would hope -- I think we're doing that tonight to some extent.

MR. SANDER: I think we're doing it tonight, probably more so than any meeting I've ever attended.

MAYOR FERRARIS: We're somewhat handcuffed by the legalities of the policies, what we have in some of the meetings. And not to place blame on our counsels and so on, but in certain meetings we can't respond until this point, until really the public hearing process.

I've been frustrated sometimes as well that we can't have certain discussions, and we're bound by public open meeting laws, which is a good thing, but by the

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same token I know it's not the most efficient process for the most part to get information across back and forth. I would agree.

MR. SANDER: But I think it's good. And again, I'd like to thank you for all the time you've taken on it. I think tonight has been one of the better meetings. And I think a lot of the key issues have been addressed. There's still more I think we need to go after.

But if some of the things stated tonight are on their way into the code relative to the process of changing uses on larger spaces, and use of upstairs spaces, I think those are two key issues that maybe we've made some progress on here.

TRUSTEE SCARLATO: I just want to speak to a couple of things that you said, first dealing with initial meetings and that the

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business owners weren't a part of those meetings.

Those meetings that were held back at the firehouse two years were heavily publicized, and there were a tremendous number of articles in all of the newspapers about them.

I mean, honestly, I can't -- I mean, I'm not sure why you didn't show up, or why you didn't participate in those meetings, but there were literally hundreds of people at those meetings that came and spoke to us about the concerns that they had.

If you had wanted to do that, you would have been able to do that. I don't know whether you didn't take us seriously, or what the story was.

MR. SANDER: No, I understand. And I didn't bring that up because it could have been

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just as much -- I'm sure it was the business owners' fault for not being involved.

But you know, there's a feeling that, you know, because so much of this code affected the business people directly, they probably should have taken the responsibility to be there when they saw the notice, but by the same token, you know, maybe the Trustees should have ensured that there was enough representation. So I'm just --

TRUSTEE SCARLATO: We did that. We publicized the meetings, and we actually sent out -- I believe we did send out invitations at one point to the business owners, to every property owner in the Village on Main Street asking them to come to a meeting.

And I just wanted to point out that you were at a meeting

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specifically that Rich and Tony had -- that enabled specific property owners in the Village Business District to meet with them to discuss specific issues.

TRUSTEE DEYERMOND:

Individually.

TRUSTEE SCARLATO:

Individually on weekend. And I believe that you were there. Am I wrong?

MR. SANDER: No, that's right.

TRUSTEE SCARLATO: And did you participate in those discussions? Because I'm a little confused about why you're saying that you didn't have the ability to do that when you did, and you were there.

MR. SANDER: I didn't say I didn't have the ability. I said for whatever reason there wasn't a lot of business input. The

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Association wasn't formed then.
There wasn't a comprehensive group
to get together to say you know,
how do we think about that.

It was as much the fact that
the business people weren't
organized. I don't think it was
the fault of the Village.

TRUSTEE SCARLATO: Okay.

MAYOR FERRARIS: Thanks,
Jeff.

MR. SANDER: Thank you.

MAYOR FERRARIS: Yes.

MR. KELLY: Members of the
Board. My name is Christopher
Kelly with the law firm of Twomy,
Latham, Shea and Kelly, Dubin &
Quartararo. I'm here to represent
a taxpayer and resident Duncan
Darrow.

On Mr. Darrow's behalf, we
have monitored the progress of the
proposed action here, and the
creation of the planning strategies

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document, and the new code, and the zoning map. And I've reviewed the DGIS. I've heard a few comments here about the DGIS, but I assume that's what we're here tonight to comment on.

Mr. Darrow has been involved in the process along with his neighbors and fellow residents to focus his attention on what he and others perceive as a threat to the Village of Sag Harbor.

These residents and neighbors investigated the proposed action that you are now considering as a solution. We are extremely happy with the result that you have come up with.

First of all, we think that the process has been extremely uplifting and involved. We'd like to congratulate the Board, its legal and planning consultants for their conduct of a complex process

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that has produced a comprehensive as well as a set of innovative documents of which the Village can be proud.

The process utilized was both transparent and comprehensive. You allowed the maximum public input throughout the process, and a substantial amount of time for all involved to become comfortable with the concepts of mitigating the potential changes to commercial development in the Village as well as the other changes that the new comprehensive plan and code will bring about.

We have also found the Board to be open to suggestions and modifications, and I think that's been exemplified here tonight with the changes that you've made in response to business owners' concerns. That's extremely important for the democratic of the

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small -- the validation of the whole process and the law that you hopefully will enact with respect to the DGIS and the proposed action, of which are concerns.

The documents to be commented on this evening are voluminous and address a wide range of issues, as they should in order to live up to the adjective comprehensive.

The planning strategies document is the comprehensive plan required by Article 7 of Village Law in order to make sustainable and defensible modifications to the zoning code. We applaud the Board for its comprehensive view in the planning strategies document, and encourage its adoption.

Too many municipalities go about the zoning changes in a haphazard and piecemeal fashion, and your consultants and lawyer

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will advise you of some of the worst examples of that.

But too many municipalities forget that the enabling legislation requires and mandates a comprehensive plan in order to justify any sort of set of zoning changes, certainly the enactment of an entirely new code.

Too often in defense of zoning changes, municipalities are left naked without a serious comprehensive plan done in advance, and can point merely to the existing zoning code and zoning map as their "comprehensive plan." The Village here has done things the right way and we appreciate that.

Also under the SEQRA regulations, 6 NYCRR Part 617, and the case law, the heart and soul of the DGIS that we have before us tonight is one, analysis of impacts; two, the discussion of

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mitigation of those impacts; and three, its analysis or alternatives.

I'll return to the way you've dealt with those three issues a little bit later. But clearly in this instance the analysis had to be customized because in essence, the proposed action is mitigation, itself.

It is an attempt to mitigate the impacts of what development would be allowed under the existing outdated code. And we agree with the analysis on page 8 of the DGIS that the current code is indeed out of date.

In discussing alternatives, without it being correctly noticed in an impact-by-impact analysis, the enactment of a new code to address development in the Village is far superior to the no action alternative, which is to leave the

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commercial development headed in a direction that it was headed in when this process began, which we believe would be destructive of the historic nature of the historic downtown business district.

In the interest of brevity, I will not address all the aspects of the proposed comprehensive plan and the new code intimately, but will deal only with the particular concerns of my client, which are the protection of the commercial district.

It is important for us to remember what the impetus of this whole project was. The DGIS notes that the initial impetus for the proposed action is the perceived threat from a couple of drastic changes in commercial development in the Village, specifically and what was of most concern to my client and many residents in the

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Village was the threat that appeared imminent of large box store type development.

This would be the entrance into the Village for the first time of uses that were out of scale, of a different size and a different type of use than had been seen here before. It appeared then that national franchises as opposed to locally-owned businesses were contemplating entrance into the Village.

The proliferation of such uses it is believed would have devastating consequences to the diversity of the uses in the Village. It was discussed a little bit tonight what the diversity is, how important the diversity of those uses and retail uses are to the nature of the Village, particularly the impact on its historical character.

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Rather than maintaining the historic architecture of what we admire as a quaint waterfront Village, these uses would introduce the hues and colors and facade designs of the big box retail/fast-food establishment styles. This was something we all agreed should be avoided.

Also was hoped that something could be done to prevent what would ultimately be the diminishment of locally-owned, small retail businesses. This Village is blessed with many of those small retail stores and restaurants which provide a vibrant downtown.

The concern was that without some zoning action being taken, the Village would become something along the lines of its Hamptons neighbors. For instance, in East Hampton there are five different

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places you can buy cashmere, but not a single place downtown to get a newspaper or a quart of milk. We're hoping that you successfully come up with a strategy to avoid that type of outcome.

From our perspective, the proposed action must be judged primarily on the way it addresses this threat, which is what brought us all together in the first place now almost two years ago.

As for the specific recommendations for the Business District and outlined in the comprehensive plan and discussed in the DGIS, while we're mindful of the importance of addressing such things as affordable housing opportunities, and encouraging creating those, and the protection of natural features, waterfront revitalization issues, et cetera, our focus has been on the

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importance of instituting
protection to the Business
District.

With that in mind, we want
to applaud the specific
recommendations made in the
planning strategies document and
discussed in the DGIS. I'll just
touch on the several
recommendations that we think are
the most important in protecting
that.

The first recommendation,
one -- number one on page 14 of the
DGIS as it relates to redefining
the permitted and special exception
uses within the Village Business
District is supported and applauded
by my client.

Preserving the commercial
shopping district along Main Street
is of paramount importance. While
we're not unsympathetic to the need
for professional offices, real

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estate offices, et cetera, the plan, we believe, strikes a balance by having those uses becoming preexisting and nonconforming, and encourages any establishment of new office uses in the immediately adjacent Office District.

And I think several speakers tonight addressed that. And I think that there's a misunderstanding amongst business owners about how preexisting nonconforming uses will be preserved even if they are offices in the Village District. This is an important recommendation.

One thing we'd like to note is that in the table of permitted uses in the Village Business District, a pharmacy is permitted with no constraint on its size. There's hardware stores, grocery stores, home furnishing stores, et cetera, that are limited to a

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maximum of 3,000 square feet.

Now, in referring to the definitions in the new code, I understand that to be a "pharmacy" 70 percent of its gross revenues must be from medicines, drugs, medical supplies, and the like and not convenience store items.

But to be on the safe side, we would propose that the use table include a size limitation of 2,000 feet or even less for a pharmacy, understanding that this might be a belts-and-suspenders approach, but will prevent the Village from having to get into an analysis about what quantity of sales qualifies a business as a pharmacy as opposed to something else.

And we don't, again, want to get into that business of looking at people's balance sheets and figuring out how much of each type of goods they sell.

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We also believe that recommendation number two is important in defining carefully the Village Business District as you have done. And that area needs to be preserved to maintain that quaint seaside Village ambiance that we are all enjoying and prefer to keep here in the Village.

Recommendation number nine gets us to the real nuts and bolts, page 19 of the DGIS. That recommendation is as follows: "To encourage and support the local small town feel of the commercial shopping district, and maintain a diversity of shopping opportunities, it is recommended that the Village establish a maximum gross floor area, GFA, for any individual or use of a commercial space."

The Village has done itself a great service in prior to

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proposing the GFA limitation
inventorying the existing spaces.
And I applaud Inter-Science for the
meticulous way they went about
that.

The inventory clearly shows
that the vast majority of the
business spaces in the Village are
less than 2,000 square feet. First
floor area in the current Village
Business District averages 1,935
square feet with a median of 1,394
square feet.

We understand that
compromises need to be made with
the business community to have a
breadth of support for the
proposal. But limiting GFA to
2,000 square feet would be even
better. But we understand why
allowing expansion to 3,000 square
feet is necessary. The smaller the
better as far as we were concerned.

The limitation on size is a

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key factor in preventing the threat that first started this process, the big box store.

Also important is recommendation number ten with respect to maximum street or store frontage. The inventory of the width of the 74 uses on Main Street and Madison Street shows that the average frontage was 22.23 feet with a range of size from 7.83 feet to 56.33 feet, with a median value of 18.83 feet.

Allowing frontage of 50 feet is, we believe, generous in light of the median and average sizes. But we applaud the efforts to contract the permitted frontage, and we fully support this provision.

The encouragement of outdoor dining in recommendation number 13 is also a positive approach as it adds to the ambiance of the Village

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to have those types of dining experiences available. And it's something, unfortunately, we've seen other villages try to shut down.

Also, the recommendation of number 19 of developing a new zoning map. Obviously, that's clearly the key here to pulling the whole project together, and we applaud the Village for its very fine zoning map.

And with respect to the impact analysis that I mentioned earlier as part of the SEQRA process, the impact analysis presented in the DGIS starting on page 35 is very complete and it takes the right tack here; that is that the proposed action is actually one designed to reduce the impacts from existing conditions.

Typically, a proposed action is one which will increase impacts

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that have to be mitigated.

And the adoption of land use regulations, we hope, that the whole point is to reduce impacts that otherwise would be likely to occur.

We strongly support your findings on page 48 with respect to the land use development on commercial development; to wit, that any potential impact is outweighed by the anticipated long-term benefit, specifically in the four items you addressed in the DGIS, which include preservation of aesthetic and historic resources, support to maintaining a pedestrian downtown commercial district, protection of the existing community character, and fourth, protection of natural resources.

We believe this is a correct analysis of the impacts presented and we think you've done a good job

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in doing that.

With mitigation, another part of the SEQRA process, a key to the SEQRA process, given that impacts, if any, that you've identified are far outweighed by the benefits that we've set forth above, mitigation measures are not required here. We believe the proposed action is the mitigation we've been looking for. It's like the line, you're the change we've been looking for.

As to the alternatives, we strongly agree with your analysis that the no action alternative is problematic, much more problematic than the proposed action. While it is often the easiest thing because of political inertia -- because political inertia can easily overtake efforts which are complicated, time-consuming, and arduous just as this task was, to

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not adopt the program as developed here would have much more devastating impacts than the no action alternative, and is simply unacceptable from a land use and environmental point of view.

In conclusion, we thank the Board for its efforts. We believe that the DGIS provides a more than adequate analysis of the overall plan, which includes the comprehensive plan that's embodied in the planning and strategies document, as well as the Village code update, and the Village zoning map.

We urge the Board to adopt the DGIS as well as the planning documents incorporated by reference. Thank you. Any questions, I'd be happy to answer them.

(There was no response.)

MAYOR FERRARIS: Robbie.

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MR. STEIN: Robbie Stein, a Village resident. I'm a member of the Save Sag Harbor Group, and an interested resident here.

I'd like to know if you've reconsidered or talked about the convenience store aspects in the gas station both in terms of size and hours. I was talking about this at other meetings.

And I'd like to -- this goes with the environmental impacts of it. I know there is a lot of -- you probably could talk to the police about it more than -- in terms of community crime. It's something I'd like you to consider.

Also, I know that this is primarily business, but there are plenty of issues that are just left there. And I know in the last meeting I was at, which was -- you had said that many of those issues probably would be dealt with after

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this version of the code was passed.

I am particularly concerned about the way in which the -- I don't know the right words, but accessory housing. You know, there are 50 buildings. How are they going to be chosen? Will it be a lottery? They're not specified.

Also, I'm particularly concerned about numbers of beds and breakfasts and day care centers just in terms of the impact to the neighborhoods. So, any questions?

MAYOR FERRARIS: There hasn't really been any change regarding anything from the R-20 from the last current draft at this point in time. So the size limitations, the special exception use standards regarding the convenience store accessory to a filling station have remained the same throughout. So that really

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hasn't gone further.

Regarding the accessory apartments, we picked a number of 50. We need a limit. We would only hope that there would be 50 in all honesty. I'm not too optimistic of that. If it does reach that number, we'll deal with it at that point I guess as we move forward.

Regarding the day care center, there are special exemption use standards in the code that deal with those issues. Do you have a specific question?

MR. STEIN: I'm just looking at numbers. Like, you know, in other words, I live on Oakland. You know, it's a wide street with a lot of houses. And it would not be a street that wouldn't -- not allow day care centers in a way by state statute on Route 114 or actually, I believe, Main Street would.

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Now, there's enough large houses there so you could have nine day care centers, or nine bed and breakfasts. So there's nowhere in the code that -- or I don't see it possible what that -- you know, a specific limitation within the character of any street or neighborhood. That's one thing I've been looking at.

I mean, I think it's a good thing. I mean, I think there should be day care centers. It's just the numbers of it.

And in terms of the apartments or the accessory buildings, it's just that we could probably walk around this Village and find more than 50. You know, and it's just -- I'm just thinking realistically how to determine once those applications come in, you know, you decide.

TRUSTEE SCARLATO: So you're

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talking about density in particular areas?

MR. STEIN: Yes. Exactly.

TRUSTEE SCARLATO: You want to how many are going to end up --

MR. STEIN: Right. And the other piece of this, which is quite minor, which I didn't notice in the code but also environmental -- you know, if, let's say, God forbid there was a fire and a building was burned down, I'm not sure how the code dealt with what could be rebuilt relative to the other houses next to it.

Like, you know, Suffolk Street for example. Everything is in the same relationship. If all of a sudden there was a house set back 40 feet, it would change the nature of the residential feel. And I would like to see some of that put into the code.

MAYOR FERRARIS: Tony, do

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you want to make some comments on that?

MR. TOHILL: There is no change to rebuilding the place. It has to be rebuilt in kind.

MR. STEIN: Right. But you can also put it back. There's not -- in other words, depending on -- you know, my property for example, most of the properties are the same length, but I could build another 25 feet back, which would, you know change again, you know, the way the neighborhood -- the actual look.

MAYOR FERRARIS: We do anticipate addressing a number of R-20 issues subsequent to this process.

MR. STEIN: Okay.

MAYOR FERRARIS: I appreciate your comments. Thank you, Robbie. Yes, Mr. Bragman.

MR. BRAGMAN: Good evening, Mr. Mayor and Board members. I'm

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Jeff Bragman. I represent Save Sag Harbor. And we're pleased to be here tonight participating in this public discussion.

And it's been a very good discussion tonight, very orderly and civil. And it's just another example I think of the Board's willingness to listen and work with suggestions from the public.

We certainly acknowledge that our friends in the business community have a strong interest in creating an effective code just as our members have a strong interest in this code.

And we've watched and seen a lot of our concerns and their concerns woven into the code and amended, and we're very pleased at the flexibility that the Board has shown and their ability to listen.

We're all looking to protect Main Street. We love the five and

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dime, and the hardware store and the flavor of the smaller shops like Romney Quinones (phonetic), and the hotel where you can go and discuss zoning for hours with Ted Conklin, and so on.

(Laughter)

MR. BRAGMAN: But we wanted to discuss some of the claims that some of our friends in the business community have raised because they do suggest that you hold off on enacting the zoning code, and we think that's ill-advised.

I think mixed in with some of their comments is a fear that we all share about the financial uncertainties that we face, but we feel strongly that the statement that the code imperils business is not very persuasive.

We don't see it as adding any layers of government. I know that that's sort of a popular

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phrase of the day, or has been at least before our current economic difficulties. But businesses are already regulated by zoning. They've been regulated for more than 20 years.

And certainly an overhaul of the existing zoning code in our view doesn't seem to add layers of government. In fact, we think in many ways it simplifies it.

One of the better changes that you're making I think is moving the special exception determinations over to the Planning Board so that applicants don't have to go to two boards.

Most of your other regulations are very similar to what already exists in your code, but they have more specificity, they're better organized. They have better clarity. And many of the aspects of the code that you

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are changing we find to be very clearly and adequately grounded in the factual situation on the ground. Rich Warren tonight explained again very succinctly about how you came up with the size limitation.

And we think that most of the changes that you've made are extremely well-documented in the comprehensive planning documents including your new provisions for adding uses that range up in size of 8,000 square feet for stores that seem to require that like supermarkets and furniture stores.

So we don't see the code as a dramatic change. It doesn't really change the use definitions. And on balance, it's an overhaul, and we think it's prudent.

I don't think any of you would start out on a road trip with a 25-year-old map. And just like

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you would get a new map for a road trip, we have a long way to go ahead of us, and economic times have changed. We think we deserve and will be better protected by a better road map.

We understand, in fact, that many of the changes that we've asked for seem to not have excited a lot of enthusiasm on the Board.

We, in fact, wanted you to enact an administrative site plan review which would have given the Village actually a little bit stronger oversight on some of these changes from permitted use to permitted use. But we realize in the process you can't always get what you want.

Tonight we've heard for the first time that you're going to -- you're thinking that there's a consensus to allow a free market lease of the second floor spaces on

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Main Street. And I was going to surprise you by saying that the Save Sag Harbor group is going to join with the Business Alliance in recommending that. We think that's a good idea, especially in this, you know, this kind of time that we let the market work for those spaces on Main Street. It doesn't seem like it will change Main Street. So again, I think it shows great flexibility.

I wanted to talk a little bit about the Office District because in the advertisement and the letter that you got there was some criticism of the Office District. And we again think that calls for large scale economic studies before you enact that or consider it.

It seems a little overblown when you look at the actual facts on the ground. There's wide

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agreement that more and more people are going to earn their livings by small entrepreneurial enterprises. Often these people expand a little bit and need an office to support the Internet or see a client or two.

And we've seen that in other similar communities as you've heard tonight from a couple of business people that if you have a proliferation of real estate offices and banks on the ground floor, it detracts from the vitality of Main Street, from the sidewalk experience of Main Street.

Certainly, people like to look in the windows of brokerage office, but they usually do it because they have an ice cream cone in their hand, or they're eating a piece of pizza, or they bought a book, or a CD from Romney.

So, I think the concern that

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those kinds of uses could squeeze out the lively retail scene that you have is legitimate. And the idea of creating an Office District is a design that gives the Village a little more breathing room. It's as simple as that.

And if you look at the Office Districts that you've created, the lesser one has three sections, you can see the zoning area goes from Village Business Zoning to Office District Zoning, which should result in lesser traffic impacts because an Office District is going to have less traffic intensity than some of the uses in Village Business Zoning.

So we think that the Office District is going to basically overall lessen traffic intensity. And to the Eastern Office District you have to remember you're only affecting four lots over there,

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near Rector Street and Division Street.

And two of them already have offices in them. One building is vacant. There's a parking lot that belongs to the Village. So it strikes us that this is a very, very modest change from residential to Office District. And that if you look at it reasonably, it doesn't look like it's really going to add much other than breathing room.

I'd like to think it's like loosening your belt after dinner. It's going to give you a little bit more breathing room, make you more comfortable, but it's not going to make you lose your pants. And we don't think it's worth getting overly involved in major traffic studies, major economic studies.

There has been some criticism of the Board's procedure.

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It may have been softened tonight from some of the business people, especially in light of the history that Mayor Ferraris gave us. I just wanted to reiterate that it is your Board that is solely authorized to enact this kind of statute.

There's no obligation that you refer matters to the Planning Board and actually have the Planning Board engage in a comprehensive plan that deals with many more issues than are really -- that are really occasioned by what you're planning here.

I think I said before that you don't have to study everything before you decide to do anything. So, I think on the record, you have a very solid record of having established a comprehensive plan that underlies your suggestions.

There are no winners and

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losers in this process. My group doesn't oppose the business alliance. We see it as the zoning code is going to evolve from this as one that incorporates the views from many different groups.

And in fact, the business owners are one of those important groups but we are too, as are people that live maybe not in the Village of Sag Harbor, but we live in outlying parts of Sag Harbor and appreciate the way it looks. We're all partners in the process, and Main Street represents a community of interest.

So we need to make the point that while there may be some small impact to the ability to quickly turn your property over, or to sell it quite as -- in the manner that you want, the law is very clear that in general when you're enacting a general zoning

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enactment, as long as you're substantially advancing any legitimate public purpose, and your code bears a reasonable relationship to that objective, it's going to be sustained.

And we think there's not even a close question on whether or not any of your regulations get too close to that border where you would not have a reasonable relationship to your objective.

The process has been a good one. I think it's going to produce a good zoning code. Our view to you tonight and what we want to say very clearly is that in hard times and in good times, good zoning is good business.

Hard times don't mean anything goes under zoning. The bedrock of Sag Harbor's economic prosperity, its long-term prosperity which will come back, is

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that it is an attractive community. It has an unusual local personality. It's preserved its historic look.

And we may be down now, but we will not be down forever. And the time will come when money will return, investment will return. And this code is going to help this Village keep the mix and prevent it from getting overrun when the pressure to develop returns as we know it will.

The Office District is a modest solution. Overall your plan should lessen traffic. You've adjusted the boundaries of the Office District. You've listened to us. And I think it creates a real possibility that you can have a new kind of economy from these individual entrepreneurs who practice -- who do their work with computers much the way single

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practitioner lawyers do in small offices.

I think we've resolved tonight -- it sounded to me like we've resolved to the satisfaction of the business community the changes in use from permitted uses to permitted uses is not going to be a difficult process. We're actually a little worried about that, but unless we see some real enthusiasm from you, we're not expecting you to enact an administrative site plan review. Could be done, but I think given the tenor of the times that that's maybe reassuring to the public, that they want a little but less control. That's what you've given them.

There has been some calls for Villagewide parking, and transportation, and storage studies. I have to say, perhaps a

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little bit more pointedly than I've been tonight, that we think that's a bit of a disguise for delay in this case.

You don't need to study everything in this case. You need to be aware and have your eyes open to impacts that are actually occasioned by what you're doing. There is good, solid comprehensive planning behind what you're doing.

And this code is really an overhaul. It's not a dramatically radical code. I think it's really very much getting you up to speed where other communities already are.

The change to the parking trust fund seems logical. It doesn't look like there's much disagreement that it hasn't worked. It doesn't look like there's been any -- there hasn't been any change in the power of the Zoning Board to

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grant variances. There is a little adjustment in the code language to confirm that that Board has the power to grant variances under state law, which would seem to be appropriate.

And the solutions for more parking overall in the Village, I think if you're going to have more parking that's consistent with the Village character, that probably means that you're going to have to buy more property or end some existing use to get it. So I don't think now is the time for these kinds of studies.

And then there was an objection on the fees which was raised by the Business Alliance, and I think Tiffany Scarlato alluded to the fact, they have to be reasonably related, they have to be auditable. That's under case law that's evolved.

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So the provision that you've written into the code that allows for us to charge fees is not entirely disincentive, it's not a disguise, a method to keep applicants away, it's the only legal way to do it when the cases get big.

We think there are always a thousand perfectly plausible reasons to do absolutely nothing. These are not the kind of times in which nothing is going to serve the community. So we urge the Board to finish the job. The sky is not going to fall. Main Street is not going to change.

And we have to be prepared against the day which will come not so very far away when investors will come back and they'll want to do development. And you'll see condos, and you'll see Bulova come back.

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So we ask -- we urge you to keep moving. You've done a great job. Finish the process for us. Thank you.

MAYOR FERRARIS: Any other comments? Tim, and then you (indicating).

MR. CULVER: I guess we've come to the lawyer part of the night. I'm Tim Culver. I represent Ted Conklin. I also live in the Village.

Before I start off, a couple of points. I do have one quick question. David mentioned the ARB with regard to a change of use. And I guess I'm a little confused because I think 6, 4 says that on an enlargement the ARB gets to judge whether the resulting use is appropriate to the historic nature. And I think that's what David was trying to get at.

Is that -- now, is this

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going to be changing in the code?

MAYOR FERRARIS: Okay.

Tony, can you comment on this?

MR. TOHILL: The code specifically states that the interior of the property is not regulated by the ARB.

MR. CULVER: So the ARB provision is modified -- not to be, let's say --

MR. TOHILL: Nothing that you just said includes the interior of the building.

MR. CULVER: Well, it says the enlargement and any resultant use is consistent with the historic character of the existing structures --

MR. TOHILL: It does not --

MR. CULVER: -- and uses within the Village Business District.

MR. TOHILL: That's right. That does not address the interior

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of the structure. And in fact --

MR. CULVER: How can you have a use that doesn't address that?

MR. TOHILL: Well, because the code says it.

MR. CULVER: But, it doesn't there. It says it's a revision. I didn't know if it was modified by the other sections of the code.

MR. TOHILL: Well, if you give me a minute, I'll find the section and I'll read it to you that says what I'm saying; okay?

MR. CULVER: No, I'll come back later. I think this kind of discussion is incredibly open.

TRUSTEE SCARLATO: I think you just have to read the entire thing.

MR. CULVER: I have looked at it.

TRUSTEE SCARLATO: You can't take little snippets and read that.

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MR. CULVER: I have read the entire thing. But I think to have a discussion where you can have specific questions about the code, and you can have a process back and forth on the code, it's helpful, and one that I think that folks believe and professionals would say --

MR. TOHILL: It's Section 55-13.3(H).

MR. CULVER: So the 6,4, is that modified by that?

MR. TOHILL: No. You have to read -- you can't put every thought into the same sentence. In other words, sometimes it takes two or three sentences to express two or three different thoughts.

And so this code says that where an application for a building permit involves only interior renovations, it does not go to the ARB. That's what it says. It's on

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page 191, if you're looking at the August 28, 2008, version of the code that's online.

MAYOR FERRARIS: I'm looking at page 53 and 54 of the --

MR. TOHILL: You may want to look at the update.

MR. CULVER: But what you said is inconsistent with what we just talked about. Because this is an enlargement which one would envision, would in fact the exterior --

MR. TOHILL: I haven't heard you say the word interior at any time so far.

MR. CULVER: It says enlargement and use. How do you --

MR. TOHILL: I'm trying to get you to say the word interior.

MR. CULVER: But how you -- use is the use of the building, which is the interior.

MAYOR FERRARIS: All right.

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We're not going to get into a debate here. Go ahead.

MR. CULVER: I think the point I was trying to make was I think we've had a lot of helpful discussions, and this evening is very good.

One thing that the Sag Harbor Business Association has done with Save Sag Harbor has had a lot of discussions with members about where there are areas of agreement. And it turns out, as Jeff pointed out, there are a lot of areas of agreement.

And I think that kind of collective community process is incredibly helpful. It allows people who don't understand what the goals of the code would be -- and what you hear tonight is a lot of agreement.

I think what the frustration you're hearing this evening is a

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feeling on the part of -- at least the Business Alliance, that the Village hasn't been the moderator of that discussion. And I think it would be -- and tonight is the first meeting -- or a better than some of the other meetings where people just made comments and asked questions but there was no response.

And I think those kinds of working groups or whatever you want to call it would be helpful for folks to one, understand the codes, and two, for folks to be able to make their comments.

For instance, the change in the second floor office is an incredibly helpful change. The folks -- if we had known the Board was thinking that earlier, I think, you know, we could have -- it would have saved a lot of hemming and hawing.

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One of the -- as a way to deal with the code, one of the things that the Business Association did was hire a planner. They hired EEK who are the folks who are doing the plan in Southampton. They are nationally known architects and planners.

One the reasons they did that was to be able to respond to the plan in an intelligent, productive way.

EEK has submitted a letter, which the Association will submit. But in sum, I think what they point out are a couple of big issues, and this follows up on what I think Jeffrey Bragman talked about.

Planning deals with the infrastructure of the Village, and the future of the Village. And although the documents are voluminous, I don't think anybody would say that there's any new plan

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for parking, transportation,
economic development, or a sewer
breach contained in those
documents.

And it strikes EEK and me,
frankly -- a little difficult to
plan for the future if you don't
address those major infrastructure
issues because that's what will
constrain or allow economic growth
in the Village.

So although you don't have
to plan for everything, it seems
planning for parking is a
significant issue that should be
addressed. And maybe one of the
things folks could talk about is
how we create a zoning code that
can address parking.

Right now, zoning code as I
understand it, takes away the trust
fund, which is good idea, but
allows the Board discretion with
regard to assigned parking. I

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think the DGIS says the way they may they mitigate parking or deal with parking is to pass a zoning code, which strikes me as slightly circular, but it doesn't really provide a solution.

Providing discretion on the part of the Board to deal with parking, that doesn't provide an owner of a property or a business to understand what he needs to do in the future. And maybe -- I think that's an example of some of the significant issues that could be addressed in working groups or in the Village with folks to have a discussion back and forth on these topics.

So we'll submit this. But I think in sum what you see EEK -- who's, you know, a pretty qualified group -- saying is that the documents produced to date aren't necessarily a plan. It's a lot of

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information.

There's a lot of information in there, but it doesn't, in their view, provide a plan for future growth and future development.

MAYOR FERRARIS: Thanks, Tim. Are you going to submit that?

MR. CULVER: Yes, I'll submit that (handing).

MAYOR FERRARIS: Thank you.

MS. SCARLATO: I just want to address two of the issues that Mr. Culver addressed, one of which was parking. If anybody has a solution to parking, please let us know.

I mean, the Village has been trying for the past 35 years to come up with a solution to parking issues, has hired numerous agencies to do numerous studies and still has not come up with a solution. So the answer is there is no solution because there is no

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property in the Village to deal with parking.

The other issue with respect to sewer connections, and the future of the Village with respect to that, there have been a number of studies done by the Village. The Village has hired Paul Grosser on a number of occasions to come and speak to us about the future of the Village in terms of sewer connections.

And it's clearly been established that the Village has the capacity to fill all the development that has been proposed thus far, and then some. So that there is not any issue with respect to sewer capacity at this point. Just so that you're aware.

I know that you haven't been around that long so it's hard to go back in time so that you know what happened.

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MAYOR FERRARIS: Yes.

MR. LOEFFLER: Hi. My name is Steven Loeffler. My brother and I are the ones that are developing the property at 34 Bay Street, on the corner of Bay and Burke Street.

We began the application process with a Zoning Board of Appeals in 2002, and we were issued a permit in the middle of 2008. The reason that we had gone through all of the ZBA approvals and the site plan approvals was because of the way that the property was classified at the time, which was waterfront.

And within the waterfront district, there are very, very few applications that apply to this piece of property, and as a matter of fact, to that entire block because it's not on the water. It's not a waterfront piece of property. It's on the other side

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of the street.

As a result of that, when I looked at the map and the redrawing, and understood that the Board was considering -- and by the way, at the time that we made that application, there was widespread belief that the property at the time was misclassified, that it should have been considered Village Business.

And now that the Board is considering changing the classifications and the zoning within the Village, that seems that that's the only piece of property that was left out because it really should be classified as Village Business.

Everything else on the map that's classified as waterfront or continues to be -- to remain classified as waterfront is, indeed, on the water and has

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waterfront applications.

So I believe it may have just been an oversight in terms of when they were redrawing the lines or redrawing the zoning districts.

MAYOR FERRARIS: Your property is on the corner of Burke and Bay; is that correct?

MR. LOEFFLER: Yes.

MAYOR FERRARIS: I believe we did look at that actually. And as it is surrounded on the west side, I guess, on Rysen Street by the residential properties; is that correct?

MR. LOEFFLER: Yes.

(Discussion held off the record.)

MR. LOEFFLER: Originally, I believe it was -- or at least this was what I was led to believe, that it was misclassified because it was previously owned by Mobil, and Mobil owned the properties across

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the street, which of course, were waterfront.

So when that was done in the '80's, I believe, when it was classified as a waterfront piece of property, it was -- that line was just drawn and it was included.

MAYOR FERRARIS: So we propose it as a waterfront now? I'm just having a tough time --

MR. LOEFFLER: Well, you're continuing it.

MAYOR FERRARIS: Okay.

MR. LOEFFLER: You're continuing to zone it as waterfront, whereas based on what the type of structure going in there and from what I've heard today, all of the uses of the building really lend itself more accurately to Village Business.

MR. WARREN: When we had the summer work sessions, we had a number of people, including some

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from the Sag Harbor Business Association, saying we should not be reducing any of the waterfront districts. So we had actually proposed it at one point to be rezoned. We were looking at a Village Business designation. And there were actually -- the public came and spoke, and said we should not do that. We should leave it.

MR. LOEFFLER: Well, I understand that. I just don't understand why it would be applicable to a piece of property in which the limitations that are imposed by the waterfront zoning are so significant.

TRUSTEE SCARLATO: Your property was zoned waterfront, as Brian said just to me now, because it was attached to the property across the street on the waterfront.

MR. LOEFFLER: Across the

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street which is waterfront.

TRUSTEE SCARLATO: Right.

That's why. Because at one point those properties were connected.

MR. LOEFFLER: Right.

Needless to say, I mean, I obtained all these variances -- I think there were eight or nine of them -- in order to construct what was there now. And it was a process that lasted a good six years from cradle to grave.

However, on a going-forward basis it certainly would, you know, decrease the amount of resources that the boards would have to devote to hearing appeals just because of the nature of the land, the way that it's zoned.

If it's zoned Village Business, then there would be all of the zoning regulations that are applicable to Village Business would apply.

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MS. SCARLATO: As of right now you have vested rights in your approval. You're 70 percent of the way built right now so I don't know what you're --

MR. LOEFFLER: Oh, no. I just think that on a going-forward basis it makes more sense that it be zoned -- I don't know what the ramifications would be if it remained zoned as waterfront, and you adopt this new code. I don't understand -- I don't know what the -- how that would impact a future tenant, you know, offices.

At one point you said offices upstairs -- when you were considering prohibiting upstairs second floor offices, that certainly would have then been a prohibited use.

MAYOR FERRARIS: All right. Well, we'll -- I don't think there are any ramifications since you're

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already -- you're exempt from this process. You're pretty much moving forward. But we'll certainly take a look at it.

MR. LOEFFLER: Thank you.

MS. HOLDEN: Greg, his statement regarding the tenant, if that's registered as waterfront, they're going to have to pay insurance. That's a totally different ballpark.

MAYOR FERRARIS: All right.

TRUSTEE SCARLATO: That's a whole other issue.

MS. HOLDEN: Yeah, but it will make an impact on who you can put in there.

MAYOR FERRARIS: All right. Thank you. Yes, Mr. Rotner.

MR. ROTNER: My wife said if you go down there tonight and are long-winded and dump on everything that the Village is doing, I'm not going to buy you dinner or cook

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either.

(Laughter)

MR. ROTNER: I found the documentation for the EIS very informative. It's full of the kind of details which one needs in order to understand the issues which the Village is struggling with. And I particularly want to compliment the planners for an excellent background to what -- for the work that they did for the EIS and the zoning code.

As a semiprofessional planner and developer and investor now long gone, I found it very useful.

The Mayor and Tiffany Scarlato's comments about the troubles facing affordable housing or accessory apartments are very, very serious. And they underline the real problems in getting affordable housing in the Village

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and the loss that's been going on over the last two decades of what used to be accessory apartments and affordable units.

I would like to take up only two issues and make two recommendations. They concern accessory housing -- accessory apartments and sewage. What I learned from the presentations and the EIS was that one of the main impediments to providing more opportunities for additional housing or densification is the provisions that exist for sewage collection and disposal in the Village.

The Village is severely limited in what it can do for accessory apartments or additional housing in back of lots by the -- I guess it's Suffolk County; isn't it -- the Suffolk County provisions regarding discharge through the

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existing sewage system or through the large number of properties that are on septic tanks.

And so my first suggestion concerns the prospects for the housing trust, and how that relates to the newly-issued provisions for the requirements for affordable housing as I think New York State issued.

The requirement is that as far as affordable housing or workforce housing I believe it's called around these parts, is that when you have 20 percent of the units in a development that has five units or more to go for affordable, or the developer may provide the same or equivalent number of units off site. And the third is cash in lieu, which is what happened in the case of Bulova.

Linda Kabot, the supervisor

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for Southampton Town made some very interesting comments about this particular piece of legislation. What she said is that the provision for cash in lieu as it now stands is a sweetheart deal for the developers as an easy way out.

So I would suggest to the Board and the Mayor that you consider developing a formula for how much cash in lieu, which would strike a fair balance for the income that the developer gives up and how much money it takes to develop affordable housing, not just in Sag Harbor, but in what I would call the East Hampton, Southampton area in which Sag Harbor falls.

And I did notice that one of the provisions was mentioned in the -- in one of the documents that you produced, that the Mayor and the Village is going to seek some kind

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of a collaborative effort with East Hampton and Southampton Town in trying to get -- develop better prospects for affordable housing.

I think that's a very good initiative and I would urge you to pursue it with all speed. So that's my suggestion one.

Suggestion two, and this is my last one, is that -- and this is for something which is really a comprehensive plan, because what we have now is really very, very limited to the issue which was raised way back in the firehouse meeting, which is saving Main Street from being taken over by box stores.

In the comprehensive plan, which I hope the Village will pursue with speed, I think the whole sewage disposal issue should be taken up. And the ways and means of financing that should be

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thoroughly explored.

And that would deal with some of the environmental problems that the sewage -- the Village keeps encountering all the time, and the pollution problems off Haven's Beach.

And also, it would help to open up much more opportunities for accessory apartments, or if the zoning code would permit it with appropriate conditions, for small detached houses in back lots, where the size is large enough, and other conditions like parking and so on could be met.

That's my second recommendation. And I hope my wife is still going to cook dinner for me when I get home. Thank you.

MAYOR FERRARIS: Thank you.

TRUSTEE DEYERMOND: Just one question or maybe two. You made a couple of comments here which I

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think really need to be addressed on the record.

First off, are you alluding to the fact that we should sewer the entire Village?

MR. ROTNER: I think that that should be a long-term objective.

TRUSTEE DEYERMOND: Okay. I'm not sure where you'd put the plant in that solution because right now although, as Trustee Scarlato said before, we have excess capacity now for what we have planned, and there is additional capacity in the pipeline for future uses, whatever they are, and there's not much of that.

We have a problem with the position of the plant on the waterfront, and I'm not sure if you could expand it any more. And if you couldn't and you wanted to sewer the entire Village, where

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would you put the new plant?

Because all of the infrastructure is in the ground at least in the business portion, and some of that stuff is pretty darn deep in the ground. So there's a technological issue as well plus an engineering issue.

On the other issue about the pollution and the environmental hazards, where is that coming from? Is there a problem with our plant that I don't know about? Are there continued new economic or environmental problems that I'm not aware of?

MR. ROTNER: No.

TRUSTEE DEYERMOND: Is it impacting Haven's Beach, something that this Board is not aware of?

MR. ROTNER: No, I think the Board is certainly aware of the discharge which occurs from that -- what do you call it, a creek --

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which is right on the edge of
Haven's Beach.

TRUSTEE DEYERMOND: Correct.

MR. ROTNER: And the odor
coming from that, which is clearly
sewage -- and I know you've
addressed --

TRUSTEE SCARLATO: That has
nothing to do with zoning or the
sewage plant.

MR. ROTNER: I know that. I
only mention a long-term plan
because I think that a long-term
plan would -- simultaneously could
address the sewage issue and also
open up more opportunities for
expanding densifying a variety of
uses in Sag Harbor Village. That's
why I mentioned it.

And I know that you're fully
aware of the Haven's Beach odors
because since I've moved here two
years ago as a long-term resident,
I tried to follow it rather

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closely.

MAYOR FERRARIS: Okay.

Thank you.

MR. ROTNER: Thank you very much for your tolerance.

MAYOR FERRARIS: Mia.

MS. GROSJEAN: Mia Grosjean, first as president of Save Sag Harbor, we want to thank you for the process that we've gone through and we hope that we will be able to work on this code to get this code through as quickly as possible.

For myself, I'd like to just make sure that I understand what the specific project -- excuse me, the specific aspects of the B and B is. Is that going to go through as is?

MAYOR FERRARIS: Yeah, if it's adopted.

MS. GROSJEAN: And then we're going to look at -- if it's adopted. Will we look at it later

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because it is of great concern to me as I have spoken before, regarding what happens in dense areas when you all of a sudden turn around and have, you know, a whole group of people coming in and out.

And the same thing with the station, the Mobil stations and the 24/7. It makes me nervous that it's going to be adopted that way.

TRUSTEE SCARLATO: The new code does address to some extent the issue of a convenience store attached to a filling station. So you should take a look at those.

MS. GROSJEAN: Okay.

TRUSTEE SCARLATO: There were a lot special exception standards added in between versions. I'm not sure -- the last version has those standards are in there.

As far as the B and B, I'd certainly be willing to look at

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setting up some standards.

MS. GROSJEAN: Standards, exactly, the property sizes, setback size and maybe just a certain number in the Village. It's of great importance to me because I've been around people who've had B and B's, albeit illegal, and it's been impossible to live with. Thank you.

MAYOR FERRARIS: Bob.

MR. EVJAN: Robert Evjan, Sag Harbor. I just have a quick question. This Saturday we'll have our fifth storefront go vacant and that concerns me greatly. My job is to protect the mom and pops.

So I guess my question is, I'd like to understand how the new code would help get any businesses into those five storefronts. It seems to me that we're setting up a permitted use table, which now is down to -- a wider net can be cast.

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My concern is filling those vacant storefronts. So how would the new code with the new permitted use table, which really narrowly defines going from one permitted use to another? I just want to see those --

MAYOR FERRARIS: I don't think it neither promotes nor restricts you being able to fill a storefront.

MR. EVJAN: Okay.

TRUSTEE GILBRIDE: It might speed up the process of getting somebody in there.

MR. EVJAN: Again, I don't know, but I'd like to ask for a financial impact study because I'm a little concerned about our storefronts going vacant. It concerns me a lot. Thanks.

MAYOR FERRARIS: Any other comments? Yes.

MR. EGOSI: Good evening.

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My name is Matt Egosi. I'm a resident of Sag Harbor, owner of Sag Harbor Inn. I want to be able to submit a letter that's previously been submitted to the Village, to the Village Board regarding the proposed zoning code.

This is personally on behalf of myself and of my father with regard to suggesting to the Board the rezoning of three residential lots that are abutting Long Island Avenue in the RM District -- I have a copy of those and I'd like to submit those for the record -- to have those rezoned for a multifamily dwelling and multiple housing units.

Have you guys seen it?

MAYOR FERRARIS: Yes.

MR. EGOSI: All right. So I just have that. And I don't know what the process is with regard to the draft environmental impact

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statement in terms of how that will be viewed, how that gets addressed, the communication, the discussion that would go through with regards to that.

TRUSTEE SCARLATO: That's why we're here.

MR. EGOSI: Okay. So that will be submitted and then of course, you'll comment on it as part of the process, and there will be a comment after that.

TRUSTEE SCARLATO: Right.

MR. EGOSI: Okay. The second item I have here -- I have copies of this -- is with regard to the zoning code on the table of dimensional regulations, it was corrected from the prior version under RM column, the minimum lot area for transient guest unit should be 2,178 square feet, not 2,904 square feet based on the --

MAYOR FERRARIS: Can you

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repeat that again? It's in the dimensional use table?

MR. EGOSI: Yeah. Here (handing).

MAYOR FERRARIS: So looking under the RM, the minimum per transient guest unit, motel, square feet 2,904?

MR. EGOSI: Correct.

MAYOR FERRARIS: And it should be 2,178?

MR. EGOSI: Right; 2,178.

MAYOR FERRARIS: How did we come up with that, do you know?

MR. EGOSI: It's the math of 15 versus 20.

MAYOR FERRARIS: Okay.

TRUSTEE SCARLATO: So it's just a mathematical --

MAYOR FERRARIS: You're right.

MR. EGOSI: Right. If you went from 15 to 20, and then the table would get adjusted to reflect

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that.

The next item I have is -- from time to time I pick up the code and I debate how much more I want to read and understand because sometime you come here and you hear it's going to become reality. Sometimes it's not going to be a reality. But every day we've got businesses to run.

But just more carefully looking at some things here. In referencing section -- I just have some questions or some comments addressing things that are ambiguous, at least in terms of my reading of this.

Section 55-10.8, page 116 of this document, it talks about whenever there is a change of ownership a Certificate of Occupancy needs to be issued for use. And when it's for a nonconforming use to be continued

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as the nonconforming use, there's a process of notifying the property owners, and so on and so forth.

But it's not clear as you read through it what happens after the property owners are notified and there's a hearing. It simply states that you met the obligation by notifying the owners. It kind of comes to like a dead end if you would. So there should be some clarity provided with that there.

MAYOR FERRARIS: Okay.

We'll take a look.

MR. EGOSI: Section C, it says, "Upon the completion of these requirements, the Village inspector shall make a determination as to the status of the applicant's application."

The next item I have deals with parking. On page 71 it discusses parking should be a ten-foot setback from a property

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line. However, it goes to great lengths in other sections of the code with regard to any nonconforming use with regard to what happens with a building renovation or an expansion.

And it covers in detail what happens with regard to the building. In other words, in terms of the total gross floor area, is 100 percent of the gross floor area in terms of the boundaries if you do a renovation or a restructuring, or a rebuilding if you would. Or if you do an expansion, you can go up to 50 percent. At least that's my read on it.

But there's nothing in there that discusses what happens to the actual improvements that are on the site, specifically all the paving, and all the parking, and what needs to be done to bring that into conformance, or whether that needs

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to be permitted to be the way it is.

MAYOR FERRARIS: Right.

Rich, do you follow that? He was questioning --

MR. WARREN: (Nodding)

MAYOR FERRARIS: You lost me for a second.

MR. EGOSI: Well, I'll give you the sections. It's on pages 182 and 183, Section 55-12.6(B)(1).

MAYOR FERRARIS: Okay.

MR. EGOSI: And 12.6(B)(2). And it goes into the issues of how a variance can be issued in the case of a nonconforming use, and what a property owner could do in terms of either expanding this nonconforming use in terms of the building structure.

And there's a test there, how much expansion you can do. And then there's another test in terms of if you were to reconstruct a

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building, to what extent could you reconstruct it. You can't make it bigger than the building as standing. That's kind of the extent.

But under both of those circumstances, to the extent that there is a building expansion made, or a reconstruction done, it doesn't stipulate how to correct or what would be done to correct all the setback requirements with regard to parking, paving, driveways, and other types of site improvements.

It deals mostly with -- it deals only with the building structure. It's not dealing with the other issues like parking, the intent of that from the property line.

So the suggestion here would be that if one were to come and seek a variance on an existing

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nonconforming and it's going to trigger an expansion or a reconstruction, that would be the opportunity for that property owner to be asked to correct some of these other nonconforming uses, like having parking lot abutting the property line as opposed to being set back.

TRUSTEE SCARLATO: Oh, I see what you mean. He wants to know whether that triggers an area variance.

MR. TOHILL: He has vested rights.

TRUSTEE SCARLATO: Right. We're dealing with the use. It's the same.

MR. TOHILL: This is the old Chapter 55. That hasn't been changed at all.

TRUSTEE SCARLATO: Right. That particular section deals with the use. It's not going to -- if

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you obtain a variance under that section, it's not going to then trigger area variances with respect to the other structures you have on your property.

MR. TOHILL: They preexist.

TRUSTEE SCARLATO: They're preexisting.

MR. WARREN: Actually, you want to look at Section 55-10.2(C), which is about nonconforming uses, buildings, and structures. It says that nonconforming buildings or structures that are devoted to a conforming use may be enlarged, reconstructed, structurally altered, restored or repaired, in whole or in part. So you can tear it down and you can build a new one in the same location.

MR. EGOSI: So a person will be able to take advantage of the fact that the way that they either pave the site in terms of a

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standard paving, or how far out the paving goes to the next property line, they can continue to have that advantage?

MR. TOHILL: Yes.

TRUSTEE SCARLATO: Yes.

MR. EGOSI: Okay. And similar to that same question would be the question about kitchenettes or cooking facilities within an RM.

If one has a nonconforming use with cooking facilities within an RM, which today is not permitted, as part of a reconstruction or a renovation, are you allowed to put back in those units?

TRUSTEE SCARLATO: If they were indeed preexisting or nonconforming and not put in illegally at some point between when you were allowed to put them in, then yes, you're going to be able to keep them.

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MR. TOHILL: Just don't demolish the building that has the nonconforming features, and then come in.

MR. EGOSI: So you're allowed to perpetuate the nonconforming even in a reconstruction?

MR. TOHILL: Yes.

TRUSTEE SCARLATO: If it really is a preexisting nonconforming use and just not illegal.

MR. EGOSI: That's all we can talk about. Under the definition of -- next item -- under the definition of gross floor area it excludes families. And the question is, what about porches, decks, and balconies? It's the same thing. Does it exclude all that?

MR. TOHILL: Not necessarily.

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MAYOR FERRARIS: Do we want to address that or get back to him?

MR. TOHILL: It's the building inspector's call normally as to how he wants to handle that particular item.

MR. EGOSI: If you're measuring floor area with that nonconforming scenario --

MR. WARREN: Tony, that's definition of floor area gross.

MR. TOHILL: In the definition section.

MR. WARREN: Well, no. He's asking a question, but gross floor area is, "The cumulative area in square feet of every story of the building measured from interior wall to interior wall excluding stairways, cellars, and the areas used solely for medical equipment."

So it's the interior walls. Porches are not interior walls.

MR. EGOSI: Anything that's

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exterior is not part of gross floor area?

MR. WARREN: That's not part of gross floor area.

MR. EGOSI: Okay. In terms of the definition of story. You discussed what is a story. The question is whether a loft is considered a story or not.

MR. TOHILL: It's intending to follow the state building code with those definitions. That's why there were those changes.

MR. EGOSI: But it does explain, like, for example, a basement is counted, but a cellar is not.

MR. TOHILL: Right.

MR. EGOSI: It's silent on the loft.

MR. TOHILL: Yes. It's intended to follow the state building code, and the state building code does call it out as a

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story.

MR. EGOSI: A loft?

MR. TOHILL: Yes. And the reason is it's fire safety, fire safety and the ability to pull the human out of there. It's a safety condition.

MR. EGOSI: And in that case, it would have to have a separate exit?

MR. TOHILL: Yes.

MR. EGOSI: Then it would be considered a story?

MR. TOHILL: Yes.

MR. EGOSI: If it doesn't have a separate exit, then it would not be a story?

MR. TOHILL: And you understand that the distinction between a cellar and a basement is a distinction that's preserved and is --

MR. EGOSI: That I understand. The purpose of these

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questions really is I think it's very helpful that the more specific it is, as Trustee Scarlato said before, if it's in here, it's allowed. It's a straightforward application process. If it's not here, it become ambiguous.

MR. TOHILL: Mr. Essex would have charged you a lot more money for this advice this evening than you're getting charged right now.

(Laughter)

MR. EGOSI: And tennis courts in terms of permitted uses there's a nice listing of all the things that are permitted. And I'm not seeing tennis court, but a tennis court is actually an item that's defined.

And from an RM perspective I'd like to see that as either a permitted use or minimum, or at best, as a special exception.

MR. TOHILL: It's in Section

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55-5.5(e). And it is an accessory use that is permitted in the RM.

MR. EGOSI: Okay. My suggestion is to add it to the table of uses.

MR. TOHILL: You're getting into housekeeping. The RM was intended to be a special hearing that got special treatment.

MR. EGOSI: There's many other things that are covered for RM.

MAYOR FERRARIS: In the use table?

MR. EGOSI: Right. Like a convenience store, a personal service shop.

TRUSTEE SCARLATO: I think he's just asking for clarity so that it's reflected in both sections.

MR. EGOSI: Right. Because as mentioned before, if you read it one place one way, and then you

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read it in another place another way, which is right?

MAYOR FERRARIS: Yes.

TRUSTEE SCARLATO: Exactly.

Well, that's why the table is used.

MR. EGOSI: Tables are easy, but then it's got to be consistent, is my suggestion, with everything else.

And finally on the bed and breakfast issue the idea of putting it in here is okay from my perspective, but I don't understand how that's going to get enforced in the same way, or perhaps in even a more extensive way than anything else. In other words, from a board of health, a fire marshal, from many other perspectives.

It just creates more burdens to the Village in terms of payroll and staff to kind of monitor what's going on with the bed and breakfasts as opposed to a facility

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like ours where there's a degree of scrutiny from a variety of different issues.

These aren't mixed-use type of things. So I don't know how that's covered in your planning documents, in your draft environmental impact statement; what the cost of that is, how that's going to get covered, and how that's beneficial.

MAYOR FERRARIS: Okay.

MR. EGOSI: That's all I have. And here are the copies of that letter (handing to clerk).

MAYOR FERRARIS: Thank you very much.

MR. EGOSI: Thank you.

MAYOR FERRARIS: Any further comments? Mia.

MS. GROSJEAN: May I just ask a question regarding the tennis courts?

MAYOR FERRARIS: Sure.

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MS. GROSJEAN: There was a -- I'm not quite sure if he's talking about tennis courts on the Sag Harbor Inn property, or the tennis courts divided up onto the properties behind that, that they're going to turn into the five-unit housing.

One of the problems that we had down at Cilli farm is that they were were going to have 19 bubble-topped tennis courts on that property. And I just want to make sure that that's not what he's talking about.

MAYOR FERRARIS: That's not what he's talking about.

MR. EGOSI: I'm not talking about what -- your situation, no. I'm talking about what is zoned as RM having as an accessory use --

MS. GROSJEAN: One tennis court.

MR. EGOSI: Yes. As an

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accessory use, not as a business.

MS. GROSJEAN: Okay. Thank you.

MAYOR FERRARIS: Ted.

MR. CONKLIN: On the subject of B and B's, which I talked about over the years, you know, considerably about B and B's, and I just think it's a -- I mean, it doesn't really affect me. It's not going to affect me with the bottom line.

But it's -- you know, it's obviously a nightmare to regulate and to supervise. I can't imagine that the Village wants to get involved in that.

And then also looking at cost of houses and the taxes around here, they're not profitable, you know, unless you're going to do four or five units, and really have a small hotel, which would be something that would be

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incompatible in almost any situation around here.

I just don't see why anybody would want to do a B and B, in fact. There may be some preexisting situations.

But -- so, you know, without any particular point of view other than how the Village runs, without a plan that would indicate that they're beneficial in the economy, and woven into a bigger plan, I don't see any point.

I'd like to skewer my dear friend Mr. Bragman for particularly -- first of all, money will return, and we'll survive. Well, they said that in 1850, and it took them 120 years to get back. And I hope that's not the case this time around.

But I would like to point out that the office traffic -- excuse me, the Office District, I

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just don't understand why we would want to pass an Office District, remap for an Office District or Office Districts, when there is absolutely no empirical evidence that we need offices.

We are using the space, these areas, simply as a place where offices can go off of Main Street so that we won't have lots of banks like Southampton Village has.

There's no empirical need, there's no study that says we need offices. And in fact, in the April draft, the mission statement of the comprehensive plan states that the vibrant mix on Main Street is what we want to retain.

So you know, if you have 13 real estate offices, and two banks or three banks, why can't you keep 13 offices and three banks? You know, just leave it alone. Why

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create -- why double the size of the Village Business District effectively when there's no evidence for, and there's plan that backs up the need for parking.

To say that parking's impossible and then go ahead and add lots of parking problems is not a smart idea I don't think. We have not investigated parking. We have not investigated sewer. We have not investigated, you know, the need for an Office District. We haven't discussed traffic.

And the Suffolk County Planning Commission is going to get very involved in the traffic issue and parking issue I believe. And I'd like to ask comments on what influence they would have even if we didn't pass a code, what kind of control would Suffolk County Planning Commission have in lieu of our making a decision?

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Having said that, I would like to talk about Mr. Kelly's comment --

TRUSTEE SCARLATO: Ted, they made recommendations.

MR. CONKLIN: Well, if they make a recommendation that is popular -- which is a popular recommendation -- or a popular point of view from our point of view, do they not provide perfect cover and obviate the need for rushing into a new code? Can't we delay the new code or delay sections of the new code?

I would argue that the Suffolk County Planning Commission may serve a very practical purpose.

TRUSTEE SCARLATO: I think it would be way out of their purview to recommend delaying the code, but who am I to say.

MR. CONKLIN: Well, in certain applications that, you

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know, are in this code may well meet with some discussion from the Suffolk County Planning Commission.

I just really -- Mr. Kelly said smaller is better. I would disagree with that just, you know, on a general point of view. We've got a very interesting little town here. And you have the little bandbox stores you know, in the Shopping Cove, but that's pretty much the exception.

You've got -- generally speaking, you've got 1,000, 1,200 square foot townhouse spaces. And to operate one of those stores as you can see up and down the street, you're increasingly getting fewer employees selling more expensive goods seasonally.

And if what you do is, you prevent successful store -- say the Ideal needs to double its space, we can sustain a store like the Ideal,

Proceedings

but they may not be able to survive the spaces as restrictive as the ones we want.

Now, what I'm getting at is -- I'll just make a comment, that, Greg, you said that -- a couple of months ago -- recognizing the economic situation, that you all agree that you'd let market uses drive the upstairs so that we could -- on the second floor -- so that we could have offices above the retail stores on Main Street.

The Business Association -- in context, the Business Association -- as you know, we had a meeting with Stan Eckstut from EEK. He is, you know, a planner of great note.

He does all of Marina Harbor and a bunch of projects in the City and all over the world. They've got three offices in the country.

And we just asked them to do

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an appraisal of the work that's been done so far. And we just got it yesterday. One of the things he said was that you've got to plan not for three to five years, but for 50 to 100 years. And please take this the right way. We're trying to be helpful.

"With all due respect to folks and the fine work that's been produced to date, I have not been able to find a plan. Instead, I have found goals, some facts, but not plan."

He goes into saying, "In summary, do not go forward with the current zoning changes. They are counterproductive. They preclude what everyone wants to see in the future. They do not accomplish what is desired."

You'll read it. It's a very reasonable report, I think. I hope it's helpful.

Proceedings

One thing that I think has come out of this meeting is that there is a lot of commonality. We all want the same result. And the business community, you know, just wants to have its voice heard as loudly as that of lawyers, who in our opinion, aren't as keen on the day-to-day problems of running businesses in a town like this. Thank you.

MAYOR FERRARIS: Any other comments?

ALAN: Alan, Harbor Pets. I'm unique here in that I'm a tenant. I don't own a building. I'm just a tenant. I've heard everybody's comments.

I commend the Village administration for taking on a very, very tough and a hard task. And we know it's not going to appease or make everybody happy.

But I wanted to come up here

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and talk about something that other people have done already. It's called infrastructure.

In a previous life I worked for community developers in Florida and in Pennsylvania. And the first thing we did is we looked at infrastructure; sewer, water, and traffic. The sewage here has been addressed partially, the only thing that's really been planned for.

Everything that I'm hearing about the use of the building, changes of occupancies is based on what's existing in our infrastructure. The parking and sewage, that isn't being proactive.

That's really eliminating everybody; the tenants, the building owners, the Village as a whole, and should be addressed, as Ted just brought up right now, today in its planning, and we're not.

Proceedings

Parking has always been -- I'm in business here now seven years. Parking is a problem, granted. Money has been collected from parking funds from various businesses that have expanded like Larry's restaurant. I don't know where the money has gone. No one has put in additional parking spaces at this point.

I would not contest Larry's right to put additional tables in his restaurant because he needs them to make money to pay his overhead, and wine, and his expenses. But at the same time, every time these are granted, it's taking more parking spaces away from the merchants on the street.

Ted mentioned the Ideal. The Ideal, Harbor Pets, The Wharf Shop, the drugstore. We're all destination spots. We have customers that can't come to us.

Proceedings

We have people in this room that represent Save Sag Harbor, Compash (phonetic). When Compash, one of their members, in their editorial in the Express at one of their New Year's parties was saying that she doesn't come into town even off season because she can't find a parking space. That hurts us.

And even the Independent had a quotation from somebody during the summer referring to Sag Harbor as a drive-through Village because there's no parking. It's not funny anymore.

One of my customers comes in last May and says, "I'll see you in September. I don't come into the Village at all." And this is a member of Save Sag Harbor that I saw at a table giving out "Shop local stickers.

Every one of the merchants

Proceedings

in this Village has a problem. And the parking has to be addressed now. It can't be, like, in the code, we'll address it later on.

That's all I want to say. There are issues up here that have to be addressed now. Thank you.

MAYOR FERRARIS: Any other comments? Yes, Mia.

MS. GROSJEAN: Just to say -- Mia Grosjean. Just to say that since I've been here, and I moved in 1989, and we've had three parking studies done since that time.

TRUSTEE SCARLATO: At least.

MAYOR FERRARIS: All right. If there's no other comments, I'll entertain a motion to adjourn the meeting to -- the public hearing until February 13th, I believe is the date.

VILLAGE CLERK SCHROEDER:
Friday the 13th.

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MAYOR FERRARIS: Friday,
February 13th, at 5:00 p.m.

TRUSTEE SCARLATO: The
public hearing is going to remain
open.

MAYOR FERRARIS: Yes, the
public hearing will remain open
until that time.

I'll entertain a motion to
adjourn.

TRUSTEE GILBRIDE: So moved.

MAYOR FERRARIS: It's been
moved. Is there a second?

TRUSTEE SCARLATO: Second.

MAYOR FERRARIS: It's been
moved and seconded. All in favor?

ALL: Aye.

MAYOR FERRARIS: Opposed?
None. So carried.

(Time noted: 7:36 p.m.)

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CERTIFICATION

I, BARBARA D. SNYDER, a Notary Public
in and for the State of New York, do hereby
certify:

THAT the foregoing is a true and
accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto
set my hand this 29th day of January, 2009.

BARBARA D. SNYDER

VILLAGE OF SAG HARBOR

COUNTY OF SUFFOLK: STATE OF NEW YORK

-----X

VILLAGE OF SAG HARBOR

BOARD OF TRUSTEES

PUBLIC HEARING REGARDING DRAFT

GENERIC ENVIRONMENTAL IMPACT STATEMENT

-----X

February 13, 2009
5:00 p.m.

55 Main Street
Sag Harbor, New York

A P P E A R A N C E S:

GREGORY N. FERRARIS, Mayor

BRIAN GILBRIDE, Trustee

EDWARD GREGORY, Trustee

TIFFANY SCARLATO, Trustee

EDWARD DEYERMOND, Trustee

ANTHONY B. TOHILL, Attorney

SANDRA SCHROEDER, Village Clerk

RICHARD WARREN, Consultant

Barbara D. Snyder
Court Reporter

MAYOR FERRARIS: All rise
for the Pledge of Allegiance.

(Pledge of Allegiance
recited.)

MAYOR FERRARIS: Welcome all
to the continuation of the public
hearing on the zoning code review.

We have made a number of
amendments or proposed amendments
at this point. So I'll just turn
it over to Tiffany since she has
the documentation and she wants to
go through some of these changes.

TRUSTEE SCARLATO: The
changes are in the process of being
drafted right now, but I'll just go
over them very briefly so that
everyone is aware that there will
be changes, so if you want to speak
on one of these issues, just be
aware that we are in the process of
make changes now.

The definition of tennis
court. I can't remember who

brought that up as an issue, but the definition of tennis court is being amended.

The authority of the ARB in Section 55-6.4(D) is being amended. Offices are going to be allowed on the second floor, and so Section 55-6.4(E) is going to be deleted.

Bed and breakfasts and daycare facilities. In addition to the special exception permit that's required from the Planning Board, there's also going to be instead of a normal public hearing where you just have to notice the adjoining property owners, you're going to have to notice every property owner within a 500-foot radius of the property that you're making that application for.

There is going to be some additional changes to the use tables with respect to offices on the second floor. So those are

just sort of ministerial changes. There's one other ministerial change with respect to the table of dimensional regulations for resort/motels. And that's really just an error on our part.

And then the last change has to do with Certificates of Occupancy. There's a section in the code that requires upon a change of ownership of a property for someone to obtain a Certificate of Occupancy.

And as a practical matter, we just discussed it and decided that it was more appropriate to have it required within 30 days so that it's not a practical difficulty to occupy your property on the day that you purchase it, or the next day, that you have 30 days to obtain a new updated Certificate of Occupancy.

MAYOR FERRARIS: I know

there were a couple of questions at the last board meeting. I believe Tim Culver and Dave Lee had questioned the ARB's purview into a change of use application. And I know that was a -- we were operating under the assumption that the ARB had no authority to deal with a use, and we stated that.

However, based on the language that was included in the existing or the proposed code at the time, that there might have been some inconsistencies there. So could you go through that --

TRUSTEE SCARLATO: Yeah.

MAYOR FERRARIS: -- and say what changes were made to clarify that?

TRUSTEE SCARLATO: I'll just look at it and give you the changes. It's basically going to say that any such enlargement -- and that pertains particularly to

an enlargement to something that's between 2,000 and 3,000 square feet, or up to 3,000 -- "shall be subject to the approval of the Board of Architectural Preservation and Architectural Review, who shall affirmatively find in addition to the required findings of Article XII that the enlargement is consistent with historic character of the existing structures within the Village business district."

So we're just taking out the reference to use so that it's clear that the ARB's jurisdiction is limited to the jurisdiction that they have pursuant to the code and it's not in addition to anything else.

MAYOR FERRARIS: Anything else you want to explain, Tiffany?

TRUSTEE SCARLATO: No. I think that maybe we could just let Rich explain the flow chart.

MAYOR FERRARIS: We thought we might make it easier for some individuals to understand the flow of an application. So we had requested that Rich Warren put together a flow chart.

We were going to try to incorporate these into the building department to where if an individual does come in with an application, we can use these as well.

So, Rich, maybe you could just go through these.

MR. WARREN: Sure. I'll put these up on the table here (indicating).

MAYOR FERRARIS: We have copies here, Rich, so if you just want to show that to the public.

MR. WARREN: So what we've done is we've put together two tables to show what happens if you have an existing use or a proposed

use that's less than or equal to 3,000 square feet, and then what happens if you've got an existing use that's greater than 3,000 square feet.

So if an existing use is less than 3,000 square feet, the change is from a permitted use to a permitted use, if you have an exempt project as long as it meets the exemption qualifications.

So there's an exemption set of standards in Section 55-42.3(A) and they include no increase in parking requirement, no increase in sanitary requirement.

Change of bookstore to a clothing store, exempt. Change of bookstore to a hat shop or an art gallery, those things, the types of things that I think you're going to see generally happen here in the Village. They're all going to probably follow this path

(indicating).

They're going to come down to here, and they're going to be exempt and they're going to go right to whatever building permit they would need for any kind of interior changes that they're doing (indicating).

If you find a permitted use -- or permitted use doesn't meet those parking standards, or doesn't meet the increase in sanitary flow because you're changing it from one use that has an increase in those -- a lesser parking standard than the new use, then you submit the site plan application, but you still have the ability to get out of that process with a waiver (indicating).

So we've built in here a relief valve so that someone can come in and say look, I'm really only changing this and we're

talking about one parking space. It's different. The Planning Board has the ability to waive that, and go through here to get a building permit (indicating).

If you can't meet those waiver provisions there, you go through site plan review (indicating). And there are specific waiver requirements there.

If you have a project where you're expanding a building, where you're now going to take an existing building and you're bigger -- 2,000, 3,000 -- you're going to go through the ARB because you're going to be changing something.

You're probably going to be changing the facade, front doors. You're probably merging two spaces on Main Street somewhere. So you're going to go through the ARB. They'll issue a decision, and then you come into this same kind of

tree (indicating). A permitted use, you're back to here (indicating).

A permitted use to a special exception use, you're going to the Planning Board. Anything -- special exception uses, and those are in the code and are uses that are considered something that's a little bit more concerning for the Village, to make sure that they meet the special exception standards in the code.

So permitted to permitted is going to stay on this side where you can either get an exemption or a waiver (indicating). And I think most of them you're going to see are going to go right through here if there's an exemption (indicating).

Some of them will go through this waiver provision (indicating). And there's probably going to be a

few that will go through site plan. But I think mostly you're going to see they're going to go through this exemption process (indicating).

And anything that's a special exception is going to come down through here because -- which is going to get into the site plan permit process (indicating).

Greater than 3,000 square feet, you're going to go through site plan application. However, they still have that waiver provision as well. So permitted to permitted use, you submit the application, you meet the waiver requirements or not.

If you meet the waiver requirements, you can get out. It's not an exemption but it's a waiver. So you go to the Planning Board, you can ask for a waiver and you can still get out. If you

don't meet the waiver requirements,
you go through site plan review
(indicating).

Same thing over here
(indicating). If it's a special
exception, you're going to go
through a special exception process
because those are projects that are
of more concern.

So 3,000 square feet or
greater -- greater than
3,000-square-foot buildings, they
will go to -- they don't qualify
for the exemption, but they can
qualify for a waiver.

So, you know, that's one of
the critical things. When you look
at actually the existing uses --
and this was part of the earlier
analysis that we had (indicating),
you'll see that every use above my
finger, is 89 percent of the uses
in the Village, are on this Board
(indicating).

So you only have 19 spaces or 11 percent of the commercial space that would be part of this board (indicating). So the vast majority of the uses I think you're going to find are here (indicating). And I actually think that from looking at the types of things that happened here in the Village in terms of change of uses, it's probably going to follow this tree (indicating).

Permitted to permitted, you're probably not going to change any of the parking requirements, sanitary requirements. You're going to go right through here (indicating).

MR. CONKLIN: Rich, I -- just to make it clear, 11 -- 89 percent of the uses and 11 percent of the Village. And I don't think you mean that. Eleven percent of the uses represents probably 50 or

60 percent of the Village; correct?

MR. WARREN: Eleven percent are the number of uses.

MR. CONKLIN: Number of uses.

MR. CULVER: Not square footage?

MR. WARREN: No, not square footage.

MR. CONKLIN: But in terms of square footage, you're talking about the 11 percent represents --

MR. WARREN: It's a large number of square footage. For instance, one -- the smallest you used to have in the Village here is 280 square feet.

MR. CONKLIN: But I don't know what conclusions you can come to --

MAYOR FERRARIS: Hey, Ted, if we can just hold up. I just want to get through this part and then we can get to the public

comment.

MR. CONKLIN: Certainly.

MR. WARREN: So I think the vast majority -- the number of uses that are going to go through I think are going to follow that (indicating).

MR. LEE: It's much more user friendly.

MR. WARREN: Yes. In fact, this has actually been built in there from the beginning, this process. This is probably helpful in terms of explaining it a little bit more.

FEMALE AUDIENCE MEMBER: So are you saying permitted use to permitted use most times there is no application for anything?

MR. WARREN: Right. It's exempt.

FEMALE AUDIENCE MEMBER: So that little yellow section -- yellow box back there, you just

determine yourself, actually I'm a permitted use to permitted use, I don't need to apply for anything?

MR. WARREN: Right. There are specific standards in the code that show that.

FEMALE AUDIENCE MEMBER: So you just show that --

TRUSTEE SCARLATO: Well, you might not know the answer to that, too.

FEMALE AUDIENCE MEMBER:
What?

TRUSTEE SCARLATO: You might know the answer to that, yourself.

MR. WARREN: Then you come to the Village and we look at it. It doesn't --

FEMALE AUDIENCE MEMBER: So we don't have to come to the Village. If we look at it and we're like, it's permitted to permitted, there's no approval process, nobody needs to get

anything?

TRUSTEE SCARLATO: Well, not necessarily so. I mean, if you have a retail space and you want to change it to a restaurant, both of those uses are permitted, but that triggers a parking requirement, that triggers a sanitary --

FEMALE AUDIENCE MEMBER:

That's the way it's always been.

TRUSTEE SCARLATO: Right.

FEMALE AUDIENCE MEMBER:

Right. Okay.

MR. WARREN: But the permitted uses in the retail category; jewelry store, to a music store, to a shoe store, to a souvenir shop, to a sporting good store, to a stationery store, to toys and games, to glassware, to general variety, to garden supplies, to flower shop, to computer store, to clothing store, to cigar store, to book store, to

bicycle shop, they're all going to go through here (indicating).

The vast majority of the types of uses I think are going to follow that tree (indicating).

MAYOR FERRARIS: All right. Any comments from the Board regarding the flow charts?

(There was no response.)

MAYOR FERRARIS: If not, I'll open it up to the public. If you could just from the front to the back, and then if you could state your name for the record when you come on up. Nada?

MS. BARRY: If Ted wants to talk regarding this, I want to go on to a different subject. So do you want me to --

MAYOR FERRARIS: Ted, do you want to talk about the flow chart?

MR. CONKLIN: No, I have a question. I don't know how you want to get -- I apologize. I

thought Rich had recognized me.

The question is, are you essentially sort of collapsing the definitions, which we've been critical of?

In other words, you know, going from a hat shop to a shoe store required a ponderous kind of -- or you know, we perceived it to be a ponderous, bureaucratic -- an opportunity for a ponderous, ineffective, counterproductive, bureaucratic procedure.

TRUSTEE SCARLATO: Can I answer that?

MR. CONKLIN: That's the way we perceived it; okay? Now, what I'm saying -- are you saying now that effectively under 3,000 square feet we're collapsing those dry retail to dry retail uses, the definition?

MAYOR FERRARIS: No. The definitions --

TRUSTEE SCARLATO: The definitions are all the same.

MAYOR FERRARIS: -- haven't changed. The use table hasn't changed. Nothing at all.

TRUSTEE SCARLATO: This is the clarification of the process that you clearly didn't understand before.

MR. CONKLIN: No, I think we do understand it. What we're doing is we're asking, even in this instance is, you know, I think -- you know, we're being told -- we're being given a sense of the Board, which we appreciate and like to hear.

But it's hard for us to discuss specifics of a law that are simply -- you know, where the sentiment is only now being discussed. So I hope that's a fair statement. And for instance, in this -- as I look at this, my

observation -- and this from, you know, 40 some years or almost 40 years of empirical, you know, experience in the Village.

The issue here is not how it flows on a chart but how it actually happens within the bureaucracy because, you know, it could take one week from here to there (indicating). It could take \$1,000 from there to there (indicating), and so forth in theory.

In other words, it's not spelled out. So once we see the details of it, then we can address it.

MAYOR FERRARIS: The details are in the code right now. Nothing's changed.

MR. CULVER: I think maybe what Ted's trying to say --

MAYOR FERRARIS: Tim, if you could just step up.

MR. CULVER: I think what Ted's trying to say -- and I think this is very helpful. If you go from a hat store to a shoe store, you have file for a new C of O. That means you have to go down to building department and file for a C of O. Right, Ted, I think that's what --

MR. CONKLIN: Well, among other things. If you've got a sewer permit issue you've got to deal with. But assuming those --

MAYOR FERRARIS: Just like you do now. Just like we would have today. Without this code, there's no difference.

MR. CULVER: Yeah, exactly.

MAYOR FERRARIS: Any change of use requires that to be filed today.

TRUSTEE SCARLATO: That was for prior to sewer utilization certificate. A change in ownership

requires the change in CO. This does not trigger a change in the Certificate of Occupancy.

And I think we had that discussion early on with Save Sag Harbor because I believe that they wanted us to have some control over and some record of it in the Village with respect to that.

Tell me if I'm wrong, Jeff. But we had talked about that in an earlier case, that they wanted the Village to have some control and have some record over exactly which uses are in which spaces, even down to the hat shop versus, you know, the shoe store.

MR. CULVER: So the use table won't necessarily match what the C of O says?

TRUSTEE SCARLATO: It should match.

MR. CULVER: Well, see, that's my question.

TRUSTEE SCARLATO: You're
not going to have --

(Inaudible comments)

TRUSTEE SCARLATO: -- the
building.

MR. CULVER: No, I'm an
advocate. I'm not -- I'm just
trying to understand it because we
could stand at the use table for --
(inaudible) -- I'm just trying to
-- operationally, how does one go
from a shoe store to a hat store?

Do they go and get a new C
of O and say okay, I'm a hat store?
I'm permitted. I don't have to do
anything. The building inspector
should issue it as a matter of
right; right? There should be no
argument, no discussion.

MAYOR FERRARIS: Tim, hold
on.

TRUSTEE SCARLATO: You can
obtain a building permit to do
renovations on the interior, which

is going to trigger a building permit. If, for example, you went there, did no --

MAYOR FERRARIS: Hold it.

Rich, if you could just get up and just walk through a typical example of a hat store to a shoe store, you know, what exactly would have to happen from start to finish. I think that would clarify Tim's concern.

MR. WARREN: I guess the question is going to be whether or not -- and I understand the question. I was actually just looking and I just mentioned to Mr. Tohill this question as he was walking in because I wanted him to understand the dialogue that was going on.

My expectation is that somebody going from a hat shop to a shoe shop is going to pick up the code and they're going to see that

they're exempt from site plan review. So they're not required to come in for site plan review.

But there is a change of use that's occurring in the building. And I think that it's probably -- the intention is that they would ultimately get a change in the CO to reflect that use.

The reason that we have established the classification code numbers here is so that everyone knows what a clothing store is. I mean, there's a standardization for that. It's not just someone's imagination that well, this is what this is or this is what that is.

At least there's some standardization that's really recognizing it more formally where before you didn't have standardization on that. So now someone can actually go to this and see what is included in an

electronics store, what they're including.

So that's something that we felt was important to bring it pretty much up to modern standards with that.

But I think that you probably would be getting a CO change for the change. But that's simple. You're not talking about Planning Board review. It's with the building department. That's where it would be. So I think that that's all they're going to be doing. They're going to be coming into the building department, say I'm changing the use from this use to that use. Okay, that's fine.

At least this way the Village has a record of what's happening with that building. We've had applications that have come to the Planning Board where there's been questions about

actually what the use is in the building, and where is what use.

So I think this way it keeps everybody honest and it keeps -- you know, there's some way to track the uses in the Village, but at the same time we've done it in such a way that it's simple. You can do it here at the counter with the building inspector. And maybe if they need to have some procedure, that it could be done quickly.

But that would be my expectation.

TRUSTEE SCARLATO: That's not a procedural issue that you would have in the code?

MR. WARREN: No.

TRUSTEE SCARLATO: It's really a --

MR. TOHILL: Housekeeping.

TRUSTEE SCARLATO: -- a housekeeping issue.

MR. WARREN: Yeah. And if

it's something that could be done quickly. For instance, Southampton Town just last week enacted a provision that allows you to go to the building inspector for a simple building permit application.

They're going to do it while you wait. You come in, sit down with the building inspector and they're going to issue you a building permit while you wait if it's something simple. And that's not something that's written in the code. It's just something procedural that they worked out in the building department.

So I think it's the kind of thing for these kind of permitted to permitted uses that follow that tree (indicating), you could establish as a policy that's going to be something that someone can do while they wait.

As long as they don't come

in at five minutes to 4:00 and the building inspector is leaving at 4:00, you know, but I think it's the kind of thing that could happen.

MAYOR FERRARIS: Is that consistent with what's been on the books forever here with the sewer utilization certificate? Every time there's a change of use, they have to come to the building inspector to get an updated sewer utilization certificate which describes the use to determine if there's any increase in sewer capacity and so on.

MR. WARREN: Well, it gives you the ability to track what's happening in the Village.

MAYOR FERRARIS: All right. Ted.

MR. CONKLIN: Let me play on something that was not --

MAYOR FERRARIS: Ted, if you

could just come up.

TRUSTEE SCARLATO: Oh, sure.
Do you want me to announce myself?

MAYOR FERRARIS: State your
name for the record.

MR. CONKLIN: Ted Conklin,
American Hotel, Sag Harbor
resident. This came -- you know,
this question comes via an e-mail
from Bob Evjen, who's not here, and
I think it speaks a little bit to
this whole procedural issue, which
the business community is very
concerned about. And this is just
about everybody in the business
community.

It's not about getting more.
It's about having the flexibility
to sustain the creativity that we
need to keep the Village vibrant
and all the other things that are
stated in the code.

We think we know how it got
vibrant because we want to take

credit for it over a period of three and four generations, for 30 or 40 years, or whatever it is.

But as an example, if you take this electronic store, or this hat store, or whatever and get the CO, and I want to go in and I want to put a clothing store in there, you say there's no problem.

But the clothing store that I have happens to be a bikini shop, as you know, an example, or a store with excessively high heels, or something that might disturb someone's sensibilities, such as the building inspector, who might be, you know, a little bit concerned about approving a use that he, himself, is a bit disturbed about.

And if you look at the next step, he'll say, well, I'm not going to approve this building permit or I'm going to sit on it

for two or three weeks, and it's now March, and it's April, and suddenly, you know, you've got a summer lease that you have to worry about; and the landlord is a local guy who can't pay the tax bill, and you know, you have these normal problems.

Now, what does he do with it? Well, who has purview over the display of the high heels or the salacious or perceived salacious models in the window with the bikinis? The Architectural Review Board. And don't tell me that that's not true because you've got, "If interior changes are visible from adjacent street or property, the Board, ARB, shall review such proposed changes."

I mean, you wouldn't be able to have a Simon Noonan, or you know, do store windows on Fifth Avenue without checking with C.

Brown on the way I read it.

MR. WARREN: But that
doesn't -- interior change --

MR. CONKLIN: And she's got
impeccable taste.

MR. WARREN: But what you
just read is interior changes to
the building, to the building.

MR. CONKLIN: That's not
what it says.

MR. WARREN: But that --

MR. CONKLIN: This is not
what it says. It says if the
interior -- and I bring this up
because Bob Evjen was somewhat
upset with it.

MAYOR FERRARIS: Hold it,
please. Please sit down.

AUDIENCE MEMBER: Sorry.

MR. CONKLIN: I mean, I'm
reading from the code here, 55-6.3.
And you know, this is -- I'm not
trying to make a -- I'm not
grandstanding. This is what it

actually reads.

MAYOR FERRARIS: Hold on, Ted, all right. That's been in the code for 28 years.

MR. CONKLIN: That doesn't mean that it shouldn't be changed right now.

TRUSTEE SCARLATO: Section 6.3 is not --

MR. TOHILL: The section he's reading was changed as per Tim Culver's letter. And the section that the lady referred to, which was not entirely correctly understood, was actually put in the code not in the year 2008 or 2009. It was put in the code in 1994. And it hasn't had a word changed since 1994. Nobody just read it.

MR. CONKLIN: I mean, we're changing things that were bad then.

MR. TOHILL: It's not in there anymore.

MR. CONKLIN: Well, have we

seen it?

MR. TOHILL: You might not have seen it because --

MAYOR FERRARIS: It was described tonight.

MR. CONKLIN: I know it was described. But I mean, I'm just saying that this is a continuation of the last meeting to the extent that we have nothing concrete to --

MR. TOHILL: Tim sent a letter and the Board changed it as a result of Tim's --

MR. CONKLIN: But we have to see --

TRUSTEE SCARLATO: Ted, you will see it.

MAYOR FERRARIS: Hold on. This is just a continuation of last month. We said we were going to make the change. We're not going to incur the cost of every meeting, you know reprinting everything, and so forth.

MR. CONKLIN: Understood.
Yeah, and if I might say so,
congratulations for, you know --
I'm sorry about the stenographer,
but, you know, saving \$500 or
\$1,000 every meeting is a very
sensible thing to do, and I applaud
you for that.

MAYOR FERRARIS: Thanks,
Ted. Yes. If you can come up and
state your name.

MS. GRENNING: Hi. I'm
Laura Grenning (phonetic) and I
have a business in town and I have
a building in town. And just a
point of clarification. I moved
into two spaces in this Town in the
last ten years, and I never had to
talk to anybody about what I was
doing.

And in both cases I painted,
and I changed things in the window.
And I don't recall any process
where my landlord or myself had to

come to the Town to say it's going to be an art gallery now. So is that changed?

MAYOR FERRARIS: No, there's no change to that at all.

MS. GRENNING: So for example --

TRUSTEE SCARLATO: It was supposed to be done but you didn't.

MR. TOHILL: Right.

MS. GRENNING: It hasn't been happening. Like, for example, there was somebody selling I don't know what in the old Andrew and Company space, and now Colette is coming in. Now, does she have to -- if these were laws, what would she have to do?

TRUSTEE SCARLATO: Today she's got to come in --

MS. GRENNING: So that's new?

TRUSTEE SCARLATO: -- reflecting the changes. No, that's

not new. She has to do that today.

MS. GRENNING: Okay. So she should be here applying for a change of use, and she has the chance of being turned down.

MAYOR FERRARIS: Not really. It's a permitted change -- a permitted use to a permitted use. So again, you take a look at the flow chart and you go from there.

MS. GRENNING: Okay.

MAYOR FERRARIS: Anybody else? Yes.

MR. SPROTT: I'm Susan Sprott (phonetic). And please correct me if this isn't correct because I read the new Sag Harbor Express, and the front page cover is about the code and the changes.

And when I went to page 15 it's obviously discussing items that I believed I recognized from the last meeting. But this was one that I didn't recognize and I think

it's basically what Ted was talking about.

It's number two, and it says, "Under the new zoning code, does the Architectural Review Board have the ability to judge interior alterations in retail space?" And basically it says, what I believe I heard at the last meeting, which is no.

But toward the end of the response it says, "For example, if there was a painting of a nude in the storefront, the ARB would not have the jurisdiction to have this piece of merchandise removed from the storefront. But if the same store had a built-in display case painted in a bright orange, and the display case was visible from the street, the ARB could have this removed or altered."

And it ends by saying, "Normally this type of code

enforcement is driven by resident complaints to the building inspector. The building inspector would then notify the store and ask them to receive ARB approval for the display.

Is this new? Has this always existed?

TRUSTEE SCARLATO: It's existed, as Tony said, since 1994.

MR. TOHILL: It comes from the Albany Preservationist League model code for historic preservation, and it was put in the code 1994, but it actually exists on the treatises on land use for about 40 years, 4-0.

MS. GRENNING: Well, then perhaps could I just comment that if this is not new and it's old, it would seem to me to be objectionable. It would seem to me to be restraining certain freedoms that I think Sag Harbor, in my

experience of this Village, doesn't represent.

So I was so surprised because in all the years I've lived here, I've never heard of any such thing happening. And I've always believed that if one objects to something, the best way to object as a consumer is to just not go there, and that will change soon enough.

But I really do believe in freedom of expression within reason. And this I find very frightening. So, I just wanted to comment on that. Thank you.

MAYOR FERRARIS: Any other public comment? Nada.

MS. BARRY: Nada Barry, The Wharf Shop, lover of the Village of Sag Harbor, Youth Committee.

I have a couple of questions. One just, Rich, I didn't know in the code is, is the

NIS the list that was used in the code, or has the Village written up a specific list?

MR. WARREN: The list of uses is contained in the back. And then if one wanted to find out actually what constitutes an electronic store, you can go to a manual that's about this thick (indicating).

MS. BARRY: But that's the government.

MR. WARREN: That's the government.

MS. BARRY: Okay. I just wanted to clarify that for myself. What I really wanted to ask about was a little bit on the waterfront. From reading the newspaper -- and I tried this afternoon to go online to pick up the code part of that, and I saw it wasn't online, or maybe it's my gray hair and I couldn't find it. I'm not sure

which.

What are the accepted uses on the waterfront? Why would an art gallery be listed as an accepted use whereas maybe not a souvenir or gift shop, particularly if it was related to marine items?

I mean, do we have a whole list that you have put out, which I couldn't see? And what is the -- where are you coming from on this? Why is marinas not listed emphatically? Where would a farmers' market be situated, and this sort of thing? I know we always have to have special exception uses for the marine consulates -- I mean the consulates at Marine Park.

So I just would like you to explain a little more where you're coming from.

MAYOR FERRARIS: In the table of Village uses in the

waterfront district, it prohibits or allows certain activities. I think what you read in the paper from Mr. Grignon regarding the yacht yard, he's questioning why does a yacht yard have to be a special exception permit in the waterfront district if it exists. And I think he proved his own point that it already exists. He will always be able to have a yacht yard there.

However, if we didn't include that as a special exception use, then another property that's in the waterfront district, say --

MS. BARRY: Well, Maria Sol (phonetic), let's say.

MAYOR FERRARIS: That's an R-20 I think. But let's say Christie Brinkley's house. Someone could technically put a yacht yard there if it was permitted. So even though Lou had questioned why

wouldn't a yacht yard be permitted, technically all the marinas, all the waterfront, if they wanted to could all be yacht yards. So that's why it's included in there as a special exception.

MS. BARRY: But where does the marina stand? Let's say you took Christie Brinkley's house --

MAYOR FERRARIS: The same way. It's the same way. So in other words, it was determined that you have to meet certain standards to be a marina.

Now, the special exception standards technically I guess would not allow a marina to go in where that particular house is because it doesn't meet the special exception standards.

TRUSTEE SCARLATO: And by way of doing that, if you were going to do that kind of change of use, you would require site plan

approval and this -- a special exception permit just sets forth additional standards that you need to meet in order to obtain that site plan approval. So you have to meet both those standards as well as the site plan standard.

And most of the waterfront uses deal with lot size and availability of parking, and upland use of it, things related to that.

MS. BARRY: For something like the farmers' market, let's say, has to continue obviously, or I would expect to ask to be -- exist in that --

MAYOR FERRARIS: That's just the use of Village property.

MS. BARRY: That's Village property. But non-village property, I'm still a little confused what's going to be allowed and what isn't.

MAYOR FERRARIS: Where?

MS. BARRY: Well, as I said Cor Maria's -- well you're saying Cor Maria's is residential. All right. Down on Long Wharf. Can I go in there with any -- with my gift shop or my toy store?

MAYOR FERRARIS: There are limited opportunities --

TRUSTEE SCARLATO: For retail space.

MAYOR FERRARIS: -- for retail space included down there. However, if you're in a specific -- are you talking about the shops down on Long Wharf?

MS. BARRY: Is there any control going on of what shops -- why is the art gallery specifically allowed -- I mean, I'm just still not clear of where quite the thinking is, where the lines are drawn.

TRUSTEE SCARLATO: Well, I can tell you where all of this

thought process came from, where we decided to sort of -- the idea became, you know, because it was hard to differentiate a retail store from another retail store because retail is retail.

And if the ultimate goal is to control large retail spaces that could potentially become things and uses that the Village does not want, the only way to deal with that is to separate out individual use and to regulate them individually as opposed to just retail use.

And that was the only way in which we could sort of get a handle on, as I said, large retail uses that, you know, that the Village may or may not want. It was easier to sort of pull them out by separating them all. And the way we decided to separate them was based on a standard that actually

exists.

And this is actually the set of standards that Southampton Town uses.

MR. WARREN: It's very common in almost every other code.

TRUSTEE SCARLATO: Very common in other codes, yes.

MS. BARRY: Okay. I just needed that clarified. I couldn't quite see where it was coming from. Thank you.

MAYOR FERRARIS: Any other comments? Yes.

MS. POWELL: Hi. My name is Joanne Powell. And I'd just like to read something, some comments into the record. "First, I commend your efforts to revise the Village code to protect the character, and the social and economic stability of the Village.

"I offer the following comments as a full-time resident of

the Sag Harbor area for the last 28 years, as a parent having raised a son in the community, and as someone with great affection for the Village."

And I've limited my comments to three areas. The first is affordable housing. "The findings statement cites the goals of providing affordable housing sites for residents of the community that are compatible with their economic means as a way of meeting the State objective of promoting the health, safety, morals, and general welfare of the Village of Sag Harbor.

"The mix of apartments and stores in Sag Harbor Village is viewed as an ideal and a goal in many surrounding communities. The residential and commercial mix provides for a vibrant downtown area. Allowing the many longstanding apartments to be

converted to additional commercial space will eventually lead to the loss of this housing. The plethora of condominium units being approved in the Village may not provide full-time, year-round residents that create this vibrancy.

"Of greater concern is a loss of affordable rental units for the community. This housing is needed by employees of local businesses, and the use of the community. Converting these apartments to commercial uses will tear at the fabric of the community and is not consistent with the stated goal.

"While the code contains provisions to allow for accessory apartments in residences, there's no guarantee that this housing will actually be created. In other communities that have adopted regulations allowing the same, they

found that the apartments have not been forthcoming.

"The new Village code also requires payments into an affordable housing fund, but the land necessary to actually provide this housing is scarce and expensive and likely will not be located in the downtown area.

"This code change has the potential to have significant impacts on the fabric of the community.

"With regard to apartment buildings and multiple dwelling uses, apartments are a special exception use in the office district, and multiple dwellings are a prohibited use in the office district as well as all other districts. However, I don't find a definition for multiple dwelling in the code to see what distinction is being made between this use and

that of an apartment building.

"The Village code defines an apartment building as a building used for residential purposes in containing more than two dwelling units. A multiple dwelling could be similarly defined.

"The code provides definitions for dwelling, one-family attached dwelling, and two-family dwelling, and dwelling unit but not one for multiple dwelling. Since this use is prohibited it seems it should be defined so as to distinguish it from an apartment building use and avoid confusion in the future."

As the third area that I'll comment on is lot area definition. "I also find that the definition of lot coverage needs to be clarified with regard to whether paved areas utilized for parking are included as coverage.

"The Village code defines lot coverage as the portion of the lot area covered by the area of all buildings and structures thereon, whether temporary or otherwise, including areas of open storage of more than an incidental transitory character and including patios, terraces, and decks whether roofed or not, and whether at grade or otherwise.

"Structures are defined in the Village code as anything constructed or erected on or under or upon another structure or building excluding at-grade walkways and access driveways.

"Given the two definitions it would seem to be self-explanatory that parking areas should be included in lot coverage. However, I was advised that the parking area for One Ferry Road project was being considered part

of the access driveway and did not count as coverage.

"Coverage definitions in other municipalities specify the areas of pavement are included." That's true of both the Village of East Hampton, East Hampton Town and Southampton Town also I believe.

"For the sake of clarity, I would like to see the definition of the Village code specify that paving except for walkways and access driveways are to be calculated into lot coverage and/or to provide a definition for an access driveway that excludes the area of parking spaces and aisles between the spaces.

"The other surrounding towns do not exclude an access driveway from coverage either, and I really don't know what exactly is meant by it under your code.

"Lot coverage restrictions

in the Village Business District and Office District are 70 percent, and the Waterfront District 40 percent, and the Resort/Motel District 50 percent. Unless paving for parking spaces and access aisles is included in the coverage restrictions, the code would not prevent a 100 percent coverage of a lot.

"Existing businesses would be considered preexisting nonconforming and not subject to this restriction. If the existing definition is intended or already includes parking areas as coverage, it's recommended that the code simply be revised to specify this. This clarity would be in the interests of both the future applicants and Boards that review development proposals."

MAYOR FERRARIS: Could we have a copy of that?

MS. POWELL: Yes (handing).

MAYOR FERRARIS: Do we want to address any of those now, Tiffany? There's a lot there so I think we'll take it back and take a look at those questions.

TRUSTEE SCARLATO: Yeah, I think they're pretty simple questions to address. Thank you.

MAYOR FERRARIS: Thank you. Any other comments, questions. Yes, Tim.

MR. CULVER: Tim Culver, resident of Sag Harbor. First of all, I'd like to thank the Board for their patience in looking at that stuff on the ARB. That was a helpful discussion, and it was the kind of discussion we should have.

I just had one other quick question. And I think we talked about this on the phone, which is this change of use for nonconforming use to a conforming

use. Is that something you're going to look at?

TRUSTEE SCARLATO: We did talk about it. I haven't talked to Rich or Tony about it yet. But there are going to be some changes, some sort of cross-referencing that we talked about.

MR. CULVER: Okay. Great. I think that -- I mean I think we made a lot of progress. I look forward to seeing the new code, and see where we go. Thank you.

MAYOR FERRARIS: Ted.

MR. CONKLIN: Let me -- Ted Conklin -- let me first say that on behalf of the Sag Harbor Business Association, we appreciate all the work you're doing. And I think we've sort of all concluded that, you know, we're going to have a new code. It's not like we're trying to block anything.

I think all of us would like

to express a concern that the people in the group who represent by and large -- since this is mainly a commercial area zoning issue, that you recognize, as I'm sure you do, but the public should also recognize -- and maybe I shouldn't state it for the record, that we are the vested parties that -- not that anybody else is not vested, but we're the parties that are the subject of this commercial review.

We're the people -- and by and large, we are the people who have been here for -- you know, 30 years for the Fishers and plus. I've been here -- I was a trustee 32 years ago or something like that. The DeAngelos have been here for a couple of generations. It goes on and on.

Basically, you know, we're all neighbors. Perhaps if politics

didn't enter into this we'd be a lot friendlier. But you know, we're all looking for the same thing.

I've been trying to distill the discussion down to one thing, one aim, and I think what we're all trying to do without exception is sustain the unique, local, independent ownership of buildings and/or businesses on Main Street. And that's it. And there are other issues involved; affordable housing and so forth and so on, and we can talk about that.

But if you would accept, you know, our appreciation for the work you've done, and the main objective of updating the code, appreciating the fact that we're concerned about the implications for too much bureaucracy, delays in permit approvals, the cost of permitting that will affect our ability to

rent maybe for the summer.

You have some open storefronts that will not rent if there are some, you know, impediments that will discourage, you know, people from coming in.

These are things that will drive the local guys out, and effectively, you know, you're going to have a vacuum that will be taken up by the national chains, or people who are a lot wealthier and a lot less independent than we are.

Now, what I would like to do is, I think express the general consensus of the Sag Harbor Business Association, and many others that we've talked to, that it seems we're going to have a new code.

We want to work with you on these very specific things that you've mentioned. We'll talk about the particulars of these codicils

and make it as good as we can. We encourage you to do that, we'll work with you. We're not trying to work against you.

But in tandem what I'd like to say -- and maybe I'll just back off and say now this is me talking and not the Business Association, because I tend to be a little inflammatory sometimes.

I would like to see that the Village Board -- and a number of the people on the Board now in three or four months are not going to be here apparently -- we appreciate all the work you've done for all these years.

We have a situation where we really have a -- we do not have a comprehensive plan in my opinion. We have a comprehensive plan to -- it has to talk about parking. We can't say that we had independent studies, and parking is just

impossible.

We can't ignore the fact that it's not the best situation that we have a sewer plant on the harbor. None of us are particularly proud of it. It's something that we've got and we're dealing with as best we can. But we're not proud of it. There are probably better solutions.

And when we're talking about traffic -- you know, last year they starting talking about Sag Harbor being a drive-through Village. And I'm not sure I grasp that concept.

But we have these basic infrastructure issues that would be critical -- essential to a plan; a plan for something that is going to be in place for 20, or 30, or 50, or 100 years. I would hope that the Village would embrace the idea that right now we begin a transparent, you know, free-flowing

conversation about what we want the Village to do -- be like 100 years from now. And not talk about Christie Brinkley's property, or how the Bay Street office building happened, or whether or not, you now Lou Grignon's yacht yard is appropriate to the Waterfront District. We're talking about individual properties.

And the Office District, there's not a scintilla of evidence or a study that indicates that we need any Office District. It's just a feeling that we've had, or that some have had, that we want to make sure that we don't have banks on Main Street so we create an Office District.

And I am not happy, you know, about a lot of things in the code, but I would be very happy to see that the Village commits itself to a visionary plan -- for studying

a visionary plan, not something that's just a study about parking, or a study about the waterfront, but a visionary plan for the whole of Sag Harbor that will be something two generations from now, in 2100, that we're all going to be proud of.

And it's not going to cost us a lot of money if we simply open up our hearts and begin to talk to one another. But thank you for everything you've done.

MAYOR FERRARIS: Any other comments from the public? Yes.

MR. LONGMEYER: Just a question, Greg.

MAYOR FERRARIS: If you can state your name, please.

MR. LONGMEYER: Steven Longmeyer (phonetic). I just wanted to know how long the record will be kept open for public comments.

MAYOR FERRARIS: Well, we're going to adjourn the public hearing tonight. I know Tiffany has some housekeeping to do on some of the resolutions and so forth.

But it will be adjourned at this point not to a definitive date; correct?

TRUSTEE SCARLATO: Well, we're going to try to set a date.

TRUSTEE GILBRIDE: It's not going to be closed you mean; right?

MAYOR FERRARIS: It's not going to be closed.

MR. LONGMEYER: Okay.

MAYOR FERRARIS: But we're going to --

TRUSTEE SCARLATO: We have to pick a date sometime in March.

MAYOR FERRARIS: Okay. So we'll do that before we leave tonight.

MS. ROBERTS: Barbara Roberts. Excuse me, Greg, are you

going to make reference to the new County guidelines in the code?

MAYOR FERRARIS: Not intentionally, no.

TRUSTEE SCARLATO: I don't think we have to.

MR. TOHILL: How would they be referred?

MS. ROBERTS: Just because they would affect a lot of the properties within 500 feet of 114 or the harbor. And I was thinking it might be a good idea to just remind people that properties in that territory might be subject to review by the county or our guidelines, that they could check on the web site.

MR. TOHILL: It's not done in the code. It's done through the housekeeping process on every single application that would be within 239(M), or if it was 239(NN) of the General Municipal Law.

And so Doris, or Brenda, or the building inspector, or anyone in the Village Clerk's office, or any of the professional consultants know -- and actually all the Board members as well know that the matters do have to be referred.

And then everybody here is familiar with both the old guidelines as well as the new guidelines. Everybody here has read them and discussed them. And in fact, at length we've discussed them.

MAYOR FERRARIS: Yes, Robby.

MR. STEIN: Robert Stein, Village resident. First of all, thank you for addressing beds and breakfasts as an area.

I wanted to articulate better a question I had last time, which is -- I can only do it by example.

It has to do with keeping

the character of residential neighborhoods that are -- I don't know if there are historical restrictions, you know, but in most of the historic districts -- and we only need one historic district -- if there is a house, let's say, for some reason it burns down.

You know, right now, I think it's like a 28-foot setback. Some of those houses are right at the curb side. Does that -- if that house is rebuilt and is set back 28 feet, on certain streets it's going to look really bizarre including the parking that would go there.

I don't know what the proper wording is for that kind of situation. But I don't know if it could be considered somehow, you know, in the code. Do you know what I'm talking about?

TRUSTEE SCARLATO: I understand.

MR. STEIN: I'm not a lawyer.

MR. TOHILL: You asked that question with the same level of expert skill at the last meeting.

It's a very -- the problem is that the property owner, as-of-right, could elect to move back, except to the extent that the ARB by suasion could cause them to move forward and place it closer to the curb.

MR. STEIN: I didn't know how to ask it.

MR. TOHILL: It's a fascinating question. And I've actually -- in 40 years I've never heard of it before. I've actually never encountered it.

But you were very persuasive at the last meeting, and again tonight.

MR. STEIN: I don't know. I just wanted to bring it up again.

That's pretty much it. Okay, thank you.

MAYOR FERRARIS: Any other questions?

(There was no response.)

MAYOR FERRARIS: Tiffany, do you want to pick a date?

TRUSTEE SCARLATO: Let's pick a date and see how everybody feels about it. Some day in March, what is everybody's availability?

MAYOR FERRARIS: How long will it take you to redraft the provisions and include them to reprint?

MR. TOHILL: I'm all done with what I've got so far. So if you can --

TRUSTEE SCARLATO: I'll just have --

MR. TOHILL: If you give me more on Tuesday, they'll be done on Tuesday.

MAYOR FERRARIS: So if we

said three weeks from now --

MR. TOHILL: That's more than enough time. Sandra needs a ten-day period at least. Of course, you have the Express publication schedule.

(Discussion held off the record.)

TRUSTEE SCARLATO: Okay, March 19th at 5:00. I'm going to read a resolution to that effect.

"Whereas, the Board of Trustees has heretofore conducted a public hearing on January 29, 2009, pursuant to a Notice of Public Hearing for purposes of SEQRA, comprehensive plan, a local law to amend Chapter 55, Zoning, and adopt an amended zoning map;

"Whereas, the Board resolves that the aforesaid actions are Type I actions under 6 New York Code Rules and Regulations Section 617.4, and the Village Board of

Trustees is lead agency as the only involved agency; and

"Whereas, the Board has received and reviewed a Draft Generic Environmental Impact Statement, it being determined that a positive declaration under 6 NYCRR Section 617.7 is appropriate; and

"Whereas, incident to the foregoing, the Board has caused to be delivered by mail or by hand, the aforesaid Notice of Public Hearing for purposes of SEQRA, the comprehensive plan, a Local Law amending Chapter 55, zoning, and the zoning map amendment to the Sag Harbor Planning Board; Zoning Board of Appeals; Board of Historic Preservation and Architectural Review; Harbor Committee; and the Suffolk County Planning Commission;

"The Clerks of the Towns of East Hampton, Southampton, and

Shelter Island; the Clerk of the Village of North Haven; the Department of Environmental Conservation; the Secretary of State; the Office of Parks, Recreation and Historic Preservation; and the New York State Department of Transportation; and

"Whereas, the Board has heretofore on December 29, 2008, accepted the Draft Generic Environmental Impact Statement as complete; and

"Whereas, the proposed amendment of Chapter 55, Zoning, includes 18 separate articles relating to Findings and Purpose; Word Usage and Definitions; Districts; R20 One-Family Residence District; Resort/Motel District; Village Business District; Office District; Waterfront District;

"Supplemental Use and

Dimensional Regulations;
Nonconforming Uses; Buildings and
Structures; Special Exception Uses;
Board of Appeals; Board of Historic
Preservation and Architectural
Review; Planning Board; Protection
of Natural Features; Tidal Flood
Hazard Overlay District;
Administration and Enforcement;

"And General Provisions, as
well as Table of Uses; Table of
Dimensional Regulations, and
Appendices on Permitted and
Prohibited Lighting Fixtures; and

"Whereas, the full text of
said proposed Chapter 55 is
available for public inspection
during regular business hours at
the Village Clerk's Office; and

"Whereas, said proposed
Chapter 55, Zoning, modifies
various parts of the present text
of Chapter 55, and amends or adds
to the existing text of aforesaid

article of said Chapter 55; and

"Whereas, since the public hearing on January 29, 2009, the Board has further amended the aforesaid text so as to address the definition of tennis courts, the role of the Board of Historic Preservation and Architectural Review with respect to any enlargement of gross floor area in the Village Business District;

"The use of the space above the first floor of buildings in the Village Business District for offices; the requirements for notices to neighbors incident to any application for a bed and breakfast or a day care facility;

"The time within which to secure a Certificate of Occupancy upon a transfer of ownership; and the appropriate number of square feet for a transient guest unit in the Resort/Motel District; and

"Whereas, the Board hereby incorporates by reference the text of the Notice of Complete Draft Generic Environmental Impact Statement and Notice of Public Hearing for purposes of SEQRA, comprehensive plan amendment, and local law/zoning map adoption as published in the Sag Harbor Express on January 8, 2009; and

"Whereas, the Board has caused a supplemental notice to be sent on January 30, 2009, to each agency whether interested or involved, listed hereinabove advising of the continuation of the said January 29, 2009, public hearing on February 13, 2009, at 5:00 p.m.; and

"Whereas, the Board has further caused to be published a notice in the Sag Harbor Express stating that said public hearing of January 29, 2009, would be

continued on February 13, 2009; and

"Whereas, the Board has received public comment with respect to the DGEIS, comprehensive plan, and proposed Chapter 55, Zoning, and zoning map; and

"Whereas, the Board intends that the public, as well as any interested involved agency have a further opportunity to review the text of proposed Chapter 55, Zoning, as now on file in the Village Clerk's Office.

"Now, therefore, is resolved as follows:

"The Village Clerk is authorized and directed to forward a copy of this resolution to each of the above-listed agencies who has heretofore received the Notice of Public Hearing for purposes of SEQRA, comprehensive plan amendment, and local law/zoning map adoption;

"Two, the Village Clerk is authorized and directed to post on the Village bulletin board and publish in the Sag Harbor Express, a notice of public hearing consistent with this resolution, with said public hearing to be held on the 19th day of March, 2009, at 5:00 p.m. at Village Hall;

"Three, The Village Clerk is authorized and directed to send a written notice of the aforesaid public hearing the Clerks of the Towns of Southampton, East Hampton, and Shelter Island, and the Village of North Haven not later than ten days prior to the date of said public hearing;

"Four, on said date and at said time, the Board shall incorporate by reference all notices, documents, testimony, and submissions heretofore made part of the record of these proceedings;

and

"Five, this hearing is
adjourned and continued to 5:00
p.m. on March 19, 2009, at Village
Hall."

MAYOR FERRARIS: Is there a
second?

TRUSTEE GILBRIDE: Second.

MAYOR FERRARIS: It's been
moved and seconded. All in favor?

ALL: Aye.

MAYOR FERRARIS: Opposed?
None. So carried.

We'll see you all then.

(Time noted: 5:58 p.m.)

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CERTIFICATION

I, BARBARA D. SNYDER, a Notary Public
in and for the State of New York, do hereby
certify:

THAT the foregoing is a true and
accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of February, 2009.

BARBARA D. SNYDER

VILLAGE OF SAG HARBOR

COUNTY OF SUFFOLK: STATE OF NEW YORK

-----X

VILLAGE OF SAG HARBOR

BOARD OF TRUSTEES

PUBLIC HEARING REGARDING DRAFT

GENERIC ENVIRONMENTAL IMPACT STATEMENT

-----X

March 19, 2009

5:00 p.m.

55 Main Street

Sag Harbor, New York

A P P E A R A N C E S:

GREGORY N. FERRARIS, Mayor

BRIAN GILBRIDE, Trustee

TIFFANY SCARLATO, Trustee

EDWARD DEYERMOND, Trustee

ANTHONY B. TOHILL, Attorney

SANDRA SCHROEDER, Village Clerk

RICHARD WARREN, Consultant

Barbara D. Snyder
Court Reporter

MAYOR FERRARIS: Welcome all to the continuation of the public hearing of Chapter 55, zoning code review.

We've made the changes that have been recommended to us by a number of individuals over the last, I guess, six to eight weeks here. They've been incorporated in the new document as of this point in time.

There are a couple of minor changes that we've included, that have not been included in the draft that you all have. And they're just a number of uses that the Harbor Committee had recommended at their last meeting that they'll make in a formal recommendation next month, but we just figured we'd bring it up here tonight.

And that is having a fish market be a permitted use in the Waterfront District; a sail, loft

and canvas shop as a permitted in the Waterfront District; a ship/marine chandlery shop permitted in the Waterfront District; a marine surveyor permitted in the Waterfront District.

TRUSTEE SCARLATO: And the VB.

MAYOR FERRARIS: And the Village Business District, I should say. And a naval architect, a permitted use in the Waterfront District and the Village Business District.

So basically, those are just some recommendations that were made by the Harbor Committee that, in my opinion, are very good recommendations, and something that, when we first looked at the Waterfront District and tried to come up with either existing uses, or uses that are related to the

waterfront, that we originally didn't come up with.

So we thank the Harbor Committee for that. And they'll be incorporated in your formal recommendations next month when you hold your session on that.

So with that, I'll open it up to any comments from the Board on the updated draft. Any comments from the Board at this point?

(There was no response.)

MAYOR FERRARIS: Why don't we just open it up to the public, first row back, regarding the updated draft.

(There was no response.)

MAYOR FERRARIS: Second row?

(There was no response.)

MAYOR FERRARIS: No comments?

(There was no response.)

MAYOR FERRARIS: Tim, comments?

MR. CULVER: I'm worn down. But I do want to thank the Board for -- I mean, if you want me to stand up I will.

Tim Culver. I just wanted to thank the Board for taking the time in working with us. Obviously, it's a lot of work, and I think we've made a lot of progress. So thank you.

MAYOR FERRARIS: I think it was a collaborative effort, not just from us but from members of the public. Obviously, we don't always have the right answers, and we're all part of this. It's important to do it.

Yes, Jeff.

JEFF: Yeah, I'd just like to add to what Tim said. It's been a long process for all of us. We've had a lot of input from the Business Association. I think a lot of those things have been

incorporated, and I think -- I again would like to thank you also for that effort.

Do you plan on voting tonight?

MAYOR FERRARIS: No. We're going to keep this open until I believe April 16th. On April 1st the Harbor Committee has their meeting. So we're going to hold off until they make their formal recommendations.

We'll hear those comments there. If there are no changes, or no dramatic changes, we'll move at that point in time, if there's no additional public comment. But the public hearing will remain open until the 16th of April.

JEFF: Okay. Thank you.

MAYOR FERRARIS: Thanks, Jeff. Any additional comments?

(There was no response.)

MAYOR FERRARIS: Any

comments? Rich, do you want to make any comments on anything?

MR. WARREN: There's really not much to say. We did go before the Suffolk County Planning Commission. We had a good discussion with the Suffolk County Planning Commission for probably an hour, hour and a half or so.

And the Planning Commission felt that the work that the Village has been doing here is something -- they commended the Village for it, and felt that it should be used as a model for other small villages throughout the county in terms of what they're trying to do with downtown commercial areas.

And they voted in favor of what you've done. I think we've probably gotten a letter from them by now I believe.

TRUSTEE SCARLATO: Yeah.

MAYOR FERRARIS: We're still

waiting for comments from the Town of East Hampton and the Town of Southampton. Do we actually have to receive something from them?

MR. TOHILL: No.

MAYOR FERRARIS: Okay.

MR. TOHILL: You just ask for it.

MAYOR FERRARIS: Okay. Any other comments from the public?

(There was no response.)

MAYOR FERRARIS: If not, we'll adjourn the public hearing until April 16th.

TRUSTEE SCARLATO: Do we have a time?

MAYOR FERRARIS: Five o'clock.

TRUSTEE SCARLATO: So moved.

TRUSTEE DEYERMOND: Second.

MAYOR FERRARIS: It's been moved and seconded. All in favor?

ALL: Aye.

MAYOR FERRARIS: Opposed?

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None. So carried.

I'll entertain a motion to
go into executive session.

TRUSTEE GILBRIDE: So moved.

TRUSTEE SCARLATO: Second.

MAYOR FERRARIS: All in
favor?

ALL: Aye.

MAYOR FERRARIS: Opposed?
None. So carried.

(Time noted: 5:06 p.m.)

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CERTIFICATION

I, BARBARA D. SNYDER, a Notary Public
in and for the State of New York, do hereby
certify:

THAT the foregoing is a true and
accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto
set my hand this 19th day of March, 2009.

BARBARA D. SNYDER

VILLAGE OF SAG HARBOR

COUNTY OF SUFFOLK: STATE OF NEW YORK

-----X

VILLAGE OF SAG HARBOR

BOARD OF TRUSTEES

PUBLIC HEARING REGARDING

DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

-----X

April 16, 2009

5:00 p.m.

55 Main Street

Sag Harbor, New York

A P P E A R A N C E S:

GREG FERRARIS, Chair

TIFFANY SCARLATO, Member

BRIAN GILBRIDE, Member

EDWARD GREGORY, Member

EDWARD DEYERMOND, Member

ANTHONY TOHILL, Village Attorney

SANDRA SCHROEDER, Village Clerk

RICHARD WARREN, Consultant

*** Interested members of the public

Lori Anne Curtis

Court Reporter

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MAYOR FERRARIS: We're going to open up the continuation of the public hearing on the Chapter 55 Zoning Code Amendment.

Any comments from the Board before we open up to additional public comment?

BOARD MEMBERS: No.

MAYOR FERRARIS: Okay, we'll open up to additional public comment, starting with the first row. If you can just come up to the podium, state your name and then make your comment.

Stacy?

MS. PENNEBAKER: My name is Stacy Pennebaker, P-E-N-N-E-B-A-K-E-R. I moved to Sag Harbor in 1960, and still live in the same house on Madison Street.

I have two objectives tonight; first to thank the Board of Trustees for all the work in

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updating Sag Harbor's zoning code.

I read the minutes for the last two years; very impressive, a lot of work, and thank you very much.

My other objective in speaking tonight -- and I speak with a lot of village taxpayers, and I'm not alone in any sentiment -- to begin to talk about how to increase moderate priced rental housing in the Village of Sag Harbor by legalizing detached accessory buildings.

Having read the Board of Trustees' minutes -- thank you, Sandra -- I discovered that most of the Board and the public's attention is centered on commercial and office districts, and not the R-20 issues. One of the big issues for the R-20 area is the reasonably priced rental housing. The legalization of safe

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accessory buildings will add a new stock competition and encourage affordable rentals.

As it stands now, the new code encourages one-family residences to convert to two-family properties, but the accessory apartments -- that's the new code -- must be located in the principal dwelling. Many of these one-family dwellings were only renovated in the last couple of years. So, it depends on a new influx of two-family properties to ameliorate the moderate income market -- it's a bit of a stretch.

Realizing this, I strongly request again that the Board consider legalizing accessory buildings which can be found all over Sag Harbor Village. Bring them up to code and have them rented by local firemen, teachers, police and Sag Harbor children who

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grow up here and want to stay here.

I have a petition -- and can I get more time for the signatures?

MAYOR FERRARIS: Yes.

MS. PENNEBAKER: -- which I want to enter into the official record. At this point, I will only read two paragraphs which will give the Board an overview. Is that okay?

MAYOR FERRARIS: Yes.

MS. PENNEBAKER: "Mr. Mayor and Sag Harbor Village Trustees, we the undersigned taxpayers of Sag Harbor Village, are requesting a modification of the new Zoning Code with regard to the accessory apartments in the R-20 District, Section 55-11.6 of the proposed new code.

"The undersigned residents and homeowners of the Village of

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Sag Harbor believe that the Section 55-11.6 of the new zoning code as currently drafted falls short in its goal of increasing the stock of available housing in the Village.

"Furthermore, this section as written imposes unnecessary restrictions on local homeowners who could otherwise contribute to increasing the stock of available housing while alleviating their own financial burden.

"The new code, as we petitioners have proposed, should create enough new housing stock to help alleviate the current shortage while making accessory house -- while making accessory housing safe (i.e., up to code and more affordable) by increasing the overall pool of rentals, thus bringing prices down.

"The new zoning code should

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be aimed at making life for all Sag Harbor residents more pleasant and affordable with the above-suggested changes (Section 55-11.6) of the new code will be more effective and a fair way to address the various housing objectives of the community as a whole.

"If anyone wants to add their signatures to this list" -- my petition, "please contact me at the end of the meeting. Thank you for your consideration."

And I have something to submit. Should I give it to Sandra?

MAYOR FERRARIS: Yes.

(Ms. Pennebaker handing document.)

MAYOR FERRARIS: Next row? We'll just keep going back.

MS. SPROTT: Thank you. My name is Susan Sprott, and I'm a

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resident in Sag Harbor Village,
and I very strongly agree with the
points that Stacy has so kindly
put together. In my experience
living in Sag Harbor Village, I'm
well aware of the wonderful
diversity of this rich, wonderful
village. And I look at other
villages that I have known, and I
think about when I first met the
people who created Bay Street
Theater here, and I remember right
at the beginning, and ever since
then -- is there anybody here from
Bay Street Theater?

(Audience members raise
hands.)

MS. SPROTT: Good. Well,
please chime in or correct me, but
I do remember that their problem
in finding housing during their
season has always been the most
critical financial problem that
the theater has had to deal with

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in terms of the theater's survival, and it's one that's not unique to the theater in our village. And it made me think about Stratford in Canada, which is also a beautiful place to spend time in, and has a thriving theater with a wonderful reputation, and they have what we're hoping Sag Harbor can have, which is they have people living in lovely homes that are historic, that are much the size of houses up and down our streets. And many of those people are older and retired, and they offer rooms to the theater so that the theater has a list of rooms that incoming talent on and off the stage can rent, rather than add real estate rates. You know, rather than posh, high-end rentals.

So, as Stacy has explained, it serves a purpose not only for

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young people starting out in the home they grew up in -- meaning the town they grew up in -- when they are starting out in first jobs and where they can stay, it gives them an opportunity to stay here. It gives the people who create so much a part of what is vital and special about this village a place for people. It works both ways. It works for the people who live in houses and need help in order to continue to live in houses.

You know, our senior citizens are people who have grown families and all of a sudden have extra space in their houses, but also on their properties. You know, I can do a walking tour in this Village going up and down our street, little street, and point out, you know, where I know that there are these cute little

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cottages behind cute larger cottages, and they have always, on the QT, I think, many of these have been available and served the need. And I think that, you know, this creative idea of creating and having code protection to make sure that they don't violate any health conditions in houses is wonderful. We would just ask that you include in that -- please consider the cottages that are on these properties as well. It would be so much better that they be protected and available in a straightforward way rather than on the QT.

And in terms of numbers, the present proposed code suggests only fifty, you know, and some of us feel that perhaps the limitation would happen more by the inspections that would happen, that would just naturally, by the

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inspections, govern how few or how many you would have.

But I think it's something that we have always had a need for. I remember in 1984 when we first bought our wreck of a house, and a young plumber's assistant was working there, and he said a relative of his family had owned that house, and he said, "but I can't live here," and that was in 1984.

So, you know, this is something that already exists. You know, we don't have any more land, but we do have houses and we do have cottages behind houses in some cases, so we just ask you to give serious consideration to that.

Thank you.

MAYOR FERRARIS: Anybody else in the second row?

(No response.)

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MAYOR FERRARIS: Third row?

(Audience member raising
hand.)

MR. MCCROSSON: My name is
Jim McCrosson. I'm Commodore of
the Sag Harbor Yacht Club, and I'm
here on behalf of the members and
the Board of Directors.

I just want to read a short
statement -- I'll give you a copy
of it -- that outlines our
concerns about the new zoning code
(handing).

I'll just read this.

"Sag Harbor Yacht Club is a
Not-For-Profit organization under
501(c)(7) of the Internal Revenue
Service Code. It has been in
existence in its current location
for 110 years. In those years we,
and the waterfront community, have
been a major source of revenue and
pleasure to the Village. In
addition, the club has been a

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regular contributor to a variety of causes and organizations in Sag Harbor, including the fire department, police department, ambulance corps, American Legion, the school, LVIS, ARF, Cor Maria, Whalers Museum, as well as sponsoring scholarships to Pierson graduates. Additionally, one of Sag Harbor's summer highlights is the Yacht Club's annual 4th of July fireworks display.

"We are extremely concerned about the proposed changes to the Zoning Code of the Village of Sag Harbor, specifically in the Waterfront District, and the detrimental impact that it will have on the Sag Harbor Yacht Club, its property and the entire waterfront, if enacted in its present form.

"As you are aware, 'Club,' 'Yacht,' and 'Marina' are

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currently permitted uses under the existing code. In the proposed new code, both of these designations would be changed to special exception uses. As water-dependant uses under the Local Waterfront Revitalization Program (LWRP), both 'club,' 'yacht' and 'marina' zoning classifications should remain 'permitted' uses in the proposed new code.

"Furthermore, it is imperative that the Village's Economic Impact Study determine any and all possible adverse economic effects the proposed changes to the code may have on the business values and property values along the waterfront, prior to the completion of the GEIS. Specifically, there is an economic disadvantage to being a special exception use versus a permitted

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use.

"It is clearly stated in the LWRP that 'actions to be undertaken within the Sag Harbor coastal area shall be evaluated for consistency.' The change in the special exception use is not consistent with the LWRP mandate to protect existing water-dependant uses. In fact, the Village's own Harbor Committee could not find the proposed zone change consistent with LWRP after hearing all the facts.

"Sag Harbor and the Sag Harbor Yacht Club have a rich maritime history. Amending the code to require the Yacht Club to comply with special exception general standards for any improvements we may decide upon in the future is an unnecessary and unwarranted expense to our organization.

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"Change is an integral part of any vibrant organization. The change to special exception would guarantee that approval of future improvements would be subject to a more cumbersome and expensive process, subject to the personal, individual and subjective views of future boards. In just the last few years, new docks were added, buildings painted, landscaping beautified, fuel lines replaced, bulkheading renewed, et cetera. Other improvements that benefit both the club and the public are being planned, including the complete renovation and repaving of the Village's public parking lot adjacent to our facilities at the expense of our club.

"Accordingly, it is incumbent upon the Trustees to protect yacht clubs and marinas and to leave 'Club,' 'Yacht' and

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'Marina' as Permitted uses under the new code.

"One has to wonder if this proposed code existed in 1800, would Sag Harbor be known today for its whaling ships and wharf buildings along Long Wharf and the entire waterfront."

I do have a couple questions on the zoning maps, where it's in regard to us, and maybe -- I don't know if you can clarify it or just make comments, but we do -- this is along the waterfront right by the Yacht Club (indicating). The question being, the brown/rust line is an historic overhead which, as you can see, comes along Bay Street and then encompasses part of our docks and our building. Also, as you can see, our building is pink, which is part of the waterfront.

Now, it's my understanding

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that the Village's stops at the bulkhead, their influence stops at the bulkhead as far as the Historical Zone and as far as the waterfront. So -- and nowhere else on the waterfront, whether people know it's dock, has anybody been bumped out to include docks or anything like that. I think that should be changed, because also in our inner basin, we have a tidal flow, so that's where -- that also is completely bulkhead, but we have a tidal flow, and that should be in there and not the water flow.

So, I just want to make sure -- other than that, that's basically our concerns.

Now, the new line enforces the tidal flood overlay, and I can understand that. And in the inner basin, you see a -- I'll call it a "mustard" line go along there.

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What that is, I don't know. If you look up in the key, it's Office, as close as I can see, and I don't know why that's there, on the inner basin, and it also goes around our building, which I can't see anything in the code which is even close to that.

So that's basically our concerns, and as far as the map goes back to the building and dock as far as the Waterfront District, and anything seaward of the bulkhead shouldn't be included. So I hope the Board would address that and take a look at it.

MAYOR FERRARIS: Tony, can I ask you a question on the one subject regarding the docks, what jurisdiction do we have?

MR. TOHILL: Jim is correct. As a general rule when you have either an LWRP or an HMD, your jurisdiction has both, and

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that's the benefit of having that.
He's thinking of North Haven.
They don't have either. That's
the difference.

MS. SCARLATO: I think
clearly there's some clarification
that needs to be given as to what
is special exception use and the
treatment of existing uses under
the new code.

So Tony, if you can address
first, what is a "special
exception" use, because there's a
serious misinformation that seems
to be rippling out and talked
about, and I just want to get it
straightened out once and for all
so everybody knows what that is.

MR. TOHILL: A "special
exception" use is, by law, a
permitted use. That's a complete
sentence; meaning, I didn't mean
to say anything tricky, there's no
sleight of hand. I'm actually

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quoting the Appellate Division's Second Department on Monday of this week, in which they issued an important decision dealing with Special Exceptions in the Town of Brookhaven, and that was a sentence in that decision.

The second point is that if a use is a special exception, then by law in New York, that use is deemed consistent with the community plan. In other words, the legislatively-created community plan, in this case the Comprehensive Plan, and then Chapter 55 and the Zoning District matter. The classification of "special exception," means that that use is properly where it is as a special exception.

The third, and this is important, is that the difference between a typical permitted use and a special exception permitted

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use, is there are conditions to the special exception permitted use, but the conditions -- and this is the Appellate Division again, speaking on Monday of this week -- cannot give to any board, whether it's a Planning Board or another board -- this is the Appellate Division speaking -- the unfettered discretion to deny or grant the approvals.

In other words, once those conditions are satisfied -- and in this Village, the yacht yard or boat yard, the conditions are actually replicas of the old permitted use conditions -- once those conditions are satisfied, and each of those uses completely satisfy those conditions, the Board cannot deny the application. It must, by law, grant the application. So the only function of the classification of the use

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of special exception, is to note that the use is in a sensitive area, and that the use is subject to some restrictions, or some conditions, so that the community at large is not harmed by the inclusion of the use, but that the use absolutely belongs there; it's in the right place, and the Village is saying it's in the right place and that the Village wants that use there, and that's why it's called a "special exception" use.

So the problem here is that in the normal English language that all of us use every day, the word "exception" has a negative tone to it. "Exception," it's not the rule. None of us wants to be an exception. We want normal and typical.

MR. MCCROSSON: That's our point.

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MR. TOHILL: So in other communities, and statewide, it's also known as a "conditional" or just as "special use." So the term has different words to describe it, and unfortunately, it's always been known here in the Village as special exception use. So it's not as bad as you think. It's not bad at all.

MS. SCARLATO: Tony, how would the expansion of an existing special exception -- I know in East Hampton it's a Special Permit Use -- but how would the expansion of an existing special exception use be treated under the new code? So if someone wanted to expand the existing, do they have to meet the conditions as they are already stated in the code or are they considered pre-existing?

MR. TOHILL: They are considered pre-existing, and it

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would not be a challenging possibility at all.

One of the issues that came up and has been discussed over and over again, even before the last few weeks when we had the Harbor Committee Meetings when this issue first came up, is that there's no room left down on the water to add any more large complicated uses. So the concept of expansion would have to be on site and would have to be handled with some care by whoever is doing it, whether it's boat yard or yacht yard or whatever. There just isn't any more room down there, but it can be done.

MR. MCCROSSON: I understand. Just like you say, there's a perception of "special exception." And there are going to be more -- there's going to be more boards to go through, not so

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many boards -- I misspoke --

MR. TOHILL: Jim, actually, no, that's not true. The new code eliminates the excessive obligation where you would go to one board for special exception -- that was the Zoning Board here historically -- and then the Planning Board for site plan. That's all changed. Now you go to one board so all of the application process can be done simultaneously. And it's really -- brand new in this code is this concept of waiving all of those requirements so that in a 30-day period -- meaning, from the beginning of a month to end of a month -- you can get completely through the process here in the Village.

So it's not, at all, the old code. It's a huge improvement, but people have to be

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patient and read it. It's not
easy to read; it's an
inch-and-a-half thick, but...

MR. MCCROSSON: Well, I
still -- you know, we've been a
permitted use for 110 years, and
we'd like to stay a permitted use.
I think we'd prefer that, and I
think it's the way to go.
Obviously we differ on that,
but...

MR. TOHILL: But the law
says you are a permitted use.
This code says you're a permitted
use. It's just that it's called
by a different name.

MR. MCCROSSON: Well, then
let's call it "permitted use."
We're fine with that. Thank you.

MAYOR FERRARIS: Okay,
next?

MR. CAMERINO: Rob
Camerino, director of Sag Harbor
Yacht Club.

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Hello, Mr. Tohill.

MR. TOHILL: How are you?

MR. CAMERINO: Good. How
are you?

I just have one question:
Isn't there a mandatory public
hearing under the new code for
special exception uses?

MR. TOHILL: We're not
worried about that. We're worried
about the site plan; aren't you?

MR. CAMERINO: No, but you
mentioned that -- maybe I
misheard, but you mentioned it was
a 30-day process.

MR. TOHILL: Right.

MR. CAMERINO: So, within
the 30-day process, there's the
hearing and then also a public
hearing?

MR. TOHILL: Right.

MR. CAMERINO: It's all
within 30 days?

MR. TOHILL: You can do it

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as quickly as you wish.

MS. SCARLATO: But you are not going to be held to the standards of special exception use conditions for a special exception use; you are already pre-existing. So any expansion of your existing use is clearly going to require a site plan approval, as it would have always required a site plan approval. The process, for site plan approval, we've tried to streamline it as much as we can so people can get past it much faster.

So there is the opportunity in the site plan process for you waive that public hearing -- for you to be able to get that public hearing waived and whatever else there is.

If you were going to establish a new use on a vacant property that's a special

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exception use, you would have to meet all those conditions. You, as the Yacht Club, are not going to have to meet the special exception standards that are in the new code because you are already existing. And expansion of your use is going to require a site plan approval, not a special exception permit.

MR. CAMERINO: And it says that in the new code?

MS. SCARLATO: Yes.

MR. TOHILL: And that's where you want to be looking, because right now you don't have the advantages of this new code. You don't have waiver; you don't have the ability to get through the process quickly, you have different boards to go through. It's a huge streamlining process.

MR. CAMERINO: Well, getting through the process

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quickly does not ensure a favorable process. It just means a quick process.

MR. TOHILL: No, but what you are assuming is that you still have this "special exception" hill to climb. You don't. You are over that hill; you will always be over that hill.

MR. CAMERINO: What part of the new code is that?

MR. TOHILL: It's not. It's -- what Tiffany was trying to say to you is you do not have to ask for special exception approval, ever, you are there already.

MR. CAMERINO: Only if we wanted to do something new.

MR. TOHILL: No, no, no. You are there already. You don't have to ask for special exception approval.

MR. WARREN: Except if they

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bring in a new special exception use.

MR. TOHILL: Well, that would be different, but as the Yacht Club.

MR. WARREN: Right. As the existing Yacht Club, you get to remain.

MR. CAMERINO: But what if we go to improve it?

MR. WARREN: But if you change to a restaurant, that would be a whole other can of fish.

MR. CAMERINO: We have no land to do that.

MR. WARREN: No, I know, but that would be a whole other can of fish.

MS. SCARLATO: If you wanted to, say, expand your parking area or expand your buildings on your property --

MR. CAMERINO: We don't have any property.

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(Laughter.)

MS. SCARLATO: Right, but what we're saying is if you wanted to put a parking plan in or do any of those things, you will have to get a site plan approval as you would have under the old code and as you would in any municipality in New York State. You will not have to meet the conditions of a special exception permit, nor will you have to apply for and obtain a special exception permit. You will merely have to obtain site plan approval, under which you can apply for a waiver or any of the other things available under that part.

MR. TOHILL: Which is all new.

MR. CAMERINO: Thank you very much.

One other question: What if we were going to put a second

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story on?

MS. SCARLATO: Site plan approval.

MR. TOHILL: It's site plan approval and then it's possible you get a waiver. Jimmy Smithe (phonetic spelling) did some improvements on a second story. Waiver -- not waiver, but he went through very quickly.

MAYOR FERRARIS: Is that it, Rob?

Anybody else in that row?

(Audience member raises hand.)

MAYOR FERRARIS: Yes, Lou?

MR. GRINGNON: Good evening. My name is Lou Gringnon, I'm the owner of Sag Harbor Yacht Yard. In this discussion of changing over use designations to "P" or "SE," you know, back and forth we've heard "it's just as good," "you don't need to do

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anything," so my question to you is: Why are we being changed to SE? What is your goal in accomplishing changing existing uses to SE from P?

MR. WARREN: That's a fairly easy question. I mean, the Village knows what exists there, but you have some parcels that do have potential for re-use. If someone wants to come in and establish a new use, it would go through special exception. Your waterfront is special property here in the Village, and you want to take special care with it in terms of looking at new uses.

MR. GRINGNON: But what does making us, the existing, pre-existing, into SE do for you?

MR. WARREN: It makes it your permitted use.

MR. GRINGNON: For you, why are you changing it?

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MR. WARREN: We are not changing you. You are permitted even though the classification -- since you're an existing use, you are permitted even though the classification says a marina or a boatyard is a special exception. What it really does is it traps the new construction of new facilities to go through a more detailed review because you have such limited waterfront and you want to be careful with what you are doing on the waterfront.

MR. GRINGNON: Well, that's kind of my point. In the opening parts of the document, it says you did a report on the waterfront, the existing businesses, the square footage of their facilities and such not.

In this report, did you come up with any lots greater than 40,000 square feet that could be

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used for a boatyard -- a new
boatyard or marina?

MR. WARREN: Off the top of
my head, I really couldn't tell
you.

MR. GRINGNON: Well, I'll
tell you, there aren't any. The
properties that have been raised
in conversations with the Harbor
Committee about what was possibly
what they'd be looking at, be it
Christie Brinkley's house, Ferry
Road, their properties all fall --
the portion of the property that
is in the Waterfront District
falls well below the
40,000-square-foot as demanded in
the site -- in the regulations of
the existing zoning code and are
recopied into the proposed zoning
code.

So if the idea of making us
SE so that you can then use that
as a review process for further

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new marinas or boatyards, kind of falls short. There just are no other properties with the square footage to meet that criteria.

So again I've got to ask: What's the value to the Village of changing existing marinas and boatyards -- well, marinas, say having a permitted designation right now -- of changing legally permitted uses now to SE, when there really are physically no other areas in the harbor to build those businesses?

Now, I'm not talking about accessory uses, you know, where if we wanted to put in the restaurant. I can understand the restaurant being an SE use. You want to review it closely before it goes in. I can understand even the office uses that you put in -- marine architect, sales office -- those should be SE instead of

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permitted because those are not truly water dependant. In the LWRP and the New York State Coastal Management Plan, they call for the Waterfront District to be reserved specifically and utmost for the water-dependant businesses. Now, here we have a plan sanctioned by that policy, adopted by New York State, and yet the most water-dependant businesses in the harbor have been relegated to an SE designation.

Now, I know it doesn't change anything for as long as we conduct our business, but the fact remains, we all grow old, we all will retire and we all will sell our businesses one way or the other. And in the end result, a piece of property with a "P" on it can be presented to someone, and they understand that. They know what they get. They know the

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process they are going through.

But when you change that designation to "special exception," right or wrong, it sends a connotation to people that it's different, that there's something special that you must take into consideration.

Now, again, right or wrong, the idea of adding further special exception uses to a business that is already a special exception use, although legally should not be a problem, not everyone is a lawyer, not everyone is a jurist. It's very important that we try to maintain the waterfront for the water-dependant businesses. We're not talking about putting in condos, we're not talking about putting in art galleries, but the businesses -- boat dealerships, excursion boats -- these should be allowed on the waterfront without

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too much ado.

So to start with, there really is no need to change the existing businesses from "P." You have the tools. You have the laws and regulations already on the books to supervise any further development and to inspect it to its hilt. There are numerous requirements for public meetings, be it -- every meeting that the Harbor Committee has has public input for consistency and non-consistency. Work on the water will require a special wetlands permit, which requires a public meeting and you have to notify your neighbors. Then you get to the Planning Board. The Planning Board will go over site review, will give you the best business acumen for setting this up.

But then there are the

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little incidentals in the plan that need to be addressed.

Although asking for a variance isn't a bad thing, it doesn't necessarily mean you are going to get it. Now, in the new plan you have all new uses must provide onsite parking in the Waterfront District. Again, not a bad idea. There's plenty of parking problems in the Village as it is; we don't need to create any more.

However, when you go to certain waterfront businesses that, say, want to increase a use -- say, myself. I do have the room in upland to provide the parking. However, this new regulation also calls for all onsite parking in the Waterfront District to be permitted, which means that in the traditional use of other marinas and boatyards, which I've worked at a dozen

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throughout my life, if they do have accessory uses -- be it a restaurant or boat brokerage or something else -- they will use the parking spaces on the property during the summer for that business. But during the winter, they will park boats on it, and that is how the Village would encourage a boatyard to stay in business, would encourage a marina to stay in business. But by enacting a law that says they must be permitted and cannot be obstructed, that goes against the LWRP, in enacting a law that would be adverse to the further development of waterfront businesses in the Waterfront Zone.

MAYOR FERRARIS: If I could just -- didn't we make that amendment to allow the parking on that to be not permitted, allowing a yacht yard in that case --

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MS. SCARLATO: We didn't make any changes with respect to the code. That is normally the site plan process, so when you are in front of the Planning Board --

MR. GRINGNON: But --

MS. SCARLATO: Let me finish.

-- you would describe to them what you would want to do on the site. For example, you want to have a seasonal restaurant and during the winter you want to be able to store boats there, you would establish all of that during the site plan process with the Planning Board, and that would become a condition of your site plan approval.

MR. GRINGNON: But that's something that the Planning Board can do without that law.

MS. SCARLATO: Exactly.

MR. GRINGNON: So why do we

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have that law specifically for the Waterfront District, where in a Waterfront District --

MS. SCARLATO: It applies to every district.

MR. GRINGNON: No, it doesn't say it applies to anywhere else. It says for the Waterfront District, that all onsite parking cannot be temporary, it must be un-obstructive.

MS. SCARLATO: Where is that?

MR. TOHILL: I think you are saying some things that are not in the code. I have the section. Do you want to read it aloud? Because it doesn't say anything you are saying.

MS. SCARLATO: Right, that's not in there.

MR. TOHILL: Here, you can start from the top of the page (handing).

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MR. GRINGNON: (Perusing document.)

Okay, no, you have to go to the other part of the book concerning parking regulations before you see that.

MS. SCARLATO: If you are looking at the off-street parking schedule, that applies to every district, so...

And that, again, the Planning Board is able to vary those provisions with respect to the parking and how it's used on a seasonal basis. And as I said, that would be part of your site plan process.

MR. GRINGNON: Well, you can also write into that "except businesses in the Waterfront District," if you wish to encourage waterfront business.

See, again, parking, as you know, is an issue. To maintain a

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boatyard, you need boat storage.
To maintain the flavor of a
harbor, you need to maintain boat
storage.

MS. SCARLATO: Right.

MR. GRINGNON: So if we all
know that ahead of time, you can
say "except boatyards."

MR. TOHILL: You are aware
no change was made to the existing
Chapter 55 parking requirements;
right?

MR. GRINGNON: The part
that was changed is the part that
says "any new use in the
Waterfront District must contain
onsite parking." That is new to
the new zone.

MR. TOHILL: Right, but it
doesn't say permitted parking.

MR. GRINGNON: No, part is
accessed permitted parking.

MR. TOHILL: I'm trying to
get you to say to everybody that

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there is no change. You are objecting to something that's been in the code probably for twenty years.

MR. GRINGNON: Well, you people reviewed it. When you go back and forth, change is supposed to be made for the better no matter which way they go, and this would be considering changing it for the better. Instead of having a boatyard ask for that further variance, have it understood that boatyards can't do that.

MS. SCARLATO: I think that what you are missing, is that we didn't see a problem with that section because it's normally dealt with in the site plan process --

MR. GRINGNON: Normally is fine, but --

MS. SCARLATO: The applicant and the Planning Board

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both work together to deal with that specific issue of, you know, "I only have a seasonal use here, can I use the parking spaces for something else during the off season." So that's not anything that we addressed because there was never a problem with it in the Village in the first place.

MR. GRINGNON: Which other businesses in town would have that issue?

MS. SCARLATO: It's not a problem. It's not an issue.

MR. GRINGNON: Which other businesses would have that issue?

MS. SCARLATO: You haven't come in with an application like that yet --

MR. GRINGNON: Okay.

MS. SCARLATO: -- so it's not an issue that was brought to our attention as an issue because it has never been an issue in the

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past.

MR. GRINGNON: Well, I've raised it now.

MS. SCARLATO: If it becomes an issue, we can deal with it at that point, but I don't think that it is.

MR. GRINGNON: I think it is a problem, and I think you can deal with it at this moment by changing that in the code.

Also, as you change Waterfront District to include the Marina District, you are taking waterfront businesses, which have a certain use and a certain oversight, and you're including them in the residential neighborhoods. So, what I would suggest is since the harbor front, from Long Wharf east, has been used heavily for all of history of Sag Harbor, and in a different way than underneath the bridge,

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although those are more sedate
marinas, I would like to see the
two districts maintained
separately so that you can
regulate business in the
neighborhoods to your heart's
content, but the Waterfront
District should be held liable --
to be held just for
water-dependant businesses.

Also, one other thing I'd
like to ask for is accessory in
accessory apartments, and that's
only because I think it's good for
security and to maintain the key
employees. That's out of left
field. I know marinas in the
Marina District now have them
legal. When you switch that to
Waterfront, then they are not
going to be permitted. But I
would like you to just take
another look at that. You are
only talking about one or two or

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three possible apartments at all, and I would find it good to have someone on the property 24 hours a day.

Thank you.

MR. WARREN: Could I just -- since we're going to have to respond to these as we're going forward, can I ask that Mr. Gringnon provide us citations to these sections? Because, I'm looking through the code, and I don't find most of these things he's talking about.

There is no 40,000-square-foot minimum for a marina. There's a 40,000-square-foot lot area requirement for the Waterfront District for a new lot, but that doesn't mean that if you don't have 40,000 square feet you can't establish a use on it. It's just -- that's just for creating a

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new lot.

So, if you have a half-acre lot, you could put a marina on what fits on a half-acre lot, and that's the reason we thought we should make sure that we have these in our specific control. So, if we're going to address these, it would be nice to have the citations.

MR. GRINGNON: Right, and I have that paper and I handed it once to the Harbor Committee and I'll give it to you.

MR. WARREN: Thanks.

MR. GRINGNON: But what I'm getting at is if you look at the map, where the zoning goes through Mr. Malloy's property, it goes very close to the bulkhead, 10, 15 feet off the bulkhead. The rest of the property is the Village Business District. You are not putting a marina or

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boatyard in the Village Business District.

If you follow that around to number One Ferry Road, again, the Waterfront District goes right along the coast. It leaves very little room for anything. The rest of Ferry Road is in Village District or Office District or whatever, but it's not in the Waterfront District.

If you keep on going to the west, you are going to come up to Ms. Brinkley's property. It's a postage stamp. You can barely put a travel business in there, let alone a business. That would be one of your pre-existing nonconforming houses in the Waterfront District.

Beyond that, you have the same problem. Cove West has very little upland property to put anything in. You go around, the

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Village has no real upland property to put in anything. You go over to Cove East, they have a little bit of property in the back, but it's just unacceptable for a boatyard business.

So in reality, I'm saying it's just not going to happen. So that's why I question the need to change our use from "P" when you have the tools in hand already to review any future marina or boatyard use. Boatyard is SE already; I know we're not going backwards. But the marina is permitted use, and I strongly urge you to keep it as permitted use. Thank you.

MAYOR FERRARIS: Fourth row?

(No response.)

MAYOR FERRARIS: Fifth row?

(Audience member raises hand.)

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MAYOR FERRARIS: Yes.

MS. GROSJEAN: Mia

Grosjean, president of Save Sag Harbor.

On behalf of Save Sag Harbor and our 1,700 signatures, we thank the Village Board for doing all the work you have been doing over the last two years. We've been following every move and letting our membership also know exactly what's been going on, and we ask that this code be passed as soon as possible, and we thank you.

MAYOR FERRARIS: Further back?

(Audience member raises hand.)

MAYOR FERRARIS: Yes, ma'am?

MS. RAINFORD: Loraina Rainford (phonetic spelling), president of Azurest Property

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Owners' Association and owner of two properties in Sag Harbor.

I have a map that points out the area that I'm referring to. Who should I give it to?

MAYOR FERRARIS: Sandra.

MS. RAINFORD: (Handing.)

The issue is around what apparently, for lack of a better word, seems to be a land grab by the Sag Harbor Fire Department of our parking lot.

Just a little history, Azurest Woods is a completely privately-owned subdivision. All of the roads were private dirt roads up until the early '70s. When we paved the roads, we put up a fence, and our insurance -- at the request of our insurance company to secure our parking lot, and we've been paving that lot and maintaining it, securing suburban sanitation, insuring it, policing

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it, ever since. In fact, I have a letter that was written back in 1998 where then it was -- the First Assistant Chief was Ed Downes, and he was requesting that we widen the gate because when the fire department came through to do drills at the hydrant there, they found it difficult to maneuver, so they asked us to widen the gate.

And they also asked --

MAYOR FERRARIS: If I could just interrupt, is this pertaining to the code?

MS. RAINFORD: Yes.

Because I think the map is defining that that is public space, and it's not public space.

MAYOR FERRARIS: This code has nothing to do with the R-20 District. It's not affecting that.

MS. RAINFORD: Well, it is when --

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MS. SCARLATO: The zoning map doesn't make any assumptions with respect to ownership of any property. So to the extent that something is indicated to be a roadway or indicated as owned, we don't make any assumptions with respect to ownership on the zoning map. So to the extent that this has to deal with who owns the end of that roadway, the zoning map doesn't --

MAYOR FERRARIS: Maybe you can just stay until after the public hearing, and we can sit down with you and go over that.

MS. RAINFORD: Okay, that's fine. Never mind, then (laughing).

MAYOR FERRARIS: Any other public comments?

(No response.)

MAYOR FERRARIS: No other comments?

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Any other comments from the Board at this point?

MS. SCARLATO: I just have one comment.

I think what we've done here is really done our best to sort of take a look into the future of the village, and a lot of what we've done is based on the potential for redevelopment of the village.

I mean, we have -- you know, there is a significant amount of redevelopment of properties in the village that could possibly be done. So to the extent that properties that were -- or properties that contain uses that were previously permitted have been changed to the special exception use, I think from our perspective, we were sort of looking into the future for potential redevelopment of a

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property to change its use to be raised and to be constructed into a different use. And many of the conditions with respect to special exception uses are based upon what currently exist and what currently exists in uses within the village.

So I just want everyone to understand that what we've done is try to look forward into the future with respect to redevelopment of properties, and we're not aiming any of our direction at the existing uses. And as a matter of fact, the conditions are based on what the existing uses have and the capacity and the size of those uses. So I just want to make sure everyone understands why we've done some of the things that we've done.

MAYOR FERRARIS: All right, if there's no other comment from

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the Board, I'll entertain a motion to close the public hearing.

MS. SCARLATO: So moved.

MR. GILBRIDE: Second.

MAYOR FERRARIS: There's a second.

All in favor?

(Whereupon, all respond in the affirmative.)

MAYOR FERRARIS: Opposed?

(No response.)

MAYOR FERRARIS: So carried.

I'll make a motion to receive the Final GEIS May 15, 2009. That gives us a month, approximately, to make the changes that we need to on the GEIS, or for Inter-Science to make those changes, and to provide that information, I guess, Richard, on a timely basis beforehand so we have a chance to review the document and make any comment. I

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guess, 5:00 on that date,

May 15th?

MS. SCARLATO: So moved.

MR. GILBRIDE: Second.

MAYOR FERRARIS: All in
favor?

(Whereupon, all respond in
the affirmative.)

MAYOR FERRARIS: Opposed?

(No response.)

MAYOR FERRARIS: So
carried.

Is there any other
administrative...

(No response.)

MAYOR FERRARIS: Okay, we
are closed.

(Time noted: 5:48 p.m.)

* * *

CERTIFICATION

I, LORI ANNE CURTIS, a Notary Public
in and for the State of New York, do hereby
certify:

THAT the foregoing is a true and
accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto
set my hand this 22nd day of April, 2009.

LORI ANNE CURTIS