

NEIGHBOR VS. NEIGHBOR

A Challenge to Gruen Building

Arguments threaten to tie up new building application for many months to come

BY BETH YOUNG

SAG HARBOR'S PLANNING Board will likely be hearing an application to build a large two-and-a-half story brick building on Main Street for quite some time.

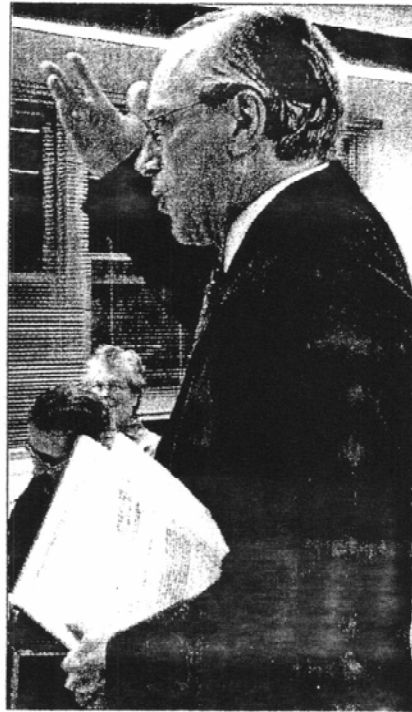
The board met Tuesday night to hear further testimony on Jon Gruen's proposed construction at 127 Main Street, which has been reduced from 6,800 square feet to 6,066 square feet by removing eight feet from the rear of the building to accommodate larger parking stalls.

Neighbors, however, are unimpressed with the scale-back. Attorney Jeff Bragman is representing the co-owners of an ornate 1840s Victorian house adjacent to 127 Main Street, and he presented extensive testimony Tuesday on everything from historic preservation to engineering and environmental review.

His arguments now are hinging on the State Environmental Quality Review Act, or SEQRA, which requires that the village attorney determine whether the project requires an extensive environmental review.

That SEQRA determination, said Gruen's attorney Dennis Downes on Tuesday, should be made at the earliest possible time in the application process, but Village Attorney Lisa Kombrink did not receive Bragman's 14 pages of comments on the determination until just before the meeting, and will not be making a determination until the October meeting.

Under SEQRA, the proposed construction could be listed as either a Type 1 Action, requiring the most stringent environmental review, an unlisted



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action, which under certain circumstances could require an environmental review, or a Type 2 action, which would not require review.

The determination of what type of action will be necessary will likely make an enormous difference in the length of time this project will be scrutinized by village boards.

Among the permits that could be required if the project is determined to be a Type 1 action are an Environmental Assessment Form, a Coastal Assess-

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ment Form, and, Bragman believes, review by the Suffolk County Health Department.

The application must also be presented before the village's Board of Historic Preservation and Architectural Review and possibly the Harbor Committee.

Dennis Downes believes the health department review would be unnecessary, due to the building's location in the village's sewer district.

Bragman maintains that the project is an unlisted action which occurs in a historic district, which according to SEQRA regulations would make the project a Type 1 action by default.

"If it might harm the Hedges' building," he said of the building next door, "there's only one thing this board must do. Ask them to prepare an Environmental Impact Statement. You can make the applicant give you all the alternatives...It's a higher standard of proof for the applicant to prove it will not cause harm."

Bragman also argued that, by presenting the commercial and residential aspects of the project separately, Downes has engaged in 'segmentation,' a process not allowed in making a SEQRA determination.

"The applicant was trying to dissect the application to slip by without environmental review," said Bragman.

Downes argued that SEQRA law did not state that actions can't be added together. He maintained that the project would be considered a Type 1 action if he planned to dissect the project into three parts. He is only dividing it into two.

As far as the historic nature of the Hedges house, Downes argued that, though the house was old, it was not specifically named on a register of historic homes, despite being in a historic district.

Residents opposed to the project have turned out in force since the application was first proposed, and they were vocal again after a forum last Sunday by CONPOSH at which Gruen argued that if the Hedges property were ever sold, it would be for commercial purposes.

"I think he stuck his finger in his own eye with that statement," said Pamela Rossbach at Tuesday's meeting. "If you let him do this, it will set a precedent."

The Planning Board asked Gruen to prepare detailed three-dimensional models of both his building and the neighboring buildings, an expensive proposition that made Gruen bristle.

"It's not a 30 story building in the middle of Manhattan," he said, arguing that the building's footprint would only be 300 square feet bigger than the building at 125 Main Street.

"It's big in everyone's hearts," countered Planning Board Chairman Jerome Toy, who admonished Gruen to take the concerns of the community into account. He cited 25 to 30 letters that he has received from community members in opposition to the project.

"I don't think there really is anyone for this project. They haven't come forth," he said.

"We'll continue to have this meeting every month...forever," he added wearily.

JLX Bistro at 16 Main Street also appeared before the Planning Board Tuesday, requesting permission to place three tables and eight chairs on an outdoor patio that had historically been used for outdoor dining. The restaurant's owner, Ed "Jean-Luc" Kleefield, plans to remove seating inside to accommodate the outdoor dining in order to maintain his current certificate of occupancy. The board held over the application.