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VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD  
REGULAR SESSION

-----x

Third Street Firehouse  
Greenport, New York

December 6, 2018  
4:00 p.m.

B E F O R E:  
MARY GIVEN - CHAIRWOMAN  
BRADLEY BURNS - MEMBER  
NOAH THOMAS - MEMBER  
WALTER FOOTE - MEMBER  
JOHN COTUNGO - MEMBER (absent)  
ROBERT CONNOLLY - VILLAGE ATTORNEY  
PAUL PALLAS - VILLAGE ADMINISTRATOR

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2 CHAIRWOMAN GIVEN: We're going to  
3 commence the December 6, 2018 Village of  
4 Greenport Planning Board Regular Session at  
5 4:00 p.m. Item number 1 on the agenda is 104  
6 Third Street.

7 Discussion and possible motion for the  
8 site plan review of Port 104 Incorporated.  
9 Represented by Keith Bavaro, owner.

10 Application is for the approval of a  
11 permanent tent structure for the property  
12 located at 104 Third Street.

13 The property is located in the  
14 Waterfront Commercial District.

15 Designated Suffolk County Tax Map  
16 number 1001-5-4.3.

17 Hi, Keith.

18 MR. BAVARO: Keith Bavaro, 104 Third  
19 Street, Greenport, New York.

20 We're here to, I think, do a motion for  
21 the canopy.

22 Did anybody have any questions?

23 CHAIRWOMAN GIVEN: Are you still under  
24 the six-month time frame of having it?

25 MR. BAVARO: We can be, yes.

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1 CHAIRWOMAN GIVEN: Okay.

2 MR. BAVARO: Absolutely.

3 CHAIRWOMAN GIVEN: And the heaters you  
4 had discussed, that's something you're  
5 dealing with the Building Department with?  
6

7 MR. BAVARO: That's right. I'm  
8 submitting everything to them for approval.

9 CHAIRWOMAN GIVEN: Okay.

10 Do I have a motion to approve the site  
11 plan of Port 104 for the permanent tent?

12 And with the dates of April 15th to  
13 October 15th?

14 MR. BAVARO: That's correct.

15 CHAIRWOMAN GIVEN: Okay.

16 Do I have a motion?

17 MR. BURNS: Motion.

18 CHAIRWOMAN GIVEN: Do I have a second?

19 MR. THOMAS: Second.

20 CHAIRWOMAN GIVEN: All those in favor?

21 MR. FOOTE: Aye.

22 MR. BURNS: Aye.

23 MR. THOMAS: Aye.

24 CHAIRWOMAN GIVEN: Motion carried.

25 MR. BAVARO: Thank you.

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CHAIRWOMAN GIVEN: Item number 2, 22  
Manor Place.

A public hearing for the Landmark  
Group.

Applicant is proposing to amend the  
previously approved site plan.

The property is located in the  
One-Family Residential District, designated  
R-1. It's not located in the Historic  
District.

Suffolk County Tax Map 1001-2-2-41.1.

Good evening.

MR. FARRELL: Good evening, Madam  
Chairwoman, Members of the Board. For the  
applicant 222 Manor Place, LLC, John Farrell  
with the firm Sahn, Ward Coschignano. We  
have offices at 1300 Veterans Memorial  
Highway, Hauppauge, New York.

We're here tonight seeking a  
modification of a previously approved site  
plan. There are three items that we're  
seeking to modify. Two of the items though  
were specifically requested by the Village.

The relocation of the air conditioning

Flynn Stenography & Transcription Service  
(631) 727-1107

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1 units, the outside air conditioning  
2 circulation units. We relocated them in  
3 accordance with this Board's previous  
4 approval; so we've located them in the spot  
5 where we were directed to when the Board  
6 previously approved this application. So  
7 that's, I mean, I think that one is pretty  
8 much academic.  
9

10 The other item was the fence. We are  
11 seeking to reduce that fence height on  
12 the -- I forget which side of the  
13 property -- adjoining the neighbor.

14 CHAIRWOMAN GIVEN: West.

15 MR. FARRELL: The west side of the  
16 property to four feet in height so it  
17 doesn't obstruct the window from the  
18 neighbor's house. We think that's a  
19 reasonable modification at the request of  
20 the Village.

21 The last item that we're seeking is the  
22 removal of a tree also along the west  
23 property line near the front of the  
24 property. We have submitted at the Work  
25 Session for the Planning Board back on

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1  
2 October 25th, we had submitted several  
3 letters from some tree service companies  
4 that we have had inspect this tree. It is  
5 their opinion that this tree is not in good  
6 health, and it's not a matter of if that  
7 tree will come down on its own, it's when it  
8 will come down on its own.

9 My client is concerned that if that  
10 tree does come down, it not so much -- he's  
11 not so much concerned that it's gonna hit  
12 his building, he's concerned that it may  
13 possibly hit the neighbor's house. And, you  
14 know, being that it's on our property, he  
15 feels it's in the best interest of the  
16 neighbors, as well as himself, to have that  
17 tree removed.

18 Those are really the only items that  
19 we're here for tonight. You know, like I  
20 said, everything else was previously  
21 approved. He's built the building in  
22 accordance with the grant and he has partial  
23 occupancy of the building, and it seems that  
24 the tenants are very happy with it.

25 If the Board has any questions, we're

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1  
2 happy to answer them.

3 CHAIRWOMAN GIVEN: Okay. Ben.

4 MR. BURNS: How about the lighting?

5 CHAIRWOMAN GIVEN: That's not really --  
6 I do not believe that to be an item that --  
7 I believe that's code enforcement.

8 MR. PALLAS: That's correct.

9 We are working with the owners on that.

10 CHAIRWOMAN GIVEN: Right.

11 MR. BURNS: Okay.

12 CHAIRWOMAN GIVEN: That's not ours.

13 Other than that, any questions?

14 MR. BURNS: Nope.

15 MR. FOOTE: I have a question on the  
16 fence.

17 You have agreed to reduce the height of  
18 it; is that correct?

19 MR. FARRELL: Yes.

20 So the previous approval had a six-foot  
21 fence, basically from the rear of the  
22 property all the way to the front along that  
23 west side. The six-foot fence will  
24 partially block a window for the neighbors  
25 on that side. If we reduce the height of

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1  
2 that fence, it's -- the fence isn't fully  
3 installed, it's partially installed, but if  
4 we reduce it to four feet, that should bring  
5 it below that window line.

6 MR. FOOTE: And the abutting neighbor  
7 whose window is being blocked by the  
8 six-foot fence has written that their  
9 preference is that the fence be moved back,  
10 not just reduced four feet, but from what I  
11 understand, they want the fence moved back  
12 to the corner of their house. They don't  
13 want a fence at all in between.

14 Does your client have an objection to  
15 that?

16 MR. FARRELL: Let me ask him.

17 (Attorney speaks with his client  
18 privately.)

19 MR. FARRELL: My client's preference is  
20 to retain some kind of separation between  
21 the properties. As it stands right now, I  
22 believe part of the existing for the  
23 dwelling, for that dwelling actually  
24 encroaches onto my client's property. I  
25 think it sticks a few inches over my



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1 client's property. So he would prefer a  
2 separation. If they would like us to reduce  
3 the fence height further, we could reduce  
4 the fence height, but I think removing it  
5 altogether is not something they're willing  
6 to do at this point.  
7

8 CHAIRWOMAN GIVEN: I'm not clear on the  
9 overhang.

10 MR. THOMAS: (Indicating.)

11 CHAIRWOMAN GIVEN: Yeah, but that's  
12 above the fence, that has nothing to do with  
13 the fence.

14 MR. THOMAS: You're saying that this  
15 is --

16 CHAIRWOMAN GIVEN: So I'm not --

17 MR. FARRELL: They have eave --

18 CHAIRWOMAN GIVEN: That's correct, I  
19 see that. That's really not in reference to  
20 this fence at all.

21 MR. FARRELL: No, but the eave does  
22 hang over their property line, so they want  
23 to maintain separation. They don't want any  
24 further encroachment into their, into my  
25 client's property. That's the concern.

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2 MR. FOOTE: The neighboring tenant,  
3 according to their letter to the Board, is  
4 of the opinion that the fence itself, and I  
5 don't think this has anything to do with the  
6 height of the fence, but the existence of  
7 the fence has probably caused drainage  
8 issues for them, where it's creating water  
9 damage into their basement and their  
10 foundation.

11 MR. FARRELL: I understand that. I  
12 mean, I was out at the site. We took some  
13 pictures. I think their own leader and  
14 gutter system leaves a lot to be desired.  
15 Their leaders and gutters basically pitch  
16 towards their basement window which I don't  
17 think is in their best interest. In  
18 addition, they have two levels of roof, so  
19 on the upper level of the roof, they have a  
20 gutter and then have a leader that comes  
21 down to the lower level of the roof and that  
22 is not in any way connected to the gutter on  
23 the lower roof. So what you're getting is a  
24 steep incline there where the water is  
25 pouring down. It's into that leader and

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1  
2 then I think it's splashing off to roof and  
3 it may be hitting the fence and going on,  
4 but I think if they ran a pipe from the end  
5 of that leader into the gutter on the lower  
6 level, I think that would probably solve  
7 their problem and divert their other leaders  
8 away from their basement window. I think  
9 that would solve the problem.

10 We do have a few pictures of the  
11 condition if you would like to see them.

12 (Handing.)

13 So there are two leaders in that area.  
14 The picture on the top shows the first one,  
15 you know, that kind of goes right out into  
16 the ground very close to that basement  
17 window. That should probably be pitched,  
18 you know, further away from that basement  
19 window, maybe towards the front of the  
20 dwelling. And the second picture, you can  
21 see the second leader, they have run an  
22 extension hose which comes right out in  
23 front of the window. I think all that's  
24 doing is catching the water and pushing  
25 right towards that window, you know.

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2 Then if you look also in that second  
3 picture, you can see the leader that I was  
4 talking about from the upper roof to the  
5 lower roof. I don't know if we have a good  
6 shot of that and how it doesn't connect to  
7 the lower leader, but I think that is an  
8 issue as well.

9 You know, I just, my concern is we  
10 remove the fence, there is no separation  
11 between the properties and that creates  
12 other issues, so you have headlights from  
13 the parking lot shining into the house. You  
14 know, it's commercial activity, you know,  
15 adjacent to the house. We have landscaping  
16 there. We have, you know, they come out to  
17 clean the leaves, they're gonna be blowing  
18 stuff into the neighbor's yards. That's  
19 another source of complaint. I'm just  
20 envisioning all the other issues that could  
21 arise if we do remove the fence.

22 CHAIRWOMAN GIVEN: Thank you.

23 Rob, did you have anything else?

24 MR. CONNOLLY: No.

25 I thought the issue was, you know,

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1  
2 possibly creating an out of possession with  
3 the eave, so I was going to suggest a  
4 boundary line agreement if the neighbors  
5 would be amenable to that, but it sounds  
6 like it's more issues than just that.

7 CHAIRWOMAN GIVEN: Right.

8 Any other questions for counsel?

9 MR. BURNS: I wonder if there is any  
10 way we can ask the Village officials to look  
11 at this and mediate here, so that it will  
12 come out to both -- we could walk over and  
13 look at it and go over maybe.

14 MR. THOMAS: Maybe engineer the gutters  
15 better, so they work more efficiently, it's  
16 not draining water.

17 CHAIRWOMAN GIVEN: I'm pretty confident  
18 I know the situation. You have never gone  
19 to the site.

20 MR. BURNS: Yeah, I have.

21 CHAIRWOMAN GIVEN: Okay. Are you  
22 confident you know the situation?

23 MR. BURNS: That's what we're talking  
24 about, the situation that we're confident we  
25 know is what they're objecting to, or

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1  
2 they're concerned about.

3 How do we reconcile the two points, is  
4 my point.

5 CHAIRWOMAN GIVEN: I don't know if  
6 that's what we're supposed to do.

7 Are we?

8 MR. CONNOLLY: You're supposed to look  
9 at the site -- we already have an approved  
10 site plan.

11 CHAIRWOMAN GIVEN: Yes.

12 We're basically dealing with decreasing  
13 the height from six to four. I mean, he  
14 stated it at the beginning, right?

15 MR. CONNOLLY: Right.

16 CHAIRWOMAN GIVEN: The three items that  
17 we're here to entertain --

18 MR. CONNOLLY: Right.

19 CHAIRWOMAN GIVEN: -- and move -- here  
20 about; and this is what the public hearing  
21 is for. Not so much removal of the fence,  
22 that would be ideal for the neighbor, but --

23 MR. CONNOLLY: Right, because that's  
24 not what the applicant is asking for.

25 CHAIRWOMAN GIVEN: Correct, right?

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1 MR. CONNOLLY: Correct.

2 CHAIRWOMAN GIVEN: Anything else?

3 MR. FOOTE: No.

4 CHAIRWOMAN GIVEN: Okay. Thank you.

5 MR. FARRELL: Thank you.

6 CHAIRWOMAN GIVEN: Thank you.

7  
8 Anyone else wish to speak in this  
9 public hearing on this application?

10 Yes. Thank you.

11 Please direct your comments to us and  
12 on the three items that we're here to  
13 address.

14 MR. COLLINS: All right.

15 My name is Michael Collins. I live at  
16 232 Manor Place, along with my partner, John  
17 Quinlin.

18 I also have pictures of the fence  
19 issue. I'd like you to take a look at  
20 those.

21 (Handing.)

22 This is the first I've heard anything  
23 about the eave going over, not on our  
24 property, so that I would have to look into,  
25 but I do have comments about the fencing.

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1  
2 We are asking that the fence be removed  
3 back to corner of our house. In recent  
4 weeks, we have experienced water damage in  
5 our basement with the many rainstorms that  
6 we have had recently. We have lived in this  
7 house for thirty-plus years and we have  
8 never had water damage in this area of our  
9 basement before. The water damage area  
10 inside our basement follows the fence line  
11 outside our house. So with the new  
12 construction next door of an exit driveway,  
13 buffer plantings, fence installation and a  
14 huge increase in asphalt in the parking  
15 area, you know, this has disrupted 100-plus  
16 years of undisturbed soil because this is  
17 all new. So we know that the site plan has  
18 been reviewed for adequate drainage, but  
19 this was clearly not enough for us.

20 So it is clear that we now have  
21 drainage issues and possible foundation  
22 problems that we have to address. This will  
23 be impossible with the fencing which is so  
24 close to our house that it prevents even  
25 minimal maintenance on that section of our



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1  
2 house. The fence also blocks the light as  
3 it covers the basement window.

4 So the foundation of our home and the  
5 drainage issues have been a concern for us  
6 since the beginning of this project, and we  
7 have discussed this many times at the ZBA  
8 meeting and the Planning Board meetings. We  
9 are aware, you know, we're having this  
10 drainage issue, it will take us some time to  
11 figure it out. We just had our gutters  
12 cleaned yesterday. We are aware of, you  
13 know, the gutter problems. Unfortunately,  
14 the gutter company that installed the  
15 gutters was not a fabulous job, so we are  
16 going to have to review that and figure out  
17 what's going on.

18 Like I said, we have never had water  
19 damage in this section before, so, you know,  
20 it's going to be trial and error to figure  
21 out what's going on, so I'm not -- we're  
22 just asking that the fence be moved back to  
23 at least the corner of our house, so that we  
24 will have access to the foundation and to  
25 that section of our house so we can address

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2 the problem. There could be some foundation  
3 issues, I do not know, so it's just gonna  
4 take time to do that, so. I really just  
5 feel like we -- it will just take some time  
6 to work through that process.

7 MR. CONNOLLY: Are you talking about  
8 removing the fencing just to right there  
9 (indicating)?

10 MR. COLLINS: Just to the corner of the  
11 house. It would be --

12 MR. CONNOLLY: So it's like two  
13 sections of fence --

14 MR. COLLINS: Two sections and maybe a  
15 partial of the third section.

16 That would at least -- we're just  
17 asking for --

18 CHAIRWOMAN GIVEN: Are you just asking  
19 for time on that to look at the problem?

20 MR. COLLINS: No. No, I'm asking  
21 permanently the fence be taken down back to  
22 the corner of our house. There's, I mean,  
23 it's really ridiculous to jam the fence up.  
24 We're like, you know, eight inches from the  
25 fence, so there is really an ongoing

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2 maintenance issue there even if we figure  
3 out, we can figure out what the drainage  
4 problem is there so, you know.

5 And as far as the overhang, I have  
6 nothing really to say about that, that's,  
7 you know, this is Greenport, these, you  
8 know, unfortunately, these things -- the  
9 house is a hundred years old, so, you know,  
10 lots of things like that were built in  
11 Greenport over the years.

12 Would I prefer not to be eight inches  
13 from their property? Absolutely, but that's  
14 where we are right now.

15 MR. FOOTE: Have you had an engineer or  
16 some drainage expert look at this to  
17 determine whether or not the fence is the  
18 likely cause of this drainage issue you're  
19 having?

20 MR. COLLINS: No, I haven't had time.

21 Like I said, just within the last few  
22 storms have we noticed, you know, water in  
23 the basement in that area, so it's never  
24 been an issue before.

25 MR. FOOTE: So if the fence were

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2 removed and, you know, to where you want it  
3 to be moved and you continue to have this  
4 problem, what would be the result, what  
5 would you --

6 MR. COLLINS: Well, you know, I have  
7 to, I have an engineer look at the  
8 foundation of the house. Do we have cracks  
9 there? Is there a problem? Does it just  
10 need to be repointed? I don't know.

11 I definitely, you know, we plan to have  
12 the gutters restructured so it would be more  
13 efficient and away from the neighbor's  
14 property, but I didn't really want to get  
15 into the whole gutter and the drainage  
16 things until they completely finish their  
17 project because I didn't know exactly what  
18 was, how much fencing was gonna go up and  
19 where it was gonna go or anything else so --

20 MR. FOOTE: Well, it just seems to me  
21 that if you're going to ask for the fence to  
22 be removed, there should be a reason behind  
23 it, other than to say, well, we have never  
24 had this problem before, so maybe it's the  
25 fence. We don't know until you remove it

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2 and see what happens. I think that you can  
3 understand from the position of the other  
4 property owner that that seems a little  
5 nebulous and a little, you know, what's  
6 gonna come next type of thing.

7 You know what I'm saying?

8 MR. COLLINS: No, I really don't  
9 because if I can't -- if I don't have access  
10 to that area, how can I evaluate and make  
11 any changes there?

12 MR. FOOTE: Right. I understand that  
13 and I understand looking at how close the  
14 fence is, what the issue is, but why  
15 wouldn't you have gotten somebody to look at  
16 it by now, already, to determine the cause  
17 of, to see whether the fence itself was  
18 contributing to the damage?

19 MR. COLLINS: We just recently -- I  
20 mean, we had initially asked for the fence  
21 just to be dropped to four feet.

22 MR. FOOTE: Right.

23 MR. COLLINS: Then we realized the  
24 water damage and other complications. There  
25 is just a time limit here on, I haven't been

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2 able to do that because we just noticed the  
3 possible drainage issues.

4 MR. FOOTE: But if you could find, if  
5 we had found somebody to at least come look  
6 at it before some order being given to  
7 remove the fence, at least to look at it to  
8 see whether or not the fence is the problem.

9 Do you want the fence removed so you  
10 can have access to look at the foundation or  
11 because you expect that the fence is the  
12 problem that's causing the drainage issue?

13 MR. COLLINS: I don't know what the  
14 problem is. I'm just saying --

15 CHAIRWOMAN GIVEN: Can I just interject  
16 for a moment?

17 MR. PALLAS: I have a suggestion that  
18 might help, I don't know.

19 If the fence is -- it sounds to me like  
20 the owners are willing to lower the fence,  
21 if they have to do some work anyway, if the  
22 fence is keeping the water from moving from  
23 their property over, maybe when they lower  
24 it, they leave a gap on the bottom perhaps  
25 to allow water to go where it needs to go,

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1  
2 so it's not blocked by the fence at the  
3 bottom perhaps.

4 I don't know if that would help or not,  
5 but it seems to me if the fence is damming  
6 up the water, maybe that would help, just a  
7 suggestion.

8 MR. COLLINS: Well, part of my comment  
9 was, you know, this is just, even just for  
10 ongoing maintenance on the house, I can't, I  
11 don't have access to that part of my home.  
12 So, you know, I just feel like I'm not sure  
13 what function the fence serves other than  
14 it's jammed up right next to my property.

15 CHAIRWOMAN GIVEN: He said it serves as  
16 retaining some sort of separation from your  
17 two properties. He clearly outlined many  
18 reasons for the thinking. I don't know if  
19 you heard him.

20 MR. COLLINS: Yes, I did.

21 CHAIRWOMAN GIVEN: He did explain what  
22 they felt, what purpose that fence serves,  
23 so you know.

24 Okay, any other --

25 MR. FOOTE: I have a question. Maybe

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1 this is directed to the other owner.

2  
3 If you're agreeing to, if they're  
4 agreeing to reduce the height of the fence,  
5 it seems like you have to first remove what  
6 exists there before you replace it with a  
7 shorter fence, you don't just take the  
8 existing fence and cut it down two feet. So  
9 perhaps, you get it removed, we have an  
10 engineer look at it and ascertain what the  
11 cause of the problem is in terms of the  
12 leakage, come up with a drainage solution  
13 and then we go our merry way. It seems like  
14 this is such an easy thing to solve. And  
15 I -- there shouldn't be a public hearing  
16 over something like this, in my opinion.

17 CHAIRWOMAN GIVEN: The public hearing  
18 isn't for the fence, his problem. The  
19 public hearing is because we have to have  
20 this to amend -- they're asking for an  
21 amendment to their site plan and in order,  
22 our process dictates us to hold a public  
23 hearing to amend the site plan. That's why  
24 we're having it. It's not so much to solve  
25 his drainage problem as it is to -- our



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1  
2 code.

3 MR. FOOTE: I understand that, but we  
4 approved the plan that included a fence that  
5 both sides now agree is too tall and may or  
6 may not be causing a drainage problem for  
7 this neighbor and it would be kind of nice  
8 to be able to resolve it if that is the  
9 nature of the problem.

10 MR. COLLINS: If I can make one  
11 comment.

12 At the very last meeting, this was in  
13 April, I think, about this whole fence  
14 issue, it was discussed and it was never  
15 fully resolved at that meeting before you  
16 made your resolution. So I have to say, you  
17 know, it was even discussed a possibility of  
18 taking a break and talking to the neighbors  
19 and see what kind of fence we wanted and  
20 where we wanted it to go. We also had input  
21 from the consultant on the fence, but, you  
22 know, if there was really no, you know, this  
23 was really not resolved, so now it's sort of  
24 coming back to be a problem. So I'm sorry,  
25 but I feel like, you know, I just needed to

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1  
2 raise this issue. It wouldn't be a type of  
3 fence there, it would be an ongoing  
4 maintenance issue for us and the house on  
5 that side.

6 CHAIRWOMAN GIVEN: Okay.

7 MR. COLLINS: You said the lighting was  
8 not to be discussed.

9 CHAIRWOMAN GIVEN: It's code enforced,  
10 that's a code enforcement issue; am I  
11 correct, Paul?

12 MR. PALLAS: That's correct, yes.

13 CHAIRWOMAN GIVEN: It's not a Planning  
14 Board issue.

15 MR. COLLINS: All right. Thank you  
16 very much for your time.

17 CHAIRWOMAN GIVEN: Thank you, Michael.  
18 Chatty.

19 MS. ALLEN: Chatty Allen, Third Street.

20 I feel that the owners are trying to  
21 amend and accommodate the neighbors with the  
22 fence. They were approved, everything was  
23 done. Now they're being told, well, we'd  
24 like, you know, it's, we can't see out  
25 windows, we can't do this, can't do that.

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1  
2 And they're here asking you, okay, we'll  
3 compromise, we're gonna lower it. I do  
4 agree that you should have a separation  
5 between some, especially this type of  
6 situation. When I was speaking  
7 originally -- I'm now seeing one of the  
8 doctors in there, so I know what the  
9 building is like, I know what the parking is  
10 like, how you're coming through, and I do  
11 agree with them that cars coming from the  
12 back, I mean, even at this time, people have  
13 their lights on, if there is not a buffer  
14 there then lights will be shining in.

15 And as far as never having a flooding  
16 issue before, this past storm that we had, I  
17 mean, it was unreal. I lived in an  
18 apartment for twenty years, never had a  
19 problem and we had one specific storm, it  
20 came in a certain way and it went down an  
21 entire wall. So this isn't necessarily  
22 because a fence was put up. I feel that  
23 they're trying to be accommodating as far  
24 as, you know, being able to see out their  
25 windows.

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2 But I have one question. You're  
3 talking about getting an engineer in to  
4 look; who is gonna pay for that? Who is  
5 responsible for paying for all of that?  
6 This is a site that's already been approved,  
7 the building is there, everything is there.  
8 I was at every single meeting just about.  
9 They're here to get your approval to lower  
10 it to four feet. It's hard when you have a  
11 problem next door, but I don't feel these  
12 people should have to pay the price for it.

13 Thank you.

14 CHAIRWOMAN GIVEN: Thank you.

15 Yes.

16 MR. FARRELL: Just a couple of, you  
17 know, quick followup points.

18 Again, the reason for the fence is even  
19 an issue at this hearing, it's even brought  
20 up is because my clients agreed to lower it  
21 at the request of the Village because the  
22 neighbors complained.

23 The other reason we're here -- the main  
24 reason we're here is because we're seeking  
25 to remove that tree. You know, we could, my

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1 client could withdraw the application, walk  
2 away and leave everything as is, and he  
3 would probably, he would still be entitled  
4 to his certificate of occupancy, in my  
5 opinion. The tree would, whatever would  
6 happen with the tree would happen with the  
7 tree. The fence would remain as it is. We  
8 would have to leave it six-foot all the way  
9 down to the end of the property. So really,  
10 two of the three reasons we're here, well,  
11 two of the three reasons are to address  
12 concerns of the neighbors and the other one  
13 is to clean up our compliance with the  
14 Board's previous approval.

15  
16 I sympathize with the neighbors. I  
17 have had -- I have my own house. I have had  
18 water issues when we have had big storms. I  
19 know how frustrating it can be, but like I  
20 said, I don't think this fence is causing  
21 that issue, and it's really at this point,  
22 we stopped the fence at the six-foot height  
23 before we finished it, so we're not even  
24 modifying what's there, we're just adding  
25 four-foot sections to what's there to bring

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1  
2 it down to the height by the window. So the  
3 fence is in and it's not -- the existing  
4 fence is not being modified in any way. All  
5 we're doing is installing four-foot panels  
6 from where we ended the fence to where it  
7 shows on the site plan to the front line of  
8 the building, I believe.

9           So I do sympathize with the neighbors,  
10 but, again, I think this is a drainage issue  
11 with their property and not because of  
12 anything that's on our property or anything  
13 that we have done to our property. And I  
14 believe, you know, in speaking with my  
15 client, I believe the Village code does have  
16 a section that does require a fence for  
17 commercial property adjacent to residential.  
18 So I think either way, we need to have a  
19 fence installed. I didn't think we can even  
20 remove the fence and be in compliance with  
21 the code.

22           If the Board has any other questions,  
23 I'm happy to answer them. Like I said,  
24 we're here to be good neighbors, we're here  
25 mainly because of our concern for our

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1 adjoining neighbors and, you know, we  
2 appreciate the Board's time and we request  
3 that the Board approve the application as  
4 submitted.  
5

6 CHAIRWOMAN GIVEN: Thank you.

7 MR. FOOTE: You're saying that the part  
8 of the fence that has not been completed is  
9 the part that should be the four feet, but  
10 the existing fence that's already been  
11 installed is a six-foot fence and that's not  
12 being lowered?

13 MR. FARRELL: That's not gonna be  
14 lowered, that's staying the way it is. And  
15 we're lowering it to four feet to the end.

16 MR. FOOTE: From that point?

17 MR. FARRELL: From that point, yes.

18 MR. FOOTE: Okay.

19 CHAIRWOMAN GIVEN: Does anyone else  
20 wish to comment in the public hearing on  
21 this application?

22 MR. COLLINS: I have a question, if  
23 possible.

24 CHAIRWOMAN GIVEN: Sure. Take it to  
25 the podium, please.

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1 Thank you.

2  
3 MR. COLLINS: My understanding, and I  
4 could be wrong, is that the fence is  
5 completed. They stopped the fence back on  
6 the property to the east of the building at  
7 the back so that the neighbors could have  
8 access to their driveway. So it is not my  
9 understanding that it's going, that the  
10 fence is going to run all the way out to the  
11 street. I'm confused about that.

12 CHAIRWOMAN GIVEN: Can you shed any  
13 light on that comment, Paul?

14 MR. PALLAS: That was my understanding.

15 MR. FARRELL: That's my mistake, I  
16 misunderstood. We're lowering it to the --

17 MR. PALLAS: First two sections,  
18 correct.

19 MR. FARRELL: Yes.

20 MR. PALLAS: Thank you.

21 MR. FOOTE: And no further panels are  
22 being installed?

23 MR. FARRELL: That's my error. I  
24 apologize. I may have confused the  
25 situation.



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1  
2 MR. COLLINS: Like I said, I'm just  
3 asking for the space to actually figure out  
4 what's going on my property. I'm not going  
5 to be coming back and complaining about car  
6 lights because by the time car lights would  
7 hit that section of the fence, they're  
8 already directed straight out down the  
9 driveway. So I'm just asking for the  
10 opportunity for now and ongoing to be able  
11 to provide maintenance on my own home, so,  
12 you know, that's my request.

13 Thank you.

14 CHAIRWOMAN GIVEN: Thank you.

15 Any further comments on this  
16 application?

17 (No response.)

18 I make a motion that we close the  
19 public hearing.

20 Do I have a second?

21 MR. BURNS: Second.

22 CHAIRWOMAN GIVEN: All those in favor?

23 MR. FOOTE: Aye.

24 MR. BURNS: Aye.

25 MR. THOMAS: Aye.

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1 CHAIRWOMAN GIVEN: Motion carried.

2 The public hearing is closed.

3 We are not acting on this application  
4 tonight, it was strictly a public hearing.

5 MR. CONNOLLY: Okay.

6 CHAIRWOMAN GIVEN: I make a motion to  
7 adjourn at 4:35.

8 Do I have a second?

9 MR. THOMAS: Second.

10 CHAIRWOMAN GIVEN: All those in favor?

11 MR. FOOTE: Aye.

12 MR. BURNS: Aye.

13 MR. THOMAS: Aye.

14 CHAIRWOMAN GIVEN: Motion carried.

15 (Time noted: 4:35 p.m.)  
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I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter. IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of December, 2018.

---

STEPHANIE O'KEEFFE

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