Regular Meeting 9/3/2015

VILLAGE OF GREENPORT
COUNTY OF SUFFOLK: STATE OF NEW YORK
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PLANNING BOARD

REGULAR MEETING

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September 3, 2015
5:08 p.m.

Third Street Firehouse
Greenport, New York

MINUTES OF PROCEEDING

Donna L. Ritzmann
Court Reporter
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APPEARANCES:

PLANNING BOARD MEMBERS:

DEVIN McMAHON, Chairman
BRADLEY BURNS, Member
PETER JAQUET, Member
PAT MUNDUS, Member

ALSO PRESENT:

GLYNIS BERRY, Planning Board Coordinator
CHAIRMAN McMAHON: This is the Village of Greenport Planning Board September 3rd, 2015 Meeting, it's a regular meeting.

The first hearing is continued over from the last, from the work session, Public Hearing for the Site plan application for Sterling Square LLC, Brent Pelton, owner. The Planning Board has determined that for purposes of SEQRA this is a Type I Action requiring a public hearing. The SEQRA review is of the entire project, reconstruction of a first floor restaurant, removal and replacement of the outside area with a pergola, installation of outside seating and fireplace, and renovation and reconstruction of the second floor space for a new use as a five room inn. The property is located a 300-308 Main Street. It is located within the
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Historic District and in the CR (Commercial Retail) zone. SEQRA public hearing is to be re-noticed to September 24, 2015 work session meeting. Suffolk County Tax Map 1001-4.-7-29.1. We had some comments at the last meeting and we will accept other comments today. We were given notice by the Board of Trustees that they would like to weigh in on this, so we won't be making a determination on that this evening. Comments, if anyone would like to add, I do have a response to the items that were brought up last time, but I'm not going to be reading it this evening. I gave it to Joe Prokop for review, so I'm going to wait until I get his interpretation on it, but again, if anyone has comments?

MR. SWISKEY: Yeah, William Swiskey, Mr. Prokop and the
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building inspector aren't here tonight, that's unusual, isn't it?

CHAIRMAN McMAHON: Yes, Mr. Prokop was unable to attend. He was not certain if he was planning on -- talking about possibly having a replacement come, but again, we won't be making a decision on the major issues.

MR. SWISKEY: And the building inspector, is there a reason she's not here?

CHAIRMAN McMAHON: I don't know.

MS. MUNDUS: The building inspector comes not to all of our meetings because our planning person is here (Referring).

MR. SWISKEY: Because I had certain questions for them because at the last meeting they came up with an interpretation that this inn calls for no additional
parking in the village code,
right, you read that?

CHAIRMAN McMAHON: I read
from the section of the code. I
believe it was part of the
appropriate --

MR. SWISKEY: And you
reviewed that with the village
attorney. See, what the problem I
have with this is the restaurant
down the street and across the
street, they were forced by the
Planning Board, not this board, I
don't know who was on the board at
the time, but it was the same
attorney and the same building
inspector, and they were forced to
spend tens of thousands of dollars
for parking, they couldn't put in
a pool with the hotel, and they
were forced to do it by the
village, yet you're telling me
that a law existed in 1991 that
they didn't have to do that, so
that's what I wanted to ask Mr. Prokop and the building inspector about, because the code enforcement in this village seems to go, well, this week we'll do this and this week we'll do that and not what the law says. Now this is, you know, you can say this is an existing building and maybe it is and that would be up to you to determine, but if you're gonna put in an inn, all right, and he's gonna have -- you have to realize he's gonna put rooms above the wings, too, that's in the future, he's got about nine or 10 inn rooms now, you know, plus the two wings. He kicked the tenants out.

CHAIRMAN McMAHON: We can only speak to the application before us.

MR. SWISKEY: Yeah, but I'm just telling you reality, he
didn't evict those people for no reason, they're going to be inn rooms, and that's his business, but the point is there's going to be 10 rooms, there's going to be 10 cars, where do you park them?

MS. MUNDUS: Are you saying -- pardon me for responding partially to what you're saying, but whether there are residents living in the apartments or hotel guests living in those wings as you called them --

MR. SWISKEY: Yeah.

MS. MUNDUS: -- they all drive the same amount of cars, I don't think that's --

MR. SWISKEY: I understand that --

MS. MUNDUS: The occupants who are already in the apartments that Bill has said will soon become wings of the hotel, that's conjecture, drive the same amount
of cars that a hotel guest would
drive, so I really don't think
that that comment has a lot of --

MR. SWISKEY: All right.

So then it's not 10 spaces, he
needs five additional spaces.

MS. MUNDUS: I don't have a
copy of the code with me because I
came here flying from my workplace
and I didn't have time to print it
out, but I'm fairly certain from
memory it is not the use of the
building that determines whether
or not the parking is exempt or
not, so.

MR. SWISKEY: Well, were
you on the board for the hotel,
Bego Hotel?

MS. MUNDUS: I was not.

MR. SWISKEY: All right.

Nobody here was. Because the
Planning Board at that time with
the concurrence of the village
attorney and the building
inspector forced them to provide parking that under this law they didn't need to provide, that's what I wanted to know because this code enforcement seems to be very --

CHAIRMAN McMAHON: It's my opinion that, it's my personal opinion, under the village code they would not have been required to provide those spaces, however, under the State Environmental Quality Review Act if there was a consideration of the imposition on the public under the authority of that code, for that I believe there's a possibility --

MR. SWISKEY: So you're saying --

CHAIRMAN McMAHON: But again, that's not for me to say.

MR. SWISKEY: Can I ask why Mr. Prokop's not here? So you're saying under SEQRA the village
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could require them to put in
parking?

CHAIRMAN McMAHON: It's not

my place to make that
determination. I think that's a
reasonable argument, but that's
not for me to say.

MR. SWISKEY: Well, that's
what bothers me, they knew I was
coming tonight and asking these
questions, neither one is here,
that really bothers me. And I
mean the public -- at this point I
would hold this hearing open until
they're here to answer the
public's questions.

CHAIRMAN McMAHON: This
won't be closed out tonight.

MR. SWISKEY: No. There
should be another public hearing
where they're here to answer
because they're supposedly the
experts on the code. And I can't
get an answer, so how can I
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comment in a reasonable manner?

MS. MUNDUS: Well, the code

is very clear, it's the

interpretation of the code that

you have a problem with.

MR. SWISKEY: I don't have

a problem with the interpretation

of the code, I didn't have a

problem when they told him he had

to have all that additional

parking and that cost him a lot of

money, you realize that.

MS. MUNDUS: This has

nothing to do with the decision

today.

MR. SWISKEY: It's the same

issue, you can't hide from it.

CHAIRMAN McMAHON: No one's

hiding from anything. You're

talking about an application that

came before a different set of

board members.

MR. SWISKEY: A different

board, but the attorney and the
building inspector were the people that stood up and basically advised the board that this guy had to have parking, so now I want to ask them what made them change their mind?

MS. MUNDUS: I would like to know what's the occupancy of the hotel across the street --

MR. SWISKEY: It doesn't matter according to code.

MS. MUNDUS: It does matter, because it's a ratio of occupancy --

MR. SWISKEY: You read the code last week, the parking code, Prokop sat there and, Ms. Mundus, you can't play it both ways, you read the code, right,

Mr. Chairman?

CHAIRMAN McMAHON: Yes.

MR. SWISKEY: And it said basically parking's not an issue.

CHAIRMAN McMAHON: I
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believe they're exempt, yes. I believe --

MR. SWISKEY: Occupancy had nothing to do with it.

MS. MUNDUS: That has nothing to do with us.

MR. SWISKEY: No, but it has to do with interpretation of the code. And I'm trying to find out why the code in one case is being determined to be A and in the other one they're determined to be B. And I think that's very important to the citizens or anybody coming before the board.

CHAIRMAN McMAHON: Totally understandable, I agree that there should be clear, open interpretation, everyone should have the same understanding of the way the code is.

MR. SWISKEY: Yeah.

CHAIRMAN McMAHON: I can only explain my rationale for the
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decision we've made and I'm comfortable with that, and I believe we interpreted the code correctly.

MR. SWISKEY: Yeah.

CHAIRMAN McMAHON: Again, I can't speak to anything that was done before I was here.

MR. SWISKEY: Okay, I understand you can't speak to it, but the problem is --

CHAIRMAN McMAHON: You will have an opportunity to speak with Mr. Prokop will be at the -- as I said earlier, the public hearing was re-noticed for September 24th work session, it's going to be also discussed at the Board of Trustees next meeting, so there will be ample opportunity to bring it up.

MR. SWISKEY: Because more importantly, and whether anybody cares to admit it or not, it's not
what even -- you know, if he wants to have 10 rooms, I don't have a problem with it, there's no parking in Greenport anyway, all right, so people are gonna park where they park, we all know that's the reality, but what I don't like is reality where one application is treated differently than another and that seems to be going on a lot lately in this village.

MS. MUNDUS: Can you tell me what date that application was?

MR. SWISKEY: Oh, that's at least two year's old or more that I know of, three, maybe four --

MS. MUNDUS: So I wouldn't call that "Lately."

MR. SWISKEY: Well, it's the same principle. We can do semantics all you want. A village control board told this person he needed something that he actually
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didn't, and that's --

CHAIRMAN McMAHON: Okay. I believe, I'll say it again, this is just my opinion, this is not legal opinion, it's not the official decision of the board, my understanding is that the village code would exempt those properties from additional parking requirements. I believe that the State Environmental Quality Review Act possibly could allow a board to impose those additional requirements.

MR. SWISKEY: It's possible. But what I'm saying is that it just doesn't make any sense, two different interpretations, that's -- when you do that as a village and you do that, you can get to look ridiculous.

CHAIRMAN McMAHON: Again, I --
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MR. SWISKEY: Thank you.

CHAIRMAN McMAHON: -- can't speak to what --

MR. SWISKEY: I'm not blaming you.

CHAIRMAN McMAHON: I can only go forward in the best possible way that I can do.

MR. SWISKEY: You didn't do it, but what I'm saying is --

MS. MUNDUS: The important thing is that we're doing the right thing now, that's the important thing.

MR. SWISKEY: Well, I heard that with Smoked Fish, too, and it operated for a year and-a-half or a year before it even got its approvals, I mean this is what's going on.

MS. MUNDUS: It's not before us.

MR. SWISKEY: Bulkheads being put in without an
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environmental review.

CHAIRMAN McMAHON: I understand you have a number of concerns with the village and how it's being run.

MR. SWISKEY: Yeah.

CHAIRMAN McMAHON: My only concern right now is Planning Board and issues before the Planning Board.

MR. SWISKEY: I understand that, but I think the other thing should be noted for the public because everybody is entitled to the same thing.

CHAIRMAN McMAHON: Fair enough. Thank you.

Are there any other comments?

Again, I said I did draft a response to the issues that were raised. I know Mr. Corwin had a number of concerns as well as Mr. Swiskey, that is being
reviewed by the village attorney
and then I'll share my thoughts
when we get going as soon as I can
'cause I'd like this to move along
as quickly as possible.
If there are any other
comments or questions? Anyone
from the board?
MS. MUNDUS: No.
MR. BURNS: No.
CHAIRMAN McMAHON: Okay.
Make a motion we move on to the
next item, do we have a second for
that?
MS. MUNDUS: Second.
CHAIRMAN McMAHON: All in
favor?
MS. MUNDUS: Aye.
MR. JAQUET: Aye.
MR. BURNS: Aye.
CHAIRMAN McMAHON: Motion
carries.
Number one, continued
review of the use evaluation
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conditionally granted for Brian Carrick. Shakka Flyboard rental facility is located on the Preston's dock. The property is located at 102 Main Street in the WC (Waterfront Commercial) District, Suffolk County Tax Map 1001-5-4-12.1. Again, under the advise of counsel this is kept on the agenda throughout the duration of the operation. I don't believe there's any new business unless anyone has any, I'd like to make a motion we move on to the next item?

MR. JAQUET: Second.

CHAIRMAN McMAHON: All in favor?

MS. MUNDUS: Aye.

MR. JAQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number two, continued
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discussion on the review of SEQRA considerations for the application of Sterling Square LLC, Brent Pelton, applicant. Again, there will be a public hearing re-noticed September 24th. Again, if there's no other business I'm going to make a motion that we move on.

MR. BURNS: Second.

MR. JAQUET: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAQUET: Aye.

MS. MUNDUS: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number three, motion to approve the use evaluation application from Carla Oberlander.

The applicant proposes to open a gallery at 8 Front Street. The property is located in the CR
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(Commercial Retail) district and the use as a gallery is a permitted use, Suffolk County Tax Map number 1001-4-2-4.6. I believe we didn't have any issues with this last time.

MS. BERRY: No.

CHAIRMAN McMAHON: We had the application, I believe we're gonna classify it as Type II Action, it was the same use, a permitted use on the same space. Is there any other business on that?

MS. MUNDUS: Is she aware of the sign permit?

CHAIRMAN McMAHON: Yeah, the sign permit, she submitted a sign permit application. Anything else?

Okay. I'm going to make a motion that we, for purposes of SEQRA, the Planning Board adopt lead agency status in terms of a
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Type II Action having no adverse -- no significant adverse impact to the environment and to approve the use evaluation application as submitted with the conditions imposed therein, do I have a second on that?

MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAQUET: Aye.

MS. MUNDUS: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carries.

Item four, motion to schedule the Work Session meeting for September 24, 2015 and the regular meeting for October 1st, 2015, do I have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAQUET: Aye.
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MS. MUNDUS: Aye.

CHAIRMAN McMAHON: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number five, motion to accept Planning Board minutes for the meeting from August 6th, 2015; do I have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAQUET: Aye.

MR. BURNS: Aye.

MS. MUNDUS: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number six, motion to adjourn, second?

MR. BURNS: Second.

CHAIRMAN McMAHON: All right. All in favor?

MS. MUNDUS: Aye.

MR. JAQUET: Aye.
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MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carries. Have a good day.

Thank you.

(TIME NOTED: 5:24 p.m.)
CERTIFICATION

I, DONNA L. RITZMANN, 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 16th day of September, 2015.

_____________________
DONNA L. RITZMANN