

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Regular Meeting 9/3/2015

VILLAGE OF GREENPORT
COUNTY OF SUFFOLK: STATE OF NEW YORK

-----X

PLANNING BOARD

REGULAR MEETING

-----X

September 3, 2015
5:08 p.m.

Third Street Firehouse
Greenport, New York

MINUTES OF PROCEEDING

Donna L. Ritzmann
Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Regular Meeting 9/3/2015

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

PLANNING BOARD MEMBERS:

DEVIN McMAHON, Chairman

BRADLEY BURNS, Member

PETER JAQUET, Member

PAT MUNDUS, Member

ALSO PRESENT:

GLYNIS BERRY, Planning Board Coordinator

1 Regular Meeting 9/3/2015

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

6 The first hearing is
7 continued over from the last, from
8 the work session, Public Hearing
9 for the Site plan application for
10 Sterling Square LLC, Brent Pelton,
11 owner. The Planning Board has
12 determined that for purposes of
13 SEQRA this is a Type I Action
14 requiring a public hearing. The
15 SEQRA review is of the entire
16 project, reconstruction of a first
17 floor restaurant, removal and
18 replacement of the outside area
19 with a pergola, installation of
20 outside seating and fireplace, and
21 renovation and reconstruction of
22 the second floor space for a new
23 use as a five room inn. The
24 property is located a 300-308 Main
25 Street. It is located within the

1 Regular Meeting 9/3/2015

2 Historic District and in the CR
3 (Commercial Retail) zone. SEQRA
4 public hearing is to be re-noticed
5 to September 24, 2015 work session
6 meeting. Suffolk County Tax Map
7 1001-4.-7-29.1. We had some
8 comments at the last meeting and
9 we will accept other comments
10 today. We were given notice by
11 the Board of Trustees that they
12 would like to weigh in on this, so
13 we won't be making a determination
14 on that this evening. Comments,
15 if anyone would like to add, I do
16 have a response to the items that
17 were brought up last time, but I'm
18 not going to be reading it this
19 evening. I gave it to Joe Prokop
20 for review, so I'm going to wait
21 until I get his interpretation on
22 it, but again, if anyone has
23 comments?

24 MR. SWISKEY: Yeah, William
25 Swiskey, Mr. Prokop and the

1 Regular Meeting 9/3/2015

2 building inspector aren't here
3 tonight, that's unusual, isn't it?

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

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

15 CHAIRMAN McMAHON: I don't
16 know.

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

21 MR. SWISKEY: Because I had
22 certain questions for them because
23 at the last meeting they came up
24 with an interpretation that this
25 inn calls for no additional

1 Regular Meeting 9/3/2015

2 parking in the village code,
3 right, you read that?

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

8 MR. SWISKEY: And you
9 reviewed that with the village
10 attorney. See, what the problem I
11 have with this is the restaurant
12 down the street and across the
13 street, they were forced by the
14 Planning Board, not this board, I
15 don't know who was on the board at
16 the time, but it was the same
17 attorney and the same building
18 inspector, and they were forced to
19 spend tens of thousands of dollars
20 for parking, they couldn't put in
21 a pool with the hotel, and they
22 were forced to do it by the
23 village, yet you're telling me
24 that a law existed in 1991 that
25 they didn't have to do that, so

1 Regular Meeting 9/3/2015

2 that's what I wanted to ask
3 Mr. Prokop and the building
4 inspector about, because the code
5 enforcement in this village seems
6 to go, well, this week we'll do
7 this and this week we'll do that
8 and not what the law says. Now
9 this is, you know, you can say
10 this is an existing building and
11 maybe it is and that would be up
12 to you to determine, but if you're
13 gonna put in an inn, all right,
14 and he's gonna have -- you have to
15 realize he's gonna put rooms above
16 the wings, too, that's in the
17 future, he's got about nine or 10
18 inn rooms now, you know, plus the
19 two wings. He kicked the tenants
20 out.

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

24 MR. SWISKEY: Yeah, but I'm
25 just telling you reality, he

1 Regular Meeting 9/3/2015

2 didn't evict those people for no
3 reason, they're going to be inn
4 rooms, and that's his business,
5 but the point is there's going to
6 be 10 rooms, there's going to be
7 10 cars, where do you park them?

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

15 MR. SWISKEY: Yeah.

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

19 MR. SWISKEY: I understand
20 that --

21 MS. MUNDUS: The occupants
22 who are already in the apartments
23 that Bill has said will soon
24 become wings of the hotel, that's
25 conjecture, drive the same amount

1 Regular Meeting 9/3/2015

2 of cars that a hotel guest would
3 drive, so I really don't think
4 that that comment has a lot of --

5 MR. SWISKEY: All right.

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

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

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

20 MS. MUNDUS: I was not.

21 MR. SWISKEY: All right.
22 Nobody here was. Because the
23 Planning Board at that time with
24 the concurrence of the village
25 attorney and the building

1 Regular Meeting 9/3/2015

2 inspector forced them to provide
3 parking that under this law they
4 didn't need to provide, that's
5 what I wanted to know because this
6 code enforcement seems to be
7 very --

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

19 MR. SWISKEY: So you're
20 saying --

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

23 MR. SWISKEY: Can I ask why
24 Mr. Prokop's not here? So you're
25 saying under SEQRA the village

1 Regular Meeting 9/3/2015

2 could require them to put in
3 parking?

4 CHAIRMAN McMAHON: It's not
5 my place to make that
6 determination. I think that's a
7 reasonable argument, but that's
8 not for me to say.

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

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

20 MR. SWISKEY: No. There
21 should be another public hearing
22 where they're here to answer
23 because they're supposedly the
24 experts on the code. And I can't
25 get an answer, so how can I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Regular Meeting 9/3/2015

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Regular Meeting 9/3/2015

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

1 Regular Meeting 9/3/2015

2 believe they're exempt, yes. I
3 believe --

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

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

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

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

23 MR. SWISKEY: Yeah.

24 CHAIRMAN McMAHON: I can
25 only explain my rationale for the

1 Regular Meeting 9/3/2015

2 decision we've made and I'm
3 comfortable with that, and I
4 believe we interpreted the code
5 correctly.

6 MR. SWISKEY: Yeah.

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

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

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

23 MR. SWISKEY: Because more
24 importantly, and whether anybody
25 cares to admit it or not, it's not

1 Regular Meeting 9/3/2015

2 what even -- you know, if he wants
3 to have 10 rooms, I don't have a
4 problem with it, there's no
5 parking in Greenport anyway, all
6 right, so people are gonna park
7 where they park, we all know
8 that's the reality, but what I
9 don't like is reality where one
10 application is treated differently
11 than another and that seems to be
12 going on a lot lately in this
13 village.

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

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

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

21 MR. SWISKEY: Well, it's
22 the same principle. We can do
23 semantics all you want. A village
24 control board told this person he
25 needed something that he actually

1 Regular Meeting 9/3/2015

2 didn't, and that's --

3 CHAIRMAN McMAHON: Okay. I
4 believe, I'll say it again, this
5 is just my opinion, this is not
6 legal opinion, it's not the
7 official decision of the board, my
8 understanding is that the village
9 code would exempt those properties
10 from additional parking
11 requirements. I believe that the
12 State Environmental Quality Review
13 Act possibly could allow a board
14 to impose those additional
15 requirements.

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

24 CHAIRMAN McMAHON: Again,
25 I --

1 Regular Meeting 9/3/2015

2 MR. SWISKEY: Thank you.

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

5 MR. SWISKEY: I'm not
6 blaming you.

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

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

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

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

22 MS. MUNDUS: It's not
23 before us.

24 MR. SWISKEY: Bulkheads
25 being put in without an

1 Regular Meeting 9/3/2015

2 environmental review.

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

7 MR. SWISKEY: Yeah.

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

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

17 CHAIRMAN McMAHON: Fair
18 enough. Thank you.

19 Are there any other
20 comments?

21 Again, I said I did draft a
22 response to the issues that were
23 raised. I know Mr. Corwin had a
24 number of concerns as well as
25 Mr. Swiskey, that is being

1 Regular Meeting 9/3/2015

2 reviewed by the village attorney
3 and then I'll share my thoughts
4 when we get going as soon as I can
5 'cause I'd like this to move along
6 as quickly as possible.

7 If there are any other
8 comments or questions? Anyone
9 from the board?

10 MS. MUNDUS: No.

11 MR. BURNS: No.

12 CHAIRMAN McMAHON: Okay.

13 Make a motion we move on to the
14 next item, do we have a second for
15 that?

16 MS. MUNDUS: Second.

17 CHAIRMAN McMAHON: All in
18 favor?

19 MS. MUNDUS: Aye.

20 MR. JAQUET: Aye.

21 MR. BURNS: Aye.

22 CHAIRMAN McMAHON: Motion
23 carries.

24 Number one, continued
25 review of the use evaluation

1 Regular Meeting 9/3/2015

2 conditionally granted for Brian
3 Carrick. Shakka Flyboard rental
4 facility is located on the
5 Preston's dock. The property is
6 located at 102 Main Street in the
7 WC (Waterfront Commercial)
8 District, Suffolk County Tax Map
9 1001-5-4-12.1. Again, under the
10 advise of counsel this is kept on
11 the agenda throughout the duration
12 of the operation. I don't believe
13 there's any new business unless
14 anyone has any, I'd like to make a
15 motion we move on to the next
16 item?

17 MR. JAQUET: Second.

18 CHAIRMAN McMAHON: All in
19 favor?

20 MS. MUNDUS: Aye.

21 MR. JAQUET: Aye.

22 MR. BURNS: Aye.

23 CHAIRMAN McMAHON: Motion
24 carries.

25 Item number two, continued

1 Regular Meeting 9/3/2015

2 discussion on the review of SEQRA
3 considerations for the application
4 of Sterling Square LLC, Brent
5 Pelton, applicant. Again, there
6 will be a public hearing
7 re-noticed September 24th. Again,
8 if there's no other business I'm
9 going to make a motion that we
10 move on.

11 MR. BURNS: Second.

12 MR. JAQUET: Second.

13 CHAIRMAN McMAHON: All in
14 favor?

15 MR. JAQUET: Aye.

16 MS. MUNDUS: Aye.

17 MR. BURNS: Aye.

18 CHAIRMAN McMAHON: Motion
19 carries.

20 Item number three, motion
21 to approve the use evaluation
22 application from Carla Oberlander.
23 The applicant proposes to open a
24 gallery at 8 Front Street. The
25 property is located in the CR

1 Regular Meeting 9/3/2015

2 (Commercial Retail) district and
3 the use as a gallery is a
4 permitted use, Suffolk County Tax
5 Map number 1001-4-2-4.6. I
6 believe we didn't have any issues
7 with this last time.

8 MS. BERRY: No.

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

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

18 CHAIRMAN McMAHON: Yeah,
19 the sign permit, she submitted a
20 sign permit application.

21 Anything else?

22 Okay. I'm going to make a
23 motion that we, for purposes of
24 SEQRA, the Planning Board adopt
25 lead agency status in terms of a

1 Regular Meeting 9/3/2015

2 Type II Action having no
3 adverse -- no significant adverse
4 impact to the environment and to
5 approve the use evaluation
6 application as submitted with the
7 conditions imposed therein, do I
8 have a second on that?

9 MS. MUNDUS: Second.

10 CHAIRMAN McMAHON: All in
11 favor?

12 MR. JAQUET: Aye.

13 MS. MUNDUS: Aye.

14 MR. BURNS: Aye.

15 CHAIRMAN McMAHON: Motion
16 carries.

17 Item four, motion to
18 schedule the Work Session meeting
19 for September 24, 2015 and the
20 regular meeting for October 1st,
21 2015, do I have a second for that?

22 MR. BURNS: Second.

23 CHAIRMAN McMAHON: All in
24 favor?

25 MR. JAQUET: Aye.

1 Regular Meeting 9/3/2015

2 MS. MUNDUS: Aye.

3 CHAIRMAN McMAHON: Aye.

4 MR. BURNS: Aye.

5 CHAIRMAN McMAHON: Motion
6 carries.

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

11 MR. BURNS: Second.

12 CHAIRMAN McMAHON: All in
13 favor?

14 MR. JAQUET: Aye.

15 MR. BURNS: Aye.

16 MS. MUNDUS: Aye.

17 CHAIRMAN McMAHON: Motion
18 carries.

19 Item number six, motion to
20 adjourn, second?

21 MR. BURNS: Second.

22 CHAIRMAN McMAHON: All
23 right. All in favor?

24 MS. MUNDUS: Aye.

25 MR. JAQUET: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Regular Meeting 9/3/2015

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion
carries. Have a good day.

Thank you.

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

Regular Meeting 9/3/2015

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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