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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD

REGULAR SESSION

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Third Street Firehouse
Greenport, New York

August 4, 2016
5:06 p.m.

B E F O R E:

DEVIN McMAHON - CHAIRMAN

BRADLEY BURNS - MEMBER

JOHN COTUNGO - MEMBER

LUCY CLARKE - MEMBER

PAUL PALLAS - VILLAGE ADMINISTRATOR

JOSEPH PROKOP - VILLAGE ATTORNEY

GLYNIS BERRY - PLANNING BOARD CONSULTANT

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1
2 CHAIRMAN McMAHON: All right,
3 we're going to begin the meeting. This
4 is the August 4, 2016 Village of
5 Greenport Planning Board Regular
6 Session.

7 Item number 1, 211 Carpenter
8 Street.

9 Continued discussion and possible
10 action on the site plan. David Kapell
11 representing Old Shipyard LLC, located
12 at 211 Carpenter Street has proposed to
13 convert an existing two-story building
14 into a first-floor tasting room and one
15 second-floor apartment.

16 The property is in the CR,
17 Commercial Retail District. Both uses
18 are permitted in the CR Zone.

19 The property has been vacant for
20 some time. The property is located in
21 the Village Historic District and is
22 subject to coordinated review which was
23 issued on June 16, 2016.

24 Suffolk County Tax Map number
25 1001-4-10-11.

1
2 Have we received any positive or
3 negative declaration from any of the
4 interested parties that were contacted?

5 MR. PALLAS: I don't believe we
6 have.

7 CHAIRMAN McMAHON: Okay.

8 Does anyone here, just with
9 respond to SEQRA, have any concerns
10 that were not addressed previously?

11 (No response.)

12 I'm going to make a motion that we
13 issue a -- I believe it is a negative
14 declaration?

15 ATTORNEY PROKOP: Yes.

16 We already adopted lead agency
17 status and typed it, so at this point
18 we're adopting a negative declaration
19 and determining that there will not be
20 a significant negative impact on the
21 environment.

22 CHAIRMAN McMAHON: Yes.

23 I so motion.

24 Do I have a second for that?

25 MR. BURNS: Second.

1
2 CHAIRMAN McMAHON: All in favor?

3 MR. BURNS: Aye.

4 MR. COTUNGO: Aye.

5 MS. CLARKE: Aye.

6 CHAIRMAN McMAHON: We did have
7 concerns about the site plan. We
8 received an updated site plan on
9 July 10th that addressed the front
10 landing, as well as the leader for the
11 drainage being directed to flow away
12 from the handicap railing or handicap
13 access.

14 I believe those were the only
15 outstanding issues. Was there anything
16 else? Does anyone have any questions
17 or concerns?

18 MS. BERRY: I might have missed
19 the first part, did you say about the
20 walkable surface too?

21 CHAIRMAN McMAHON: Yes, the
22 landing in the front.

23 MS. BERRY: Okay.

24 CHAIRMAN McMAHON: So are there
25 any questions or concerns with regard

1
2 to this application?

3 MR. BURNS: No.

4 MR. COTUNGO: No.

5 CHAIRMAN McMAHON: I'm going to
6 make a motion that we approve the site
7 plan that was submitted including the
8 updated site plan that was submitted on
9 July 10th adding revisions that were
10 requested by the Board.

11 Do I have a second for that
12 motion?

13 MR. BURNS: Second.

14 CHAIRMAN McMAHON: All in favor?

15 MR. BURNS: Aye.

16 MS. CLARKE: Aye.

17 MR. COTUNGO: Aye.

18 CHAIRMAN McMAHON: Motion carries.

19 Item number 2, Stirling Square,
20 300-308 Main Street.

21 Continued discussion on the
22 application for site plan review, an
23 amendment to the previous site plan
24 approved on November 4, 2015 is
25 required. The applicant, Robert I.

1
2 Brown, Architect is representing
3 Stirling Square LLC, Brent Pelton.

4 The applicant has proposed to
5 remodel four existing apartment units
6 into five inn units, and one handicap
7 accessible unit on the ground floor for
8 a total of six additional inn units
9 bringing the total of inn units for
10 American Beech Inn to 11 inn units.

11 The proposal includes a renovation
12 of Suite 308C, a ground-floor space,
13 into a lobby for the inn, incorporating
14 a new glass facade with interior and
15 new exterior seating and a water
16 feature in the courtyard.

17 The proposal includes additional
18 bluestone hardscape for easier handicap
19 accessibility and several ramps
20 providing accessibility to each of the
21 commercial units.

22 The proposal for cover over the
23 existing cedar pergola which covers the
24 dining patio at the American Beech
25 Restaurant, and the extension of the

1
2 wood pergola to the north has been
3 eliminated.

4 The property is located in the
5 Historic District. The Historic
6 Preservation Commission will be
7 reviewing the exterior installation of
8 the ductwork for the kitchen exhaust at
9 the August meeting.

10 Suffolk County Tax Map number
11 1001-4-78-29-1.

12 I believe the HPC meeting was held
13 the other day, but I haven't heard
14 anything from them.

15 ATTORNEY PROKOP: The meeting was
16 adjourned until September.

17 CHAIRMAN McMAHON: Adjourned until
18 September.

19 ATTORNEY PROKOP: Yes.

20 CHAIRMAN McMAHON: Okay.

21 So we are still waiting for input
22 from the HPC.

23 Would either of you like to speak
24 again?

25 MR. BROWN: Well, I just have some

1
2 additional information to address, two
3 of the questions that were raised at
4 the work session, if I may.

5 CHAIRMAN McMAHON: Okay.

6 (Whereupon, Mr. Brown handed
7 documents to Board members.)

8 MR. BROWN: This is a description
9 of use and this, this is -- there was a
10 question raised about the exit for the
11 lobby based on occupancy.

12 In terms of the exiting, if we
13 were to calculate a worst case of a
14 stand-up cocktail party in the space,
15 we would be required to have two exits,
16 so the folding glass wall would have an
17 exit door at each end. Under any other
18 circumstances, it would not require
19 them, but as a worst case, that's what
20 we will be providing.

21 CHAIRMAN McMAHON: That's for
22 what, I'm sorry?

23 MR. BROWN: In case of a stand-up
24 cocktail party, in a situation of
25 assembly where everybody would be

1 standing without tables and chairs.

2 The calculations as you see before
3 you of five square feet per person is
4 based on the code requirement for that
5 sort of intensity which is unlikely;
6 but, nonetheless, we had to calculate
7 for it as a worst case.
8

9 CHAIRMAN McMAHON: Is this just
10 inside the reception lobby?

11 MR. BROWN: Yeah. Correct.

12 CHAIRMAN McMAHON: This does not
13 include out into the square?

14 MR. BROWN: No, the exit
15 requirement is the number of exits
16 required to leave the built space.

17 MR. COTUNGO: You're saying you
18 would need two legal exits, two exits?

19 MR. BROWN: Based on the
20 worst-case scenario which is unlikely,
21 yes; so we have the folding glass wall,
22 if the wall is closed, there would be
23 two doors in that glass wall.

24 MR. COTUNGO: I'm not sure if that
25 counts because the code says they have

1
2 to be remotely located.

3 MR. BROWN: One at each end.

4 It's a 16-foot-wide glass wall.
5 It's about as far away as we get them
6 in a space that small.

7 MR. COTUNGO: I'm not a hundred
8 percent sure, but I think the idea is
9 not to have it on the same side because
10 if there is fire there then you have
11 nowhere to go.

12 MR. PELTON: Any other exit would
13 be into the adjoining property through
14 the side of the building.

15 CHAIRMAN McMAHON: I'm not sure I
16 get what you're saying.

17 So with regard to the reception
18 lobby, one exit would be the folding
19 glass wall; is that correct?

20 MR. BROWN: No. There would be,
21 if you assume, again worst case, if the
22 folding glass wall was closed and
23 everybody is standing up, we are
24 required two exist; so with the folding
25 glass wall closed, at each end of the

1
2 folding glass wall would be an exit
3 door.

4 CHAIRMAN McMAHON: Okay.

5 MR. BROWN: We can't go out on
6 either side because it's occupied
7 space; and we can't go out the back
8 because it's not ours, it's a different
9 property.

10 CHAIRMAN McMAHON: Um-hum.

11 I can't speak to the fire code
12 requirements and whether or not that
13 would be acceptable. I personally
14 would have to differ to --

15 MR. BROWN: I don't believe there
16 is anything specific in the code that
17 says it can't be on the same wall.

18 ATTORNEY PROKOP: Has the
19 Department of State ever issued one of
20 those information bulletins about this
21 where they said the two doors can't be
22 on the same wall?

23 MR. COTUNGO: It doesn't say the
24 same wall, it says remotely located.

25 ATTORNEY PROKOP: So then, it just

1
2 sounds kind of unusual that they be the
3 same -- I'm not a certified code
4 official, but it just sounds unusual
5 that they would be on the same wall. I
6 don't have -- I'm saying that not
7 looking at the plans.

8 MR. BURNS: Well, to my mind, it's
9 highly unusual that a space this small
10 would require two exits in the first
11 place. It is a small space.

12 MS. BERRY: There is a formula for
13 the separation distance as proportioned
14 to the room size and it can be on the
15 same side, so he just has to, in his
16 building application, verify that he
17 meets those requirements and make sure
18 it complies with the rest.

19 CHAIRMAN McMAHON: Would the
20 seating that is in there, I see seven
21 seats available in there now, I think
22 that would have to be taken into
23 consideration with the calculations as
24 well, I mean it's standing room it's 69
25 people, but if there are --

1
2 MR. BROWN: The calculation for
3 that number of people assumes that
4 there is no furniture in there except
5 for the beverage counter itself.

6 CHAIRMAN McMAHON: So you're
7 saying remove the furniture entirely if
8 you were just --

9 MR. BROWN: Assuming, again,
10 assuming the worst case that the only
11 furniture in the room is the beverage
12 counter and taking up every square inch
13 of space in this room, aside from that
14 leads to the calculation in front of
15 you.

16 CHAIRMAN McMAHON: Okay.

17 MR. BROWN: And quite honestly,
18 seven more space wouldn't make any
19 difference in the calculation in terms
20 of the number of exits.

21 ATTORNEY PROKOP: Do you have --
22 there's improvements in this space,
23 right? Isn't there a counter and
24 things like that?

25 MR. BROWN: That's what I said,

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yes.

ATTORNEY PROKOP: I'm sorry, but you're not counting the square footage of the improvements in the square footage of the calculation, are you?

MR. BROWN: (No response.)

ATTORNEY PROKOP: The 343 square feet, is that the box of the room --

MR. BROWN: No.

ATTORNEY PROKOP: -- or did you net out the improvements?

MR. BROWN: That's the net occupiable space.

ATTORNEY PROKOP: Occupiable space. Okay, thanks.

There is a question I have been asked several times which is: The use of the inn as it is now, do you think that you are required to have a handicapped room, handicap-accessible room? Without these improvements, if you went ahead without these improvements, do you feel that now you

1
2 are required to have a
3 handicap-accessible room?

4 MR. BROWN: Do you mean on the
5 previous project?

6 ATTORNEY PROKOP: Yes.

7 MR. BROWN: No.

8 ATTORNEY PROKOP: So the inn as it
9 is does not require a --

10 MR. BROWN: As it is, no.

11 ATTORNEY PROKOP: And that's
12 because it's pre-existing?

13 MR. BROWN: That's correct.

14 MR. PELTON: That being said, I
15 think that it's the appropriate thing
16 to offer and the right thing to offer.

17 ATTORNEY PROKOP: I wasn't looking
18 to avoid having the new one, I think
19 that that's a good idea. It's, I'm
20 being asked whether one should have
21 been required.

22 MR. BROWN: Previously --

23 MR. PELTON: Our understanding is
24 no.

25 CHAIRMAN McMAHON: Okay.

1
2 Moving on for a moment from the
3 lobby to the general, to what's being
4 described as the event space.

5 I think we would need some more
6 detail on, I don't know if that was
7 included in the notes that were here,
8 but we would need, we will need more
9 information on the event space and
10 exactly how that will be utilized.
11 Whether or not there will be drinking
12 out there, whether or not -- the
13 proposed number of people that might be
14 in there. I think we would need some
15 sort of occupancy measurements for that
16 as well. If you are going to have a
17 space in the open courtyard, perhaps
18 people from an event would be going out
19 there, there would need to be a
20 definite limit on the number of people,
21 whatever it may be; and that would have
22 to be incorporated, I think, into the
23 plans for the space at large.

24 If you're going to have, say, is
25 there going to be ten or fifteen people

1
2 in the middle of the day or is it going
3 to be 40 or 50 people until midnight or
4 1:00 in the morning, they are very
5 different proposals.

6 I think that if we're going to go
7 forward, you're going to need to flesh
8 out some of the details of what
9 exactly, what sort of events you're
10 planning on, whether it's a rehearsal
11 dinner or party or whatever it is, the
12 timeframe of when it's going to be
13 done, if liquor is going to be served,
14 if food is gonna be served out there.

15 At the beverage counter now, I
16 don't know, there was some back and
17 forth as to whether it was just going
18 to be coffee and tea, things like that
19 in the morning for hotel guests or if
20 it would be a full-scale bar. If it is
21 going to be a bar, I don't see on the
22 plans a three-wash sink or a hand sink
23 or any of the things that would be
24 required to have, you know, any sort of
25 restaurant use or bar use for the area.

1
2 So if that's your intention, that's all
3 going to have to be included in the
4 plans.

5 MR. BROWN: Certainly that would
6 be on the architectural plans.

7 CHAIRMAN McMAHON: You're not
8 planning on doing alcohol there?

9 MR. PELTON: Yes.

10 We would anticipate that there
11 would be alcohol there. A rehearsal
12 dinner would be obviously food, and
13 there would be people. I don't know
14 what the exact occupancy would be, I'm
15 shocked by the number that is on this
16 for a standing-room event, it seems
17 quite high. I don't think that we
18 would come anywhere near that, I think
19 that we're talking 20-ish people in
20 there.

21 And again, I just think that this
22 is going to be a much-improved space,
23 and we first submitted these plans back
24 in March and we have done everything we
25 could to provide information. I don't

1
2 necessarily know that we needed to
3 submit full architectural drawings?

4 MR. BROWN: That is not my
5 understanding.

6 MR. PELTON: We are happy to give
7 you any other information that you
8 would be interested in, but we also
9 wanted to get moving on this.

10 CHAIRMAN McMAHON: I understand,
11 but the plans have been evolving over
12 time, and it's, you know, as things
13 progress over time, we need to be able
14 to see the final. I know you submitted
15 the initial plan back in March, but in
16 order for us to make an intelligent
17 decision and make evaluations with
18 regard to my concerns, possibly in the
19 SEQRA component of this where whether
20 or not it would have an impact on the
21 environment because we're talking about
22 an outdoor space with drinking and
23 partying going on until whenever, and
24 that could have an impact on the
25 neighbors across the street, it could

1
2 be a noise concern.

3 I know there is outdoor dining and
4 drinking going on now, but it's
5 significantly set back from the
6 property, and it was, you know,
7 particularly with the American Beech
8 Inn, that has been going on for 20 or
9 30-plus years, it's clearly established
10 as a use for the space. I do think
11 it's a significant increase in
12 intensity of use for the space to allow
13 it to just open up as a general-event
14 space, so I think that if we're going
15 to, again to discuss intelligently and
16 to provide you feedback that you need
17 and the neighbors deserve, we need to
18 have a fully fleshed out idea of what
19 you're proposing to do with the space.
20 I appreciate the detail you have
21 included in this and you have been very
22 responsive to all of our questions, but
23 I do think there is some detail that
24 still remains to be included. Do
25 you --

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MR. PELTON: What?

CHAIRMAN McMAHON: Particularly what hours of operation are; if you're going to have an event, where is it going to be confined to; is this actually purely, is the bluestone paving purely access in and out to the restaurants in the back or is that somewhere where people will be milling around; you know, those become concerns if there is a fire or something else somewhere in the space, and then you have, essentially you're going through the middle of the party for access points as opposed to walking through a designated walking area.

Do you understand?

MR. PELTON: Yeah. Several months ago we had a meeting with Glynis and Paul Pallas and Eileen and we sat down and one thing we were instructed, that the bluestone would be labeled for access use only.

MR. BROWN: That was labeled

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access only.

MR. PELTON: That was updated.

CHAIRMAN McMAHON: Okay. So --

ATTORNEY PROKOP: As far as the use, I'm glad you brought up those questions. Thank you.

As far as the use, I'm going back between the, I think it's called the Point of Sale Application from the State Liquor Authority, you're identifying this space as a point of sale and then you're telling us that it's going to be used for events. If it was going to be used for events, wouldn't you be covered under an event permit on the application for the main restaurant, main bar?

MR. PELTON: I'm not sure about that. I'm not a liquor license guy, my understanding is that we applied for a new permit and extended the location of the existing liquor license into that space.

ATTORNEY PROKOP: I mean, it seems

1
2 like I ask this question every time we
3 get together about this application.

4 Is this just going to be a new bar; is
5 that what this is?

6 MR. PELTON: That's not the
7 anticipation of the use, so no, it's
8 not going to be a new bar.

9 I don't remember you ever asking
10 me that.

11 ATTORNEY PROKOP: I think it came
12 up when you weren't here, I apologize.
13 I remember the application.

14 MR. BROWN: Last week, I believe
15 the question came up, and I believe I
16 stated that it's not intended as a
17 freestanding open-to-the-public bar,
18 but specifically for use for any
19 possible event or for guests of the
20 hotel. Is that correct?

21 MR. PELTON: Correct.

22 ATTORNEY PROKOP: So if I come by,
23 I'm just -- there is nothing wrong with
24 any of the things that you're saying,
25 I'm now questioning that, I just think

1
2 the Board is entitled to know what the
3 use is going to be. I'm not saying
4 that's it's not as you say, but does
5 that mean if I'm walking down Main
6 Street and I see something going on
7 there and I'm not a guest of the inn,
8 and I go in there for a drink, will I
9 be served or will I be told that it's
10 for guests of the inn?

11 MR. PELTON: It seems as -- my
12 understanding is the Board is wanting
13 me to say, it's for guests of the inn
14 only --

15 ATTORNEY PROKOP: No.

16 MR. PELTON: -- which seems as
17 though it would be an exclusive, which
18 I don't want to do. I want to have
19 American Beech Inn as tied to the
20 fabric of Greenport as possible. I
21 don't want to have to say, no, you
22 can't be here, but that's what I'm
23 getting from the Board, and if that's
24 what you want, absolutely we'll agree
25 to that. We'll say, I'm sorry, but

1
2 this is for hotel guests only and
3 reserved for private events, and if
4 that's the desire, absolutely, we'll do
5 that, but I want to be as open as
6 possible to the community.

7 CHAIRMAN McMAHON: My concern is,
8 I just don't know what you're planning
9 on doing. That's the only --

10 MS. CLARKE: I just think we want
11 clarification, transparency, exactly
12 what you're -- depict exactly what it's
13 going to be for. We're not telling you
14 what to make it for, but we're asking
15 you to tell us what you plan to do.

16 MR. COTUNGO: Last week I remember
17 you said it's still evolving, and I
18 think I said, well, that really puts us
19 in a bad position.

20 MS. CLARKE: Right.

21 MR. COTUNGO: It's like giving you
22 a blank, so the evolving, it has to
23 settle down, and we can vote for it or
24 against it, so tell us what it is.

25 MR. BURNS: Is it the Board's

1
2 feeling that this should not be another
3 open bar?

4 CHAIRMAN McMAHON: My concern is
5 if it doesn't see to -- generally when
6 you're going to have drinking on
7 premises, it should be contained
8 somehow, and it seems to me as if
9 you're going to have drinking from
10 several establishments sort of mingling
11 together in the square and that can be
12 problematic because then you have
13 capacity for one restaurant that's sort
14 of being lent to another, it just
15 doesn't -- I think it needs to be an
16 understanding of how each of these
17 individual restaurants are operating,
18 what the, where they're going to be
19 operating, and what each one is going
20 to be doing because if someone's buying
21 drinks at American Beech and then
22 walking down the stone path that's
23 supposed to be for access only and
24 mingling with someone 1943 and then
25 stopping and taking a seat here, then

1
2 it becomes a safety issue because there
3 is supposed to be access for each of
4 these things and if there is a handicap
5 access that's going through the space
6 but now people are standing in it, it's
7 no longer access, it's now a separate
8 area.

9 That's my concern. It's just I
10 don't know exactly what you're
11 proposing clearly with regard to each
12 of these spaces and how they interact.
13 That's my concern.

14 I'm not telling you do or don't do
15 this, restrict this or don't restrict
16 this, I just don't understand exactly
17 how each of these spaces are going to
18 be used and whether or not, what
19 exactly it is you're proposing.

20 MR. PELTON: What do you mean
21 "each of these spaces?"

22 CHAIRMAN McMAHON: Just as I said,
23 if the reception lobby, someone saying
24 they're a guest of American Beech Inn
25 and they want to go grab a drink in the

1
2 reception lobby, so they're going to be
3 then taking the drink through the path
4 and they're going to hang out in front
5 or they're going to go over to -- it
6 just doesn't seem to be clear where the
7 boundaries of each of these individual
8 businesses are, and if there is, you
9 know, if your knew stone paving for
10 access only is written on something,
11 then it needs to be new stone paving
12 for handicap access only, I mean,
13 that's what I'm getting at.

14 MR. BROWN: There are designated
15 outdoor seating areas that are labeled
16 as such, and I don't know that we can
17 control what people do, even on the
18 sidewalk in terms of standing and
19 milling around, but we are showing
20 specific seating areas for that
21 specific use.

22 MS. BERRY: Can I -- maybe I'm
23 assuming something that isn't true, but
24 my impression of the conversation so
25 far is that American Beech would serve

1
2 liquor to seating areas in the plaza
3 that aren't particularly attached to
4 the properties of the other tenants; is
5 that correct?

6 MR. PELTON: Correct.

7 MS. BERRY: I think that's the
8 intended use of the area.

9 ATTORNEY PROKOP: I think that
10 last year in the first application, the
11 initial approval was for exploration
12 for -- you wanted -- you told us that
13 you needed to go inside to test for
14 rotting in one of the beams, and there
15 was a building permit issued for that,
16 and then we ended up with the inn.

17 Then this application came in as a
18 lobby for the hotel, and I just
19 happened by chance to ask at one of the
20 meetings because I saw a counter there
21 whether or not there was going to be
22 alcohol served and the answer was yes;
23 and now one or two meetings later, it's
24 now an event space.

25 We need -- it's not fair to us

1
2 that this happens or to the Village or
3 to the residents that live in that
4 area. We need to pin down exactly,
5 excuse me, you need to pin, very
6 respectfully, we need to know exactly
7 what the story is, you know, what you
8 intend, what the story is going to be.

9 MR. PELTON: The primary use is
10 lobby and associated use, we would like
11 to be able to have events there. We
12 have a number of requests where people
13 would like to have a dinner or some
14 sort of event, and we could not
15 accommodate them at the restaurant, but
16 we would like to say yes, so we would
17 like to be able to say yes, you can
18 have it here.

19 We have a number of people who are
20 interested in booking all of our rooms
21 because they're having an event and we
22 would like to be able to have a space
23 for them which would be a hotel
24 reception and lounge.

25 So I feel as though in our mind we

1
2 have been open and transparent from the
3 beginning, and I don't feel as though
4 we're changing the story on our end, so
5 this has always been the same use.

6 ATTORNEY PROKOP: In your mind, it
7 is; but you were here a couple of
8 months ago and you said it's an inn
9 lobby, now you're saying a hotel
10 lounge, it's completely different
11 things, and I'm not denying that in
12 hotels that I go to all the time, there
13 is a place in the lobby that you can
14 get a drink, I mean, that's clear; but
15 this is separate space and I think, you
16 know, whatever it is, just let us know
17 whatever your plans are.

18 MR. PELTON: I think that the
19 primary purpose is hotel reception.

20 MR. COTUNGO: I thought last week
21 we spoke about changing the name
22 because we realize that this name
23 really isn't accurate for how you're
24 going to use it; do you remember
25 speaking about that last week?

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MS. CLARKE: Yes.

MR. COTUNGO: You agreed to change the name just so it's clear. It's not really a reception lobby, it's really an event space, so we all said, call it an event space, but it still hasn't been changed for whatever reason.

MR. BROWN: Again, as Mr. Pelton said, the primary use is as a reception room for the hotel, the event space, the event use is secondary.

CHAIRMAN McMAHON: So would you --

ATTORNEY PROKOP: Can we have a request for what they need before they come back for the next meeting?

CHAIRMAN McMAHON: I don't think we've itemized it.

ATTORNEY PROKOP: I hope I didn't cut off your train of thought, I'm sorry.

CHAIRMAN McMAHON: No. It's just --

MS. BERRY: Can I just add something?

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2 Usually with a lot of the uses, we
3 ask for a specification of the hours,
4 so maybe also for these spaces, you
5 indicate the hours of operation that
6 you would see for some of the uses.

7 CHAIRMAN McMAHON: One of my
8 biggest concerns here is, it seems as
9 if it's turning from several different
10 individual businesses into one large
11 incorporated party space throughout,
12 from the entire stone walkway all the
13 way from Bossos to American Beech past
14 1943 to the new proposed event space;
15 and I think that it seems just sort of
16 endless and unclear as to what exactly,
17 you know, where are people allowed to
18 drink; where are they going to be; is
19 there any sort of barrier to keep
20 people from going into the streets; is
21 there going to be any stopping, you
22 know, if this is now an outdoor -- you
23 know, you have restaurants here with
24 clearly delineated spaces where
25 drinking is on-premises and it's

1 permitted in the seating area here,
2 there's a bouncer there if there's
3 something going on. Particularly in
4 this front space on Main Street,
5 there's just a grass area there where,
6 is that going to be an area where there
7 is a lot of -- is there going to be
8 outdoor drinking and partying until,
9 you know, as late as American Beech is
10 open? Is it going to be later if
11 there's a space for the reception, and
12 I think we need specifics on that
13 because there is a potential for impact
14 on the neighbors. I think the noise
15 late at night could be an issue that
16 needs to be addressed. That's what I'm
17 asking for, more specification on that,
18 that specifically for me is what I'm
19 referring to, just clearly spelling out
20 where people are going to be drinking
21 and eating, the hours of operation,
22 whether or not -- we restricted every
23 other restaurant in town from having
24 any outdoor music being played. If you

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have --

MR. PELTON: I have a question about that.

Claudios has a permit for --

CHAIRMAN McMAHON: Claudios has been doing that since --

MR. BROWN: How on earth is that allowed?

CHAIRMAN McMAHON: I would say it's probably because they have been doing it for 50 years and --

MR. PELTON: Is it legal?

CHAIRMAN McMAHON: -- the code --

ATTORNEY PROKOP: What I can tell you is that we have enforced it at other premises.

MR. PELTON: What's that?

ATTORNEY PROKOP: When had enforced it in other establishments.

MR. PELTON: But Claudios?

ATTORNEY PROKOP: I can't -- with all due respect, I wouldn't comment about one particular, the same way if they came in here questioning you, it's

1
2 the same.

3 MR. PELTON: Sure.

4 ATTORNEY PROKOP: But I can assure
5 you that we have enforced it and
6 prosecuted that particular violation at
7 other premises.

8 MR. BROWN: In terms of where
9 things will happen, the outdoor seating
10 areas are specific and shown, I'm
11 getting the sense that really it comes
12 down to the hours; is that correct?

13 CHAIRMAN McMAHON: That's a big
14 part of it, yes, and whether or not
15 it's going to be contained. I mean, I
16 know this is not a problem unique to
17 American Beech, but I do see it when I
18 walk by, and I frequent all of the bars
19 and restaurants in the Village. I work
20 as a bartender myself, so I pay
21 attention to glasses and presentation
22 that everyone is using, I see the
23 American Beech glasses on the sidewalk
24 when I'm walking to work regularly.
25 Now, that's, again, something that

1
2 happens at every restaurant, patrons
3 steal things, people sneak drinks out,
4 you're not going to give them a to-go
5 cup, they're going to take their drink
6 anyway.

7 My concern is that if you have an
8 open space like this without any sort
9 of barrier or any sort of entryway,
10 that it's going to just be worse. It's
11 just going to exacerbate an existing
12 problem that every restaurant has to
13 contend with.

14 Again, that's one of the concerns,
15 but yes, as you asked, hours of
16 operation are a big concern, yes, that
17 is a big part of it as to whether or
18 not it's going to be going on, you
19 know, as late as the restaurant is
20 open, later than the restaurant.

21 Again, when we asked the question,
22 is it a reception lobby or is it an
23 event space, or are you serving alcohol
24 there, these are all questions we ask
25 every applicant that comes in, and is

1
2 food going to be served and if it is
3 going to be, again, it doesn't appear
4 as if any of the things you would need
5 to have a functioning bar are in it,
6 like a three-wash sink or hand-wash
7 sink.

8 MR. BROWN: Again, those would be
9 shown on the architectural plans, not
10 necessarily on the site plan.

11 CHAIRMAN McMAHON: Okay.

12 So can I ask, are they on the
13 architectural plans?

14 MR. BROWN: The architectural
15 plans are not going to be done until we
16 get approval from Planning Board.

17 MR. COTUNGO: I think some of that
18 stuff should be shown, you spoke about
19 the sink last week, I think you should
20 show it; it's no big deal to draw a
21 little box.

22 And what I would ask is if you do
23 that code analysis, there is a formula
24 that says how far the exits have to be,
25 just write that right on here and show

1
2 the distance, show a dimension between
3 the two doors, and if there are folded
4 doors, I think they have to be a
5 special pop-out kind because if this
6 place is used in the winter and the
7 doors are closed, you know what I'm
8 saying?

9 MR. BROWN: They are designed so
10 that you can incorporate operable doors
11 in the folding glass wall.

12 MR. COTUNGO: Again, I know these
13 aren't architectural plans, but it
14 would be nice to see that, nice to see
15 that it works with the code.

16 MR. PELTON: My concern is it's
17 gonna be a year of this back and forth,
18 and as much as I enjoy standing here, I
19 don't want to waste all of our time,
20 and I don't know what there is that can
21 allow us to move forward with at least
22 some of this.

23 ATTORNEY PROKOP: Well, I think we
24 have to come to that point where --
25 every meeting is a new discovery about

1
2 what you're doing, so I think you need
3 to come to the point where you define
4 exactly what you're going to be doing
5 inside and outside and then let us
6 know, and then that will bring this to
7 a close.

8 MR. COTUNGO: We couldn't vote on
9 it tonight anyway because we're waiting
10 for Historic. Why are we waiting for
11 Historic?

12 MS. CLARKE: Right.

13 MR. COTUNGO: Because you
14 installed ductwork without approval.
15 Before that it was a Plexiglass roof
16 over the bar.

17 We didn't do that.

18 MS. CLARKE: You know, we're
19 volunteers, and we're busy too.

20 MR. PELTON: Yeah.

21 MS. CLARKE: With all due respect,
22 I lead a really busy life, you know,
23 and I don't need to sit here and go
24 over the same thing time and time and
25 time again at every meeting either.

1
2 You know, I don't know if you guys
3 are hearing it, you know. It keeps
4 changing, like Joe said, there is a new
5 proposed use and, like I said last
6 meeting, when it started it was a
7 reception lobby area. There was never
8 the term event room.

9 Just maybe someone came to you and
10 asked, can I hold an event here, and
11 that triggered something for you; I'm
12 not sure how it came to be, but it came
13 to be later.

14 MR. PELTON: I appreciate your
15 service on this Board. I am amazed at
16 the level of commitment by the
17 volunteers who serve on this and the
18 other Boards, and I feel as though
19 we've done a good job, but we will
20 re-double our efforts to make sure that
21 the uses are as clearly set forth as
22 possible on this, so I guess we'll see
23 you at the next one.

24 MR. PALLAS: Mr. Chairman, if I
25 may, there's two -- I don't know if you

1
2 were going to conclude at this point,
3 but again at the risk of adding fuel,
4 just one note. I think you all have a
5 copy of an e-mail that described some
6 of the uses, one use that actually
7 hasn't been discussed is retail sales.
8 I assumed that meant inside the hotel;
9 now after I re-read it, it looks like
10 it's for the reception area that's
11 going to be retail sales in there as
12 well.

13 MR. PELTON: I mean, I would
14 imagine that that would be somewhat of
15 an incidental use of a hotel reception
16 area, and I wanted to be as inclusive
17 as possible so that all the potential
18 uses have been set forth because the
19 last thing I want to do is, you know,
20 get this and build it and, you know,
21 have some retail sales of incidental
22 items, and then have people come and
23 say that was not on the site plan.

24 MR. PALLAS: Understood, I just
25 don't think the Board was fully

1
2 cognizant of that item in the note, I
3 think they have a copy of it, but I
4 just wanted to make sure that that was
5 included in for whatever requirements,
6 information requirements they want from
7 you.

8 Mr. Chairman, one other item I
9 just want to point out, I believe at
10 the last meeting, you requested from
11 the applicant and voted on an extension
12 of time for the approval. I'm guessing
13 that that clock runs out at the
14 September meeting or maybe prior, so
15 you may want to consider requesting
16 another extension.

17 CHAIRMAN McMAHON: I believe we
18 have another 60 days from today.

19 MR. PALLAS: Yes.

20 CHAIRMAN McMAHON: I don't recall
21 the wording or specifics. It's an
22 extension from today from the
23 expiration of the existing window.

24 MR. PALLAS: I would assume the
25 resolution would be worded from the

1
2 expiration of prior extension.

3 ATTORNEY PROKOP: I think that
4 that's from the prior extension.

5 CHAIRMAN McMAHON: That would
6 bring us to October.

7 MR. PALLAS: The ability to.

8 CHAIRMAN McMAHON: So I think --
9 we would have to address that. I don't
10 think we would have to address it this
11 evening.

12 MR. PALLAS: You may want to, I
13 don't know without looking, going back
14 to the actual calendar to see the
15 actual wording and see when it falls.

16 CHAIRMAN McMAHON: Okay.

17 MR. PALLAS: So you don't get
18 caught between meetings.

19 MR. BURNS: I wonder if there is a
20 way to split these two things. That
21 is, it is obvious that you need a
22 lobby; it's not obvious that you need a
23 party room.

24 MR. PELTON: Correct.

25 Can I do a lobby and have retail

1 sales? My boyfriend is a clothing
2 designer, if he puts racks in there and
3 we can go forward with hotel use, we
4 can go forward with reception lobby,
5 and we can do some incidental sales of
6 clothing items, and maybe that would
7 make the Board feel better, and it
8 would allow us to move forward.

9 I don't want to be
10 confrontational. I don't think any of
11 us enjoy this process, but I want to
12 move forward with this.

13 And he would be thrilled because
14 he would have a space that he could
15 sell clothing items.

16 ATTORNEY PROKOP: What I would
17 recommend is that in about two weeks
18 you give the Board a full statement of
19 your intended use for the space.
20 Something you're committing yourself
21 to. Is that -- I don't mean like a
22 sentence, I mean like a full
23 description.

24 CHAIRMAN McMAHON: I mean, so some
25 Flynn Stenography & Transcription Service
(631) 727-1107

1
2 of the things that --

3 ATTORNEY PROKOP: Including all
4 the space in between, you know all this
5 outside space.

6 CHAIRMAN McMAHON: Yeah, I mean,
7 if it's going to be -- I know you want
8 to open the rooms, you want to have a
9 reception lobby, if those are your
10 priority, I would anticipate we would
11 have to have, because of the SEQRA
12 considerations and the -- just based on
13 the plan being somewhat unclear as it
14 is with regard to hours of operation
15 for outdoor seating and drinking,
16 where, you know, we don't have clarity
17 on who is serving liquor, who is
18 allowed to serve it, you know,
19 essentially if someone takes something
20 from 1943 and then walks over to one of
21 these outdoor spaces, they're violating
22 their liquor license by taking alcohol
23 off premises. They're essentially
24 doing the same thing with American
25 Beech right now as well, someone takes

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2 a drink from American Beech and goes
3 off that parcel, walks over to one of
4 these seating areas, they're taking
5 liquor off premises because it's a
6 different site plan, even though you
7 own the entire square, they're
8 different businesses and there's
9 different areas, so I think that does
10 complicate things quite a bit.

11 If you're interested in just doing
12 the reception to move forward, doing
13 incidental, doing some reception lobby
14 with some retail sales in there, and
15 you want to move forward with your
16 hotel rooms, I think that's a much
17 simpler application. If you were
18 interested in bifurcating your
19 application, you can probably do that.

20 I mean, it's up to you where you
21 want to go, but I think it becomes much
22 more complicated when you're talking
23 about serving alcohol outside in
24 between several restaurants, that makes
25 things much more --

1
2 MR. COTUNGO: Too close to Main
3 Street.

4 CHAIRMAN McMAHON: Yeah. Then it
5 becomes, if you have essentially one
6 large party space, then it could be an
7 issue on another noise concern and a
8 quality-of-life concern for the
9 neighbors who are across the street. I
10 know it is Main Street, so it is busy.

11 MR. PELTON: We have eleven rooms,
12 that's our priority, and we would need
13 to self-regulate because of that.

14 CHAIRMAN McMAHON: I'm sorry, I
15 couldn't hear you.

16 MR. PELTON: We would need to
17 self-regulate because of that.

18 CHAIRMAN McMAHON: Yeah. You
19 know, we have a responsibility to take
20 as much of your self-regulation away as
21 possible and make sure that it's a
22 comprehensive plan that isn't just sort
23 of open ended, and I feel like what we
24 are looking at now, again, we have made
25 many revisions, it's been a long

1
2 process, but because the plans have,
3 there have been new things that have
4 come up, I think -- again, I don't want
5 to be here, I don't particularly enjoy
6 this. I was asked to volunteer for
7 this Board, and I'm here because
8 it's -- I think many of us are in the
9 same position, it's just we have a
10 responsibility to look at your plans
11 critically, and it's nothing against
12 either of you. I frequent your
13 restaurant, I like what you have done
14 there, you did a great job with the
15 rooms, it's just a matter of we have to
16 be thorough, and there's nothing beyond
17 that and that's where all of our
18 concerns are.

19 So if we're talking about the
20 entire space and the event space, the
21 outdoor seating, we need clarification
22 on hours of operation, clarity on who
23 exactly is serving liquor and where --

24 MR. COTUNGO: If you're going to
25 have a cash register there, you might

1
2 as well put that in that description or
3 if you're not gonna put a cash
4 register.

5 CHAIRMAN McMAHON: Again, so
6 something like, you do need to include,
7 even if it's incidental sales for
8 reception, you know, for a hotel, if
9 you're having retail sales there, that
10 needs to be included in the site plan
11 for the approval of the space, some
12 retail component does need to be noted
13 in there.

14 Again, a lot of these things seem
15 to be sort of incidental or it's a
16 reception lobby, but we'd like to have
17 events there, all of that needs to be
18 clear. I don't know where you want to
19 go from here moving forward as quickly
20 as possible, but those are my thoughts.

21 I don't know if anyone has
22 comments or questions.

23 MS. CLARKE: I spoke my piece, you
24 know where I stand.

25 CHAIRMAN McMAHON: No other

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2 questions?

3 MR. BURNS: I think the event
4 business may not be something we could
5 approve, but the rest of it you need
6 and it makes sense.

7 CHAIRMAN McMAHON: Yeah, I mean,
8 there's a pretty clear designation and
9 a fairly significant difference between
10 a reception lobby for a hotel and an
11 expansion of the hotel and essentially
12 turning the entire courtyard into an
13 outdoor event space. Those are fairly
14 significantly different proposals, so
15 however you want to move forward, I
16 think the reception lobby and expansion
17 of the hotel is fairly straightforward
18 with regard to it's allowed in the code
19 from what we have reviewed so far. The
20 event space, it really needs to be very
21 thoroughly fleshed out if you're going
22 to move forward with that.

23 MR. PELTON: If there is an event
24 space component, would the Board be
25 interested in telling me what sort of

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2 hours you see would be something that
3 you would think could be appropriate?

4 CHAIRMAN McMAHON: I am hesitant
5 to say specifically what hours would
6 work. Again, I think for an event
7 space that's an outdoor event space
8 serving liquor into the evening,
9 holding parties, directly on Main
10 Street, it would probably require,
11 there would be a SEQRA hearing, a
12 public hearing and that would take more
13 time and again, that's how I expect it
14 would go forward if that were the
15 proposed use that you want to move
16 forward with because it would, and that
17 would then be based on comments from
18 the public, any other Boards, that
19 would be the determination. I can't
20 intelligently tell you what an
21 acceptable timeframe would be right
22 now. It's sort of beyond me to make
23 that call.

24 I know this isn't what you were
25 hoping to hear this evening, but do you

1
2 have any additional question for us at
3 this time?

4 MR. PELTON: I received what I
5 perceive to be a criticism of having
6 the plans change and I admit the plans
7 have changed because we have come to
8 you and listened to your feedback and
9 we've modified and fleshed out and
10 provided you with as much information
11 as possible, and I guess if we do
12 update the plans again, I don't want to
13 be hearing back, oh, you changed the
14 plans again.

15 But does that change the -- does
16 that start the clock again?

17 CHAIRMAN McMAHON: That was
18 actually the last issue to discuss, the
19 timeframe.

20 ATTORNEY PROKOP: We need the
21 applicant to agree to a 60-day
22 extension and then we need to vote to
23 accept it.

24 CHAIRMAN McMAHON: We would need
25 to, again, we have to mutually agree to

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extend the timeframe.

MR. PELTON: Because I would say no, and you would most likely say no.

CHAIRMAN McMAHON: All right.

So I'm going to make a motion that we extend for another 60 days to allow us to move forward with this.

Do I have a second for that?

MS. CLARKE: Second.

CHAIRMAN McMAHON: Actually, excuse me.

Do you agree to that?

MR. PELTON: Yes.

CHAIRMAN McMAHON: Okay.

I move to make a motion that we extend the timeframe for the application for another 60 days from the current expiration date.

Do I have a second for that?

MS. CLARKE: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. COTUNGO: Aye.

MS. CLARKE: Aye.

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CHAIRMAN McMAHON: Motion carries.

Okay. Is there anything else anyone would like to discuss about this at this time?

MR. BURNS: Make sure that they're clear on what they're coming back with.

CHAIRMAN McMAHON: Okay, so I think that is essentially up to you whether you're going to follow Ben's suggestion and focus on getting the reception lobby, incidental merchandise sales, and the rooms going forward, you would want to move forward with that and not going forward with the event space at this time, maybe make that a separate application or amended application sometime in the future, it's up to you what you want to do with regard to that.

So it is essentially up to you if you're going to come back with the event space, you want to do all of that, included in that we would need a more fleshed out plan with regard to

1
2 the items we discussed, particularly my
3 biggest concern as far as liquor
4 licenses, where is it being served,
5 where is it going to, is it all
6 inclusive and, you know, how do you
7 plan on delineating the different
8 spaces, that's my, one of my biggest
9 concerns.

10 MR. BURNS: Have you the feeling
11 that if we limit the hours that would
12 be the answer that would take care of a
13 whole bunch of things?

14 MR. PELTON: If you told me the
15 hours I could probably work with it,
16 but I don't feel like that's what
17 you're saying. There's only so much
18 that we can put down in the plan,
19 there's only so much that we can say
20 about what we are saying. I just want
21 to get moving with something.

22 ATTORNEY PROKOP: One of the
23 things about this, you know, the other
24 thing about the space, it is in the
25 Historic District, I mean, I know it's

1
2 a space that you think you'd be
3 successful in, but it's not related,
4 the criteria, you know, it's a
5 co-invented Historic District, it's on
6 the National Registry for Historic
7 Places, and we have to be cognizant of
8 that.

9 CHAIRMAN McMAHON: Do we have any
10 other questions or comments right now?

11 MR. PELTON: I don't know what it
12 would be, if we do, we will be in touch
13 with Glynis, and if I'm not able to
14 communicate with you outside of these
15 processes, which makes it, which
16 probably makes it frustrating for both
17 of us because there is a lot that we
18 could accomplish if we could sit down
19 and have a talk about solutions as
20 opposed to --

21 CHAIRMAN McMAHON: A lot of what
22 this Board does would be handled
23 administratively in a larger community
24 and we would be out of it, so we have
25 to have these meetings twice a month

1
2 and it is a longer process than you
3 would deal with in a lot of places, but
4 unfortunately that's the process we
5 have.

6 MR. PELTON: I'm sorry to make you
7 go through it, and we are trying to get
8 a plan in place that works for
9 everybody and we'll look forward to
10 working with you on it.

11 MR. BURNS: We are too.

12 MR. PELTON: Thank you.

13 CHAIRMAN McMAHON: Item number 3,
14 vacant lot east of 217 Monsell Place.

15 Continued discussion of the
16 pre-submission conference for Bryan
17 Nicholson. The applicant proposes to
18 develop the vacant parcel which he is
19 currently under contract to purchase.

20 Bryan Nicholson is before the
21 Board to discuss the proposed
22 construction of a one-family house on
23 the property located east of 217
24 Monsell Place.

25 The pre-submission package

1
2 includes a site plan, floor plans, and
3 elevations. The project as proposed
4 will require one variance. It is
5 scheduled to be on the ZBA agenda for
6 the July meeting.

7 A revised site plan will be
8 submitted for consideration upon the
9 completion of the Zoning Board appeal
10 process.

11 The property is located in the
12 R-1, One-Family Residential District of
13 the Village of Greenport. The property
14 is not located in the Greenport Village
15 Historic District.

16 Suffolk County Tax Map number
17 1001-2-2-29.

18 It says this was on the agenda for
19 the July ZBA meeting.

20 Do we know if this was resolved?

21 ATTORNEY PROKOP: I don't think
22 so.

23 CHAIRMAN McMAHON: Is it still
24 held over from the --

25 MS. BERRY: It was tabled because

1
2 the applicant wasn't there.

3 CHAIRMAN McMAHON: So it was not
4 addressed at the ZBA meeting.

5 MS. BERRY: Oh, the ZBA, I'm
6 sorry.

7 MR. SALADINO: We scheduled a
8 public hearing for August. We accepted
9 the application and scheduled a public
10 hearing.

11 CHAIRMAN McMAHON: Okay.

12 So we're going to have to --
13 you're free to comment on it.

14 MR. NICHOLSON: So a couple of
15 comments.

16 At the ZBA meeting, I was told
17 that the variance was unnecessary. I
18 hadn't understood that I did not need a
19 variance for this property; however, I
20 am still pursuing the variance since it
21 is a better location for the house and
22 it would be much better for my
23 neighbors.

24 In any case, I would like to
25 continue to flesh out any issues with

1
2 the site plan because if the variance
3 is denied, I will move the house over
4 five feet and keep everything else the
5 same.

6 CHAIRMAN McMAHON: Okay.

7 Anyone have any question or
8 comments?

9 MR. COTUNGO: For both houses, I
10 still feel that there is too much
11 bedroom space, not enough living space
12 given the size of the lot, size of the
13 driveway, and the configuration of the
14 house.

15 Both houses, the same comment.

16 CHAIRMAN McMAHON: Okay.

17 I do understand his concern. I'm
18 sort of of the mind that perhaps if
19 it's allowed by the code in the
20 Village, it's essentially not, you
21 know, it's out of our hands at that
22 point.

23 I think Ben feels similarly, and
24 you agree with Peter and John, so it
25 seems as if three of the Board members

1
2 feel that one of the rooms should be
3 converted to some sort of mutual living
4 space, two of us do not.

5 We can't vote on it this evening,
6 it is still before the ZBA. I'm not
7 really sure what to say beyond that.

8 MR. NICHOLSON: Okay.

9 ATTORNEY PROKOP: We need to think
10 about when he comes back if he is
11 successful with the ZBA or he's not and
12 he changes something he'll be back
13 anyway.

14 CHAIRMAN McMAHON: Otherwise, I
15 mean we already have to wait for the
16 ZBA to act on that.

17 So I am going to make a motion
18 that we table the discussion for that
19 until our next meeting.

20 Do I have a second?

21 MS. CLARKE: Second.

22 CHAIRMAN McMAHON: All in favor?

23 MR. BURNS: Aye.

24 MR. COTUNGO: Aye.

25 MS. CLARKE: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number 4, vacant lot south of
525 Second Street.

Continued discussion of the
pre-submission conference for Bryan
Nicholson. The applicant proposes to
develop the vacant parcel which he is
currently under contract to purchase.

Bryan Nicholson is before the
Board to discuss the proposed
construction of a one-family house on
the property located south of 525
Second Street.

The pre-submission package
includes a site plan, floor plans, and
elevations.

The property is located in the
R-2, One- and Two-Family Residential
District of the Village of Greenport
and is not located in the Greenport
Village Historic District.

Suffolk County Tax Map number
1001-2-6-14-2.

Again, very similar plan to the
Flynn Stenography & Transcription Service
(631) 727-1107

1
2 other one. I believe John's concern
3 and Lucy's concerns are the same with
4 regard to that, I believe me and Ben
5 are not troubled by it.

6 I don't know how we can -- it
7 appears if we would have a split vote,
8 so I don't know that we could just take
9 a vote, have a split vote, we would
10 need a deciding vote.

11 At this time -- Peter indicated at
12 the last meeting, I believe that he
13 would not vote to approve it.

14 MS. BERRY: Could we have an
15 executive session?

16 CHAIRMAN McMAHON: Can we have an
17 executive session?

18 ATTORNEY PROKOP: Yes, you're
19 allowed to have a quick meeting to seek
20 advice from the attorney.

21 CHAIRMAN McMAHON: Okay.

22 I'm going to make a motion that we
23 adjourn for a moment to speak with our
24 attorney.

25 Do I have a second for that

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motion?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MS. CLARKE: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

(Whereupon, the Board retires to
an executive session.)

CHAIRMAN McMAHON: Okay. We're
going to resume the meeting.

ATTORNEY PROKOP: I think he might
want to ask a question.

MR. NICHOLSON: I mean, you know,
I know, I've been made aware that a
split vote is obviously a no vote and
I'd be back to square one.

If it will appease the Board, I
can change one of the upstairs bedrooms
to a den.

MR. COTUNGO: Change one of the --

MR. NICHOLSON: -- upstairs
bedrooms to a den.

MR. COTUNGO: Just by changing the

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name?

MR. NICHOLSON: Yes.

ATTORNEY PROKOP: But that can't be used for sleeping purposes.

MR. NICHOLSON: Okay. Understood.

ATTORNEY PROKOP: Under the State Code.

Would you want to see new plans?

MR. COTUNGO: It would have to be almost like -- I do a lot of work with septic and people often do that, they really want it as a bedroom, but they call it a den so they don't have to increase the septic, so it has to be like completely open and it can't just have a two-foot-six doorway.

MR. NICHOLSON: Understood, but the Village of Greenport is on sewer system so it does not --

MR. COTUNGO: I'm just giving that as an analogy.

MR. NICHOLSON: Okay. I understand.

MR. COTUNGO: So that's my answer,

1
2 it would have to look like a den, it
3 would have to be wide open, not just
4 with a two-foot-six door.

5 CHAIRMAN McMAHON: First we should
6 probably take a vote on the application
7 as it was submitted. If we have a
8 split vote, we have a split vote.

9 I'm going to make a motion that we
10 approve the application as submitted.

11 Do I have a second for that?

12 MR. BURNS: Second.

13 CHAIRMAN McMAHON: All in favor?

14 MR. BURNS: Aye.

15 CHAIRMAN McMAHON: Aye.

16 All opposed?

17 MS. CLARKE: Aye.

18 MR. COTUNGO: Opposed.

19 CHAIRMAN McMAHON: We have a split
20 vote, so you now have the option, the
21 applicant has proposed converting one
22 of the upstairs bedrooms to a den.
23 That could be a covenant of the
24 approval.

25 I don't know if that would change

1
2 your mind or if it would change
3 anything at all.

4 Are you saying it still wouldn't
5 work for you.

6 MR. COTUNGO: Not by just changing
7 the name.

8 MS. CLARKE: No, me either.

9 CHAIRMAN McMAHON: Then it appears
10 right now we have a split vote, we
11 can't move forward. We will have a
12 full board at the next meeting. I
13 don't know if we can do anything else.

14 Right now we have, when did we --
15 do you know when we accepted this
16 application; was that at the last
17 meeting or was it the previous meeting?

18 MS. BERRY: Previous meeting.

19 CHAIRMAN McMAHON: It was the
20 previous meeting.

21 ATTORNEY PROKOP: That was the
22 vote, there's nothing to extend.

23 CHAIRMAN McMAHON: What's that?

24 ATTORNEY PROKOP: You just denied
25 the application, there is nothing to

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extend.

CHAIRMAN McMAHON: I was not aware of that. So where do we go from here?

ATTORNEY PROKOP: He can come in --

CHAIRMAN McMAHON: I mean it would have been, whether Peter was here or not, that would have been the vote.

ATTORNEY PROKOP: The same thing that he would have had to do, come back next month with a new plan.

Get it in fairly quick.

MR. NICHOLSON: Can I ask a question?

Is there a way where I can find the articles of this board, so I can fully understand the scope?

CHAIRMAN McMAHON: Yeah. Chapter 150, Zoning of the Village of Greenport Code. That's the Zoning code.

If you're looking specifically for Planning Board --

MR. NICHOLSON: In there, is there anything that I have not met?

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2 CHAIRMAN McMAHON: I can't speak
3 to that.

4 MR. NICHOLSON: Because as far as
5 I'm aware, I'm following all the code
6 for New York State and for the Village
7 of Greenport.

8 It just seems more of a personal
9 vendetta at this point.

10 CHAIRMAN McMAHON: I don't know.
11 I mean I think the plan fits the code
12 and I voted to approve this. I don't
13 really know. I can't speak to that.

14 MR. NICHOLSON: Okay.

15 ATTORNEY PROKOP: You could
16 request a conference with -- Paul, he
17 could request a conference with the
18 staff. We do offer, it's possible that
19 you could request a staff conference
20 with the staff of the Village and we'd
21 be happy to talk to you about what the
22 requirements are.

23 MR. NICHOLSON: Okay.

24 I was just wondering if it was
25 denied because there was something I

1
2 didn't do right or some type of code I
3 didn't --

4 ATTORNEY PROKOP: It's not a
5 personal vendetta.

6 MR. NICHOLSON: I understand that.
7 I hate using a word like that. I just,
8 you know, if I'm meeting all code and
9 I'm meeting everything and it meets
10 every, you know, set forth code and
11 plan and rule that's out there, I don't
12 understand why it's not approved.

13 ATTORNEY PROKOP: Are you
14 available during the week?

15 MR. NICHOLSON: Absolutely.
16 Anytime you want.

17 ATTORNEY PROKOP: Okay. Let us
18 know and we'll pick a date during the
19 week, anytime that's convenient for
20 you.

21 MR. NICHOLSON: Great. That would
22 be awesome.

23 ATTORNEY PROKOP: Do it soon, like
24 the middle of next week, something like
25 that.

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MR. NICHOLSON: Sure, no problem.
Thank you.

CHAIRMAN McMAHON: Item number 5,
117 Main Street, Suffolk County Tax Map
number 1001-5-4-23-1.

Application was withdrawn.

Item number 6, motion to approve
the Planning Board minutes of the June
2, 2016 and June 30, 2016 meetings.

Do I have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MS. CLARKE: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number 7, motion to adjourn.

Do I have a second for that?

MS. CLARKE: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARKE: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

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Proceedings 8-4-16
(Time noted: 6:24 p.m.)

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ATTORNEY PROKOP: [48] 4/14 8/14 8/18
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CHAIRMAN McMAHON: [94]
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MR. COTUNGO: [30] 5/3 6/3 6/16 10/16
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MR. NICHOLSON: [17] 61/13 63/7 66/14
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MR. PELTON: [37] 11/11 16/13 16/22 19/8
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MS. CLARKE: [20] 5/4 6/15 26/9 26/19 32/25
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