VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

PLANNING BOARD
REGULAR SESSION

Third Street Firehouse
Greenport, New York
October 6, 2016
5:08 p.m.

BEFORE:
DEVIN McMAHON - CHAIRMAN
BRADLEY BURNS - MEMBER
PETER JAUQUET - MEMBER - Absent
LUCY CLARK -- MEMBER
JOHN COTUNGO -- MEMBER
PAUL PALLAS - VILLAGE ADMINISTRATOR
JOSEPH PROKOP - VILLAGE ATTORNEY
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CHAIRMAN McMAHON: All right,
we're going to begin the meeting.

This is the Village of Greenport
Planning Board Regular Session for
October 6, 2016.

Item Number 1, Stirling Square,
300-308 Main Street.

Continued discussion and possible
action on the application for site plan
approval at 300-308 Main Street.

An amendment to the previous site
plan approved on November 4, 2015 is
required.

The applicant, Robert I. Brown,
Architect is representing Stirling
Square LLC, Brent Pelton.

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

The proposal includes a renovation

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of Suite 308C, a ground floor space, into a lobby for the inn, incorporating a new glass facade with interior and new exterior seating and a water feature in the courtyard.

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

The property is located within the Village of Greenport Historic District.

Additional plans were received on 8/29/2016 amending the application to include a retractable awning over the American Beech cedar pergola outdoor dining area.

The Historic Preservation Commission approved the proposal for a retractable awning at the September meeting of the Historic Preservation Commission.

The Historic Preservation Commission has also reviewed the
kitchen exhaust vents for the American Beech restaurant and has requested the applicant provide an alternative to the current configuration. The new proposed configuration is to be reviewed at the October 17, 2016 Historic Preservation Commission meeting.

Suffolk County Tax Map number 1001-4-7-29.1.

Good evening, Mr. Brown.

MR. BROWN: Good evening.


At this point I believe where we left off at the work session was Mr. Pelton, who apologizes for not being here, is stuck in the city. He was hoping that we could get some sort of conditional approval, so we could proceed with the architectural and engineering work and perhaps start some of the landscape work, subject to approval by Historic Preservation for redoing the ductwork at the -- for the
kitchen hood.

We are still trying to coordinate a meeting out here with the contractor who has expressed to Mr. Pelton apparently a couple of ideas about how to accomplish what the Historic Board has relayed to me as being acceptable.

So that's where we stand right now. Other than that, I'd be happy to answer any questions that I can.

CHAIRMAN McMAHON: Okay.

There was one question that didn't come up last time.

The retractable awning, would comply New York State, but it does need to be retracted from time to time.

MR. BROWN: Yes.

CHAIRMAN McMAHON: Do you have a plan of when it will be retracted to meet the State code?

MR. BROWN: I do not think that that has been addressed, but I'm certain that Mr. Pelton would be happy to provide any sort of documentation.
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that you need to verify it's being retracted on occasion.

CHAIRMAN McMAHON: Okay.

ATTORNEY PROKOP: We're advised that it's, the Village Code, we've been advised by the Building Department that the Village Code is that it has to be retracted six months during the year.

In addition to the State Code requirements, to not become a permanent structure, it would have to be retracted six months, a total of six months a year, so we would like some kind of plan or agreement about that, please.

CHAIRMAN McMAHON: So that would be a condition of any eventual --

MR. BROWN: I'm certain that that wouldn't be a problem. It is motorized, fully retractable. As you know, it took a great deal of effort to find somebody who would actually manufacture something of this specific size that we need. There is a
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manufacturer in Sweden that can provide it and a local distributor who will handle that for us.

CHAIRMAN McMAHON: Okay.

What other issues? Are there any other items that we had that were left over from the previous meetings?

ATTORNEY PROKOP: We had a limitation on the, the seating that's proposed is an area that's outside the restaurant area, so we would seek to impose a condition on that.

CHAIRMAN McMAHON: So the new -- there is seating indicated that is left over from the expansion of the lobby space to an event space, an outdoor seating area.

We just want to make sure that that is not attached to any one of the tenants.

If I understand it correctly looking at the plans, it is just outdoor space for the courtyard, it's not meant to be --
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MR. BROWN: It is courtyard seating, that was the intention.

CHAIRMAN McMAHON: It's courtyard, it's not meant to be for anyone to take a drink from one of the restaurants and go there, correct?

MR. BROWN: That's my understanding, yes.

ATTORNEY PROKOP: Or restaurant seating.

CHAIRMAN McMAHON: Yes.

We have previously discussed the scaling back of the original plans, and we have the revised plans that show it is no longer an event space.

Are there any other questions or concerns from anyone on the Board with regards to that?

MS. CLARK: Who is going to be the one responsible for policing the fact that someone doesn't sit there with a drink from another bar?

I mean, really.

ATTORNEY PROKOP: We have code
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enforcement.

CHAIRMAN McMAHON: Code

enforcement, that would be the
Village's responsibility. We're not an
enforcement arm.

ATTORNEY PROKOP: So the other
thing was with regard to the --

CHAIRMAN McMAHON: I mean, that's
also a State Liquor Authority issue
because that's, if someone is taking
something from a restaurant and going
to another space -- if they're
leaving -- if they're buying alcohol to
be served in-house at a restaurant and
they're leaving that space, that
restaurant is violating New York State
liquor laws, so that's -- there's a
number of people that I imagine would
be -- have the authority to regulate
that.

I believe the local police are
saying that there is no drinking
permitted there.

MR. PALLAS: Right.
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ATTORNEY PROKOP: The Planning Board, if the Planning Board votes to approve this, it would still have to be subject to the building code review. You know, your plans, your engineering plans and the drawing and everything would have to be --

MR. BROWN: Of course.

ATTORNEY PROKOP: -- meet code, but we want to, I suggest that we propose a restriction that there not be any kitchens or appliances in any of the rooms, that if you're creating --

MR. BROWN: The hotel rooms upstairs?

ATTORNEY PROKOP: Yes.

MR. BROWN: That's our intention, yes.

ATTORNEY PROKOP: Okay, so but that will be, it's my recommendation that it's a condition. And use for the rooms will be limited to an inn-use only.

CHAIRMAN McMAHON: Specifically
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excluding what, specifically?

ATTORNEY PROKOP: There is an inn use as defined in our code that the rooms that are created are to be used as inn --

MR. BROWN: As hotel rooms.

ATTORNEY PROKOP: Yes, hotel rooms only.

And also that the same thing that we had once before, I think, which is that the awning, the area that's going to have the awning -- I forget what it's called, you used to call it a pergola.

MR. BROWN: It's a pergola, it's still a pergola.

ATTORNEY PROKOP: Won't be enclosed in any way, will not be enclosed in any way.

There is a limitation on no amplified music on the existing approval that was granted and that would continue over to this approval, if it's approved.
MR. BROWN: It's my understanding that's Village Code anyway.

CHAIRMAN McMAHON: Yes.

Does anyone have any other -- I mean we've talked several hour about this project in the past; does anybody have any other issues or questions concerning this?

ATTORNEY PROKOP: I think we should have just that condition that we put in, we were putting in previously, which is that they need to come back, maybe something at the beginning of next season, so June 1st.

CHAIRMAN McMAHON: Compliance.

ATTORNEY PROKOP: Yes, please.

MR. BROWN: I'm sorry, what was that?

CHAIRMAN McMAHON: Just that the use is what it is. We discussed previously that the lobby space is not being used as an event space, and we have the opportunity to revisit the approval if it were to stop being used.
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as --

MR. BROWN: I would have thought that that would be part of code enforcement anyway.

ATTORNEY PROKOP: Normally on these approvals, site plan approvals for public assembly uses, we have a date certain in the future to review the approval, just to make sure that there is no problem with compliance, but also if there needs to be any review on the conditions.

MR. BROWN: Okay.

ATTORNEY PROKOP: Either way. You might make a request or we may make a request.

MR. BROWN: Fair enough.

CHAIRMAN McMAHON: Any other -- yes.

MR. PALLAS: Just a question on clarification.

I'm assuming we're getting ready to vote on this, correct; so the open question on the exhaust vents, is that
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going to receive an overall approval?

CHAIRMAN McMAHON: The entire
approval is contingent upon Historic
Preservation Board's finding.

MR. PALLAS: So no activity; they
can't begin any activity until that
approval is received.

MS. CLARK: I'm not comfortable
moving forward prior to that, I'm not.

ATTORNEY PROKOP: You don't have
to. It's up to the Board, you don't
have to. This is all just discussion.

MS. CLARK: I would rather see the
approval in place before I vote.

CHAIRMAN McMAHON: I'm not really
as concerned about that because that is
essentially, that question is to the
Historic Preservation Commission,
that's the only issue they're reviewing
at this time.

My personal feeling is that I'm
okay with a conditional approval. I
don't know how either of you feel.

MR. BURNS: I am too.
MR. COTUNGO: I'm okay, as long as there is a guarantee that they're not going to get a building permit or anything else.

MS. CLARK: But you just said they wouldn't be allowed to begin anything.

MR. PALLAS: That's correct. If your approval --

MS. CLARK: But you're talking about the beginning --

MR. PALLAS: That's why I wanted it brought out because I want to make sure the applicant is aware that, you know, your approval, if you do approve it tonight, that it's conditional and no permits would be issued until that approval is obtained because if it's a condition of your approval, then there is no approval until that condition is met, so I could not issue a building permit before that happens.

CHAIRMAN McMAHON: Yeah, I think we discussed that at the last meeting.

MR. PALLAS: Correct.
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MS. CLARK: But he just stated --

MR. BROWN: No. The issue at hand, Lucy, is a matter of being able to proceed with architectural and engineering work.

MS. CLARK: And landscaping and --

MR. BROWN: Well, you know, if the landscape is going to be held on the condition, that's up to the Board, but there is a lot of work in preparation that needs to be done.

For example, there are, the folding glass wall at the reception area, that is a very long lead time item and if Mr. Pelton has some assurance that this is going to be approved pending the Historic Preservation, then he will feel comfortable in ordering it so that it's here in a timely manner.

MS. CLARK: Right.

MR. BROWN: Those are the issues that we're talking about.

MS. CLARK: And you haven't met
with the contractor to discuss what the
HPC is requiring.

MR. BROWN: We have been in
conversation, but we haven't, we
haven't finalized it. We're hoping to
by the, I think it's October 17th
Historic Board meeting, so we can get
that wrapped up as well.

CHAIRMAN McMAHON: Lucy, it will
be clear that that's, it is entirely
dependent upon HPC getting a
satisfactory solution to that.

MR. BROWN: And we are working in
good faith to try to resolve that as
quickly as possible.

CHAIRMAN McMAHON: Okay. All
right.

So the plan that was received on
8/29, I believe that reflected the
changes that we previously requested
with regard to the lobby space being
just that, a lobby space with some
retail sales, but not an event space.

ATTORNEY PROKOP: No alcohol
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served in lobby.

CHAIRMAN McMAHON: Yes. I believe that was -- yes.

ATTORNEY PROKOP: We can go through all this.

CHAIRMAN McMAHON: Yeah, if we --

ATTORNEY PROKOP: We still have do SEQRA, we still have to talk about SEQRA.

CHAIRMAN McMAHON: Okay.

ATTORNEY PROKOP: So the first thing that we need to do is to talk about SEQRA, so it would be my recommendation that -- now, we determined that this is a, because it's in the Historic District, it's a Type 1 action, if I'm not mistaken; and we sent it out for coordinated review, so we would be determining, we would determine that it's a Type 1 action, that we're adopting lead agency status, that it's a Type 1 action for purposes of SEQRA, that it will not have a significant negative impact on one or
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more aspects of the environment,
provided the conditions are met; and
that, therefore, we'll adopt what's
called a negative declaration for
purposes of SEQRA.

How does the Board feel about
that?

CHAIRMAN McMAHON: Are you okay
with that, Lucy?

MS. CLARK: Yes.

CHAIRMAN McMAHON: Ben?

MR. BURNS: Yes.

MR. COTUNGO: Yes.

CHAIRMAN McMAHON: So I will so
motion.

Do I have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

Then if we're going to go forward
with the conditional approval or if
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we're going to vote on it, at least,
the conditions set out so far would be,
the approval would be, would reflect
the plans that were submitted on August
29th with the previously discussed
conditions limiting the lobby space to
just that, a reception area, some
merchandise sales, it will not be an
event space. There will be no alcohol
sales there. The outside seating, it
will be noted that that is not approved
for restaurant or dining use, or the
new outdoor seating is not approved for
restaurant or lobby, or alcohol sales
or anything of that nature. It is
simply for the courtyard. The awning
must comply with the Village and State
requirements to be withdrawn six
months, a total of six months out of
the year.

Are there any other conditions?

ATTORNEY PROKOP: No exterior
amplified music.

CHAIRMAN McMAHON: No exterior
amplified music.

ATTORNEY PROKOP: The new units created in the hotel are to be used for, as inn or hotel only; and specifically with no kitchen or appliances. Approval, of course, is conditional on review and compliance with all State and local codes. What we have right now is a sketch plan, you need to submit a full set of engineer plans --

MR. BROWN: Of course, yes.

ATTORNEY PROKOP: -- for review by the Village.

CHAIRMAN McMAHON: That's six so far.

ATTORNEY PROKOP: The awning will not be enclosed in any manner at any time, and the applicant is to come back at the June -- this matter will appear at the June 2017 Regular Meeting of the Planning Board for review and discussion regarding compliance with the conditions and the conditions.
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[sic].

CHAIRMAN McMAHON: Okay.

Given those seven conditions.

MR. COTUNGO: What about the Historic Board?

ATTORNEY PROKOP: And it's also conditional on, this approval is specifically conditioned on the approval of the exterior ductwork or a solution or the removal and solutions to that ductwork by the Historic Preservation Committee of the Village.

Thanks.

CHAIRMAN McMAHON: Okay.

Given those series of conditions.

MR. COTUNGO: With no permits to be issued.

CHAIRMAN McMAHON: Yes, no permits will be issued until such time as the HPC has completed their review and the Building Department has completed their due diligence in reviewing the final architectural plans.

ATTORNEY PROKOP: Full review is
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also in the plans.

CHAIRMAN McMAHON: Okay, given those conditions and perhaps previously discussed, I would like to make a motion to approve the application that was most recently submitted on 8/29 with the aforementioned conditions.

Do I have a second for that?

MR. COTUNGO: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. COTUNGO: Aye.

MS. CLARK: Aye.

CHAIRMAN McMAHON: Motion carries.

MR. BROWN: Thank you all very much.

Item Number 2, vacant lot east of 217 Monsell Place.

Discussion and possible action on the application for Bryan Nicholson.

Bryan Nicholson is before the Board to discuss the proposed construction of a one-family house on the property located east of 217

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Monsell Place.

The site plan application includes a site plan, floor plans, and elevations.

The project has received approval from the Zoning Board of Appeals for the one side-yard variance requested.

The property is located in the R-1, One-Family Residential District of the Village of Greenport.

The property is not located within the Village of Greenport Historic District.

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

So there was some question last time as to whether or not a suggestion by Zoning Board of Appeals was a condition of a variance that was granted. I believe after reviewing the minutes that it was not a condition.

MR. PALLAS: It was not.

CHAIRMAN McMAHON: It was not a condition, so the variance was granted.
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by the Zoning Board of Appeals.

We have previously discussed this application. The only question holding me back at the previous meeting was whether or not the condition was of the ZBA and if not, I am ready to vote to approve.

I don't know if anyone has any questions or concerns with regard to this.

ATTORNEY PROKOP: So the first thing that you need to do is adopt a resolution determining that this is an Unlisted action, excuse me, adopting lead agency status, determining that this is an Unlisted action for purposes of SEQRA and that the approval of this application would not have a significant negative impact on one or more aspects of the environment, therefore, adopting a negative declaration.

CHAIRMAN McMAHON: I will so motion.
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Do I have a second?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BROWN: Aye.

MS. CLARK: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

All right, so I'm going to make a motion that we accept the site plan or we approve the site plan application as submitted with the variance that was granted by the ZBA.

Do I have a second for that?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. COTUNGO: Aye.

MS. CLARK: Aye.

CHAIRMAN McMAHON: Motion carries.

Thank you.

MR. NICHOLSON: Thank you.

CHAIRMAN McMAHON: Item Number 3, 201 Manor Place, ELIH.

Continued discussion and possible
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action to approve the application for
Site Plan Review for Eastern Long
Island Hospital.

Applicant John Condon has been
authorized to submit plans for a
66-foot seawall/curb on the east, south
and west sides of the hospital.

The proposal also includes the
construction of a raised concrete
platform for a new electrical generator
located in the rear service area.

This property is not located
within the Village of Greenport
Historic District.

Suffolk County Tax Map number
1001-2-3-2.

We discussed this at the last
meeting and it seemed our apprehension
for granting approval to the
application was that we did not feel as
if we were qualified to make a
determination as to whether or not the
proposed work would have a negative
impact on the neighbors with regard to
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the drainage.

I believe it was the feeling of
the Village Administrator in
consultation with outside engineering
firms that it will not. I'm of the
mind to defer to them in that regard.
I don't know if anyone has a different
opinion or would like to raise any
other points or discuss it further

ATTORNEY PROKOP: My suggestion
that I have might be that the
applicant -- we did have an engineer
separate from the Village through the
Village Administrator express an
opinion, give us an opinion which is
now in the file that this project will
not have a negative impact on the
current drainage; however, we did
receive also in the testimony comments
regarding the drainage situation, and
so for that, I have a recommendation,
excuse me, my suggestion might be that,
if you're going to approve this, that
you do so with a request that the
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hospital comply or respond with some
kind of plan for drainage at the site
or something like that, just as a
suggestion.

CHAIRMAN McMAHON: Okay.

ATTORNEY PROKOP: I don't know how
you feel about that.

In other words, not mandatory
condition that they would have to do
work, but just a review of the drainage
at the site.

CHAIRMAN McMAHON: Okay.

ATTORNEY PROKOP: And how it
affects off-site properties and, excuse
me, off-site, the street and off-site
properties.

CHAIRMAN McMAHON: There is, I
don't believe there was the full
drainage plan for the site submitted.

MR. PALLAS: No.

I had requested subsequent to the
work session, whatever currently exists
on the property.

CHAIRMAN McMAHON: But it has not
yet been received?

MR. PALLAS: I have not received
it yet.

I mean, I have -- I'm sorry.

CHAIRMAN McMAHON: It's okay. If
you have anything to add.

MR. PALLAS: The only comment I
would make is that it's clear the
building does not have outside drains,
there are roof drains; and the question
that I was asking them to answer was,
where does it go? That was the intent
of my question, to get the existing
drainage plan and see where it goes.

CHAIRMAN McMAHON: With previous
applications that were -- have had
pre-existing nonconformance, we have
not -- we have asked on occasion for
them to mitigate some of the issues,
but we haven't actually required that
of other applicants that they
completely bring any, if there is any
nonconformance, they bring it -- do we
have to modify the code, I don't know
whether we have the authority to or
not; and I don't know --

ATTORNEY PROKOP: Okay. So the

history of that, as I understand it, is

that and I'm -- I would be grateful to

be corrected if I'm wrong, is that with

new construction, we always require

that drainage be retained onsite, with

existing construction that's not

significantly modified, we just look to

correct any obvious drainage issues, so

the properties where it clearly is

draining on the adjoining property as

an example, we have required compliance

with that; but this situation, I mean,

we do have an, Mr. Pallas is an

engineer and he's reviewed the

engineering opinion that we got which

said it would not have a negative

impact on the drainage situation at the

site; however, I do, you know, based on

testimony that we got at the meeting

and comments, I think that at some

point, a review is probably a good
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idea. At least we could, without
having it be a formal condition of an
approval that we request that from the
applicant, that there is a review.

CHAIRMAN McMAHON: So it wouldn't
be a binding condition, but we make a
formal request.

ATTORNEY PROKOP: Yes, I think
that that's --

CHAIRMAN McMAHON: I don't have a
problem with that.

MS. CLARK: In this letter that
you acquired from the independent
engineer, he has a couple of things
that you were, he suggested you ask the
hospital; and with the intent of the
proposed installation and you should
also inquire if this installation is
preemptive of future changes in grading
of the property to divert overland flow
of water away from the building
structure and the equipment onsite.

Did you pose that, just about the
preemptive of future changes in grading
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of the property?

MR. PALLAS: Yes. In fact, those,
I gave them very limited information, I
wanted a full review. Those questions
had already been asked and answered and
there was no, it's just the wall,
that's all it is and it's being
constructed with the existing grade in
mind. It's clear from the construction
that there is no contemplated changes,
the reveal on the wall is consistent
throughout the entire project. That
means that they're not really looking
to change grade. If they were, they
would have, the wall would be up and
down, and it's not, it matches the
existing grade.

MS. CLARK: Future changes.

MR. PALLAS: Correct.

ATTORNEY PROKOP: So one of the
other things that I wanted to bring to
your attention that I realized during,
since the last meeting was that there
was a, there was an approval two years
ago regarding this property and drainage was addressed in that approval. Specifically I think it was a berm that was constructed, if I'm not mistaken.

There was a berm that was constructed or to be constructed, and I just want to make sure --

MR. CONDON: Is that along the eastern side of the property?

ATTORNEY PROKOP: I'm not sure.

MR. CONDON: They did build a soil berm on the eastern side of the property.

ATTORNEY PROKOP: Right, the eastern side.

MR. CONDON: And it was not high, but that's where the walls are going now.

ATTORNEY PROKOP: Since that prior application had a condition with the berm, how is this project affecting the berm? Is the berm being removed?

MR. CONDON: Yes. In fact, it's
been removed, and that particular part
of it has been done.

ATTORNEY PROKOP: How will the
wall function compared to how the berm
was supposed to function?

MR. CONDON: It will be better
than the berm.

ATTORNEY PROKOP: Didn't the berm
absorb -- I'm sorry, I don't want to
beat the engineer.

MR. CONDON: Let me, it may absorb
water; but you have to understand it's
still, still tilted, okay; so any water
that falls on the berm is gonna flow
down next to the berm. There is an
area of soil along the berm right now
which will remain along the wall that
we're putting up, the walls we're
putting up; and that will take care of
any drainage, okay, that would be in
the driveway there.

ATTORNEY PROKOP: My main concern
was that this project doesn't frustrate
any of the goals of the prior approval.
MR. CONDON: Oh, no.

ATTORNEY PROKOP: -- by eliminating the berm.

MR. CONDON: Not at all.

By the way, the walls are not 66 inches tall, okay, they're 30 inches tall. Sixty-six would block the view of the entire bay.

ATTORNEY PROKOP: Did anyone else want to say something?

CHAIRMAN McMAHON: No.

ATTORNEY PROKOP: I looked at the plans, there is a physical structure that is 66 inches high. You're burying --

MR. CONDON: Oh, we're burying three feet.

ATTORNEY PROKOP: We're not --

MR. CONDON: Just so three feet is below grade, okay, and two-and-a-half feet is above grade.

ATTORNEY PROKOP: Right.

MR. CONDON: You have to go down
three feet to get below the frost line,
and that's the purpose for that.

ATTORNEY PROKOP: Okay, but in
Greenport, the way that we measure the
height of a structure, how high the
structure is, you can't build a
structure and then bury two-thirds of
it and then claim it's not that high.

MR. CONDON: All right.

ATTORNEY PROKOP: As far as I
know. That's where the reference to 66
inches came from. It's a 66 --

MR. CONDON: All right.

I didn't know where that came
from. Just reading this, I would think
that what you were saying is the wall
above grade was --

ATTORNEY PROKOP: No, correct,
it's mostly below grade.

So there is an excavation and then
there is wall, concrete wall being
built and then there is a fill, which
leaves 30 inches above grade,
approximately.
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CHAIRMAN McMAHON: Do any Board members have any comments or questions?

MR. BURNS: Not having any engineering experience or education, it will be interesting to see when the first hurricane comes along, what happens to -- what happens to the water and if it really does what you say it will.

MR. CONDON: I know Ray Eberle (phonetic), who is the engineering director of the hospital, he was telling me what happened with Sandy and there was a lot of water that had developed waves that were going across the back parking lot that were actually going down into the lower areas along the back of the hospital where the electrical equipment is; so he had built walls to try to prevent that, but it wasn't like the sea was three feet high. If it ever was three feet high, no way could those walls prevent any water like groundwater from coming up.
underneath. Do you know what I mean?

They're primarily intended to stop
wave-action water coming and debris;
that's the whole purpose of them.

CHAIRMAN McMAHON: Okay.

MR. CONDON: And the entire
hospital is not surrounded. It's not
one of those things that you're
building a, you know, a wall around the
front of the hospital. It's primarily
along the areas of the hospital on the
eastern, western and southern sides
which are the areas where they
experienced a lot of water from Sandy.

Hurricane comes in and the waters,
like I said, are as high as the wall or
even halfway up the wall, the walls
aren't going to do anything because the
water is actually going to come up
through the ground as well. Do you
know what I mean? It's a measure that
they feel very confident would help
them compared to what they experienced
during Sandy, and that's the whole
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purpose of it.

CHAIRMAN McMAHON: Okay.

My position is, I'm -- I think the question of having a wall to safeguard the hospital is generally a good thing and whether or not, how it's being done, I'm going to defer to the engineers hired by the Village and the interpretation by the Village Administrator. That's my position, so I have no issues with this.

I don't know if anyone else --

MR. COTUNGO: My only concern would be that it's great that they're doing it and the generators for the hospital, assured that the neighbors aren't going to be the ill-fated, but you said the engineer said the neighbors won't have an impact.

MR. PALLAS: Correct.

CHAIRMAN McMAHON: That's my only concern as well. I would defer to the professional opinion that it's not going to be the case, then I'm
comfortable going forward.

MR. BURNS: I am too.

MS. CLARK: Are you referring to this letter that it states in there that it won't affect the neighbors?

MR. PALLAS: Yes. Third paragraph, last sentence. It says, "Potentially no change in existing grade, these areas will still be susceptible to the same or alike drainage flow pattern that they've experienced previously."

MS. CLARK: Right, which is that it does affect them, the water does go in the neighbors'.

MR. PALLAS: Right.

MS. CLARK: It's not going to change the effect, but there still is a negative effect.

MR. COTUNGO: As long as it doesn't make it worse.

MR. PALLAS: The wall is not causing it. The question that was raised was whether or not the wall is
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causing, will make the problem worse, and this says it does not.

CHAIRMAN McMAHON: Do we need to do a SEQRA review on this?

ATTORNEY PROKOP: Yes.

So the Board would adopt lead agency status, determine that this is an Unlisted action for purposes of SEQRA and will not have a significant negative impact on the environment based on the opinion of the engineer that was received.

CHAIRMAN McMAHON: I will so motion.

Do I have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. COTUNGO: Aye.

MR. BURNS: Aye.

MS. CLARK: Aye.

CHAIRMAN McMAHON: Motion carries.

ATTORNEY PROKOP: I just want to point out to you that the approval would be, of course, subject to the
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Board of Trustee's approval of the wetlands permit.

CHAIRMAN McMAHON: The site plan application?

ATTORNEY PROKOP: We do the site plan application -- right, the site plan application approval is subject to wetlands approval.

CHAIRMAN McMAHON: Okay.

Before I motion for that, does anyone have anything else they want to add?

(No response.)

I will make a motion that we approve the application, site plan application as submitted with the condition that the Village Board completes their wetlands review and grants their approval as well.

Is that correct?

MR. PALLAS: That is correct.

There was a recommendation that the -- we also request the hospital in conjunction with the Village review.
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their drainage, their site drainage.

CHAIRMAN McMAHON: A second would be that we make a request of the hospital that they provide a full drainage plan for the property.

Do I have the second for that?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. BURNS: Second.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

Item Number 4, 26A Front Street.

Discussion and possible action on the signage application for Olive Branch Cafe.

The cafe occupancy was approved at the September 29, 2016 meeting of the Planning Board, but questions remained about the signs.

The cafe is located at 26A Front Street. This is a permitted use in the CR, Retail District. This property is not located within the Village of Flynn Stenography & Transcription Service (631) 727-1107
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Greenport Historic District.

Suffolk County Tax Map number 1001-4-9-28.3.

MR. BURNS: I think that location is wrong.

APPLICANT REPRESENTATIVE: Yes, it's printed wrong on the fact sheet. It was wrong last week also, it's 120-122 Front Street.

ATTORNEY PROKOP: So last week we approved the restaurant at 26A Front Street.

CHAIRMAN McMAHON: I think it was addressed last week.

ATTORNEY PROKOP: Okay.

CHAIRMAN McMAHON: That's 120-122 Front Street and it's Unit A; is that correct?

APPLICANT REPRESENTATIVE: Yes.

CHAIRMAN McMAHON: So the proposed sign is actually three sign, correct?

APPLICANT REPRESENTATIVE: Yes.

ATTORNEY PROKOP: Thank you.

CHAIRMAN McMAHON: So there is the
one that is on the directory.

APPLICANT REPRESENTATIVE: Correct.

CHAIRMAN McMAHON: There is a second one that will be over the courtyard but would be visible from the sidewalk, people walking.

APPLICANT REPRESENTATIVE: Yes, because we're three buildings down; we're kind of hidden in a U-shape at the end of the walkway.

CHAIRMAN McMAHON: The third sign is a hanging sign that would be in the central part of the courtyard between the lamppost; is that correct?

APPLICANT REPRESENTATIVE: Right.

MR. PALLAS: Mr. Chairman, just clarification, it's actually four signs as per the application, at least on the drawing that I have, a bracket, there are two bracket signs, one on each building, it's actually four signs.

CHAIRMAN McMAHON: There's one on the corner of Piece of the Moon?
MR. PALLAS: Yeah. On each side of the courtyard there is a bracket sign, it's probably in the packages somewhere with the layout.

CHAIRMAN McMAHON: Okay.

Ultimately, your plan is to occupy three of the units in the back; is that correct?

APPLICANT REPRESENTATIVE: Correct, yes.

CHAIRMAN McMAHON: So that would be Units A; do you know -- I think you have it, do you have the -- I think you have it in your packet over there.

MR. PALLAS: That drawing might have been in the property file.

CHAIRMAN McMAHON: Okay.

Ultimately, essentially it would be the entire back section of the courtyard --

APPLICANT REPRESENTATIVE: Correct.

CHAIRMAN McMAHON: -- would be the cafe.
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APPLICANT REPRESENTATIVE: Um-hmm.

CHAIRMAN McMAHON: I don't have any comments or questions on the application, the sign application.

MS. CLARK: The one that's right in the front, you know, you know the one I mean --

CHAIRMAN McMAHON: Going to be hanging between the lampposts?

MS. CLARK: Yeah, right. Should any of the -- I had addressed this last week too. Should any of the other persons want to put one there, what would they do, go above it?

APPLICANT REPRESENTATIVE: Well, there is a beauty salon there and she has a sign hanging, and then --

MS. CLARK: No, right in the center where yours is.

APPLICANT REPRESENTATIVE: Right, but we're the only stores in the back there.

MS. CLARK: I understand, but I'm saying, should any of the other people
want to put a sign right in the center, what are they going to have to do, go atop you; is that how it's gonna -- I mean, if she can do it then they're gonna possibly want to do it.

You know the sign I'm speaking of.

MR. PALLAS: The only application you have before you is for this sign.

MS. CLARK: I understand, but are you setting precedent possibly?

MR. PALLAS: I --

MS. CLARK: Yes?

MR. PALLAS: Possibly.

MS. CLARK: I think --

MR. PALLAS: I believe the question --

ATTORNEY PROKOP: One of the things that I was going to -- suggestion I was going to make when you finished with that, was that there's a couple of things going on here that this application be, that these signs be approved, not in accordance with our code, but as pre-existing signs because...
I didn't want, as I said the last time,
I didn't think that --

MS. CLARK: But they're not, that
one in front is not pre-existing.

ATTORNEY PROKOP: And then the
second thing is that there be some kind
of arrangement that this is it for the
center, that there be no more signs in
that, you know, in that little center.
Anything else would have to be approved
by another application to the Planning
Board and it may affect your sign, so
if you're coming here with four signs,
we can't have everybody in that center
have four signs. Any other signs are
going to have to come back to the
Planning Board and then it's, there
will be a re-discussion about your
signs.

That's a suggestion. I'm not
telling you that, just suggesting that
to the Board because otherwise we're
going to have 24 signs.

APPLICANT REPRESENTATIVE: I think
two of them are directory signs that
are on the main street; is that
correct?

MR. PALLAS: They're actually on
the building behind the property line,
so that's two signs already; and then
you have, those are perpendicular to
the sidewalk. You're looking to put
two bracket signs that are parallel to
the sidewalk and then a third sign,
third parallel sign between two posts,
two light posts which are not
necessarily designed for signs, so
that's why they're concerned.

MS. CLARK: Yeah. I'm not
feeling -- agreeing with that one.

Has anyone seen it?

CHAIRMAN McMAHON: I have not.

MS. CLARK: You should see it.

MR. BURNS: You want signs on the
sidewalk?

APPLICANT REPRESENTATIVE: Right,
because we're so far back.

MR. COTUNGO: The sign is up?
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MS. CLARK: Is it up? It is already up.

MR. COTUNGO: That's not the way it's supposed to work.

MS. CLARK: That's correct, it isn't the way it's supposed to work.

CHAIRMAN McMAHON: Are you certain it's up now?

MS. CLARK: Yes. I saw it this morning on my 5 o'clock walk.

APPLICANT REPRESENTATIVE: We put it up to adjust the height from the bottom up and to stain it.

It should have come down tonight.

MR. BURNS: Maybe it could be a temporary sign.

MR. COTUNGO: That's exactly what I was gonna say. That's the only approval I would give, that's a temporary sign.

CHAIRMAN McMAHON: How would that work?

MR. COTUNGO: Until the next sign comes before us.
CHAIRMAN McMAHON: What do you mean?

MR. BURNS: Like, we often have --

MS. CLARK: I don't know if you should approve something that --

CHAIRMAN McMAHON: Like a -- what are you saying?

MS. CLARK: Just saying, I really don't think you should approve something you haven't seen, guys. And for one, she didn't -- the approval wasn't granted and the sign was up, okay.

Number two, do you really want to approve something you haven't seen?

CHAIRMAN McMAHON: We always approve proposed construction, everything's always proposed signs.

MS. CLARK: Do you see a picture of it?

CHAIRMAN McMAHON: There was a --

MR. PALLAS: It's in the file.

APPLICANT REPRESENTATIVE: There was a picture submitted.
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MS. CLARK: Really?

CHAIRMAN McMAHON: The one that's -- I saw it, the one --

MS. CLARK: You guys have a picture of what's gonna -- one.

(Whereupon, several board members spoke at the same time.)

MS. CLARK: Come on.

MR. BURNS: I don't know which one you're talking about.

ATTORNEY PROKOP: This is the director sign; there are two of these.

MS. CLARK: Do you have it in place? Right. I mean, there it is, guys.

I just happened to see it, like I said, on my walk.

I mean it's taking away from the plantings, and I think the placement is not proper.

ATTORNEY PROKOP: You could discuss the location of the sign, it doesn't have to be where it is, you could --

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MS. CLARK: And that meets code?
This sign meets code?

MR. PALLAS: Well, the short answer is yes. The code doesn't, is not clear on and it doesn't handle a courtyard at all, so it's not a hundred percent clear. In terms of total size of all signs, yes. In terms of, you know, that particular sign location, yes, there is nothing that specifically prohibits it.

MS. CLARK: And nothing specifically grants it?

ATTORNEY PROKOP: There's a question in the code whether, and if Mr. Pallas disagrees with me, please correct me, but I think there is a question in the code as to the allocation of the square footage, whether there is one sign for the group of stores that's then divvied up based on the ratio of the relative frontages of the stores or each store has the right to multiple signs. My
understanding is that we have applied it so that there is one sign, and that's divided up by -- that's why I had the suggestion before to, first off, the sign doesn't have to be, any sign that you approve doesn't have to be where they suggest it. You can move the sign in --

MS. CLARK: It's just the whole, the chains, seriously, just the whole, if you saw it, I believe if you saw it in person, I highly doubt you would approve this.

MR. COTUNGO: I would definitely wait to go --

MS. CLARK: I would too.

MR. COTUNGO: I didn't know it was up, and I was looking for a picture --

MS. CLARK: I mean, you can see the chains here, guys --

MR. COTUNGO: -- picture --

MS. CLARK: I really want you to look at the sign, please.

MR. BURNS: I think it's out of
keeping with the rest of the Village.

MS. CLARK: Really, I feel it has
no place there, I find it -- I just --

ATTORNEY PROKOP: You could -- you
already approved the use, this is for
the sign.

CHAIRMAN McMAHON: Um-hmm.

ATTORNEY PROKOP: So you can leave
the sign open, I mean, it's already
there, it's not supposed to be there.

MR. COTUNGO: It shouldn't be.

MS. CLARK: Why do we keep turning
a blind eye to that? I have to ask.

MR. PALLAS: I believe the
applicant just stated it was put -- it
was down tonight.

APPLICANT REPRESENTATIVE: No, we
put it up to measure it and to adjust
the chains to stain it, so it was still
wet when I came here. It should be
taken down, it wasn't put up as a
temporary before this meeting.

MS. CLARK: I'm going to also say
these other tenants, what are you gonna
do, are you gonna have a sign like this atop it if they want one? I mean, this is -- I really want you guys to see it. I can't believe that that would be allowed. I can't believe that our code would allow that.

MR. PALLAS: Again, there is nothing specific in the code that would prevent it.

MS. CLARK: I mean, it's right in the greenery, it's --

CHAIRMAN McMAHON: It's also, I should acknowledge that there hasn't been a successful business back there for how many decades. Nobody has run a business back there because they have no foot traffic back there.

I'm not saying we have to approve this sign, but there has to be --

MS. CLARK: I'm not saying I don't want to see a successful business back there.

CHAIRMAN McMAHON: There has to be something to draw people back there.
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MS. CLARK: Certainly, in my opinion, not this.

CHAIRMAN McMAHON: That's fine, and I'm not -- that isn't necessarily the issue, but there should be some acknowledgment from our part that something needs to be done to allow, to drive business, it's not addressed in the code.

MR. PALLAS: Just for clarity, just so you don't lose sight of this, this is the fourth sign, so there are two signs that do face the street as part of the application.

Again, I'm not judging this, it's just a fact, I don't want you to lose sight of that.

CHAIRMAN McMAHON: Okay.

MR. COTUNGO: Sandwich signs on the sidewalk, you see them in some other places.

ATTORNEY PROKOP: They're not legal.

MR. COTUNGO: They're not legal.
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people do it.

MR. PALLAS: Enforcing it is tough, yes.

MR. COTUNGO: That would be a way to get people to go to them, but it's not legal.

CHAIRMAN McMAHON: How about sandwich signs in the courtyard, is that addressed?

ATTORNEY PROKOP: I think it's a sign, I don't think you can do that.

CHAIRMAN McMAHON: No, I'm just wondering if it's, you know, obviously sandwich boards on the sidewalk are prohibited.

MR. PALLAS: I'd have to double check the code, but there is a provision for temporary signs. I don't know if this would, if a sandwich board style sign would fit that or not, I have to double check.

CHAIRMAN McMAHON: Okay.

MS. CLARK: This is in place with chains, a sandwich sign gets put out.
MR. COTUNGO: Yeah, I would probably prefer that.

MS. CLARK: That's very -- that has no -- this can't compare apple and oranges. They're not comparable, a sandwich sign and this sign held by chains.

CHAIRMAN McMAHON: I'm not saying they are; I'm just asking if they're allowed in the courtyard. That's all I'm asking.

ATTORNEY PROKOP: You could hold it over for further review if you want.

CHAIRMAN McMAHON: All right.

Lucy's definitely opposed. To all the signs or just this one, just the one --

MS. CLARK: Well, I can't -- okay, so I see -- I don't even see her sign here, so it's not gonna be here?

CHAIRMAN McMAHON: It's --

MS. CLARK: I have nothing in front of me. I don't know where the other two signs are, the only reason I
know this sign is because I took a walk this morning at 5 o'clock and I said, wow, would you look at that sign.

I mean you're asking me to approve something that I --

CHAIRMAN McMAHON: I'm not asking you to do anything.

MS. CLARK: We're talking about --

CHAIRMAN McMAHON: I'm not personally asking you to make any discussion in any particular way or another. I'm not telling you how to vote. I'm not suggesting --

MS. CLARK: But this is before me, and I have nothing in front of me. The only reason I know about the sign, like I said, is because I took the walk. These gentlemen haven't seen the sign. What's that?

CHAIRMAN McMAHON: Yes, I'm Chairman of the Board, but this is not my --

MS. CLARK: Okay. Who do I pose that question to, Devin?
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CHAIRMAN McMAHON: You know, Lucy,

I --

MS. CLARK: What? I have a right

--

MR. BURNS: I think the sign is

needed there, but not that big.

MS. CLARK: No. It's excessive

and not that many possibly.

MR. BURNS: It doesn't need to be

that big, and it's out of keeping with

Downtown charm.

CHAIRMAN McMAHON: Okay.

John, your thoughts?

MR. COTUNGO: I would hold off and

not vote now.

CHAIRMAN McMAHON: Okay.

MR. COTUNGO: They can have the

two on the sides, right?

CHAIRMAN McMAHON: That's what

we're deciding.

MS. CLARK: But where are they; do

I have those, Devin?

CHAIRMAN McMAHON: I don't know if

you do, Lucy, I don't know what you
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have.

MS. CLARK: Can you tell me if I'm missing something?

CHAIRMAN McMAHON: I don't know what you have.

MS. CLARK: I know that.

CHAIRMAN McMAHON: I didn't prepare this application, so I can't tell you.

That is the sign.

MS. CLARK: That's the design of the sign, that doesn't show me where it's placed.

No, I'm asking -- are you saying there's another two hanging signs on the --

MR. PALLAS: If I may --

MS. CLARK: This is a directory sign, correct?

MR. PALLAS: Well, yes. That's the -- what you have on the board is the directory sign as I understood it.

The -- what -- the picture of the wooden sign was the one that's going
between chains. I don't -- did you
provide a rendering of the two bracket
signs or just the same as that wooden
sign?

APPLICANT REPRESENTATIVE: There
was a picture submitted of the sign
hanging where you saw it this morning
and it was submitted to --

MS. CLARK: Right.

MR. PALLAS: I'm asking about the
two bracket signs that are going on the
building.

APPLICANT REPRESENTATIVE: Well,
those are on the opposite side, the
opposite two buildings from where we're
currently -- we're currently opening
the cafe on the left as you walk down
the courtyard. The other two brackets
are on the other two buildings but --

MR. PALLAS: The depiction of, the
drawing that we were given with the
application shows a bracket sign on
each building right at the corner of
the building.
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APPLICANT REPRESENTATIVE: On Front Street?

MR. PALLAS: Correct, that's what we were given.

APPLICANT REPRESENTATIVE: I don't know of any brackets there. There are two on the two existing buildings that are vacant right now.

MR. PALLAS: Right on the Front Street, right on the corner of the building nearer to Front Street.

APPLICANT REPRESENTATIVE: Okay. Well, what would you suggest? What, you know, we're way down in back and the reason for the sign was to obviously --

MR. PALLAS: I'm sorry. I'm just trying to clarify what you're actually asking the Board to approve. The application we received shows a total of four signs, not three.

APPLICANT REPRESENTATIVE: Okay.

MR. PALLAS: There is the directory sign and there's bracket
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signs that are at the corner right near Front Street.

APPLICANT REPRESENTATIVE: Okay.

MR. PALLAS: What you are saying now is you didn't intend to do that?

How many signs total are you applying for?

APPLICANT REPRESENTATIVE: I believe four maximum.

MR. PALLAS: Right, so it's two bracket signs. Is there a rendering of the bracket sign in the application? I don't --

CHAIRMAN McMAHON: Either way, we've already had indications that this is not going to move forward this evening, so I'm going to make a motion to table this discussion until the next meeting so we can get some clarification on the number of signs, and clearly all the members of the Board have not been given renderings of all of the signs and their different inclinations, so without that, we can't
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intelligently vote on it, so we need to
have clarification on, we need
renderings of exactly where the signs
are going to be, what they're going to
look like and then we can vote on that,
but we don't have that before us right
now, so I don't believe we can move
forward at this time.

I'm going to make a motion we
table this discussion until the next
meeting.

MS. CLARK:  Second.

MR. BURNS:  Aye.

MR. COTUNGO:  Aye.

MS. CLARK:  Aye.

CHAIRMAN McMAHON:  Motion carries.

Item Number 5, motion to approve
the Planning Board minutes from the
August 4, 2016 and August 25, 2016
meetings of the Planning Board.

Do I have a second for that?

MR. COTUNGO:  Second.

CHAIRMAN McMAHON:  All in favor?

MR. COTUNGO:  Aye.
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MR. BURNS: Aye.

MS. CLARK: Aye.

CHAIRMAN McMAHON: Motion carries.

Item Number 6, motion to adjourn.

Do I have a second?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

(Time noted: 6:07 p.m.)
CERTIFICATE

I, STEPHANIE O'KEEFFE, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on October 6, 2016.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of October, 2016.

____________________________
STEPHANIE O'KEEFFE

Flynn Stenography & Transcription Service
(631) 727-1107