VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

PLANNING BOARD
REGULAR SESSION

Third Street Firehouse
Greenport, New York
March 2, 2017
5:14 p.m.

BEFORE:
DEVIN McMAHON - CHAIRMAN
BRADLEY
BURNS - MEMBER (absent)
NOAH THOMAS - MEMBER
LUCY CLARK -- MEMBER
JOHN COTUNGO -- MEMBER (absent)

JOSEPH PROKOP - VILLAGE ATTORNEY
GLYNIS BERRY - PLANNING BOARD CONSULTANT
EILEEN WINGATE - VILLAGE BUILDING INSPECTOR
KRISTINA LINGG - BUILDING CLERK

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## PUBLIC HEARINGS

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CHAIRMAN McMAHON: All right, we're going to begin the meeting. I apologize for the delay.

This is the Village of Greenport Planning Board Regular Session for March 2, 2017.

First item on the agenda is the Continued Public Hearing for the application of Dan Pennessi, President of SAKD LLC, located on the southeast corner of Front and Third Streets. The property is located in the WC, Waterfront Commercial District.

The applicant proposes to construct a hotel, restaurant and retail space. The proposed uses are conditional.

This is Suffolk County Tax Map number 1001-5-4-5.

Would anyone like to speak to this? Anyone who takes the podium, please give your name and address.

MR. SWISKEY: Name and address,
yes. William Swiskey, 184 Fifth Street.

Has this applicant submitted any kind of traffic plan because this is going to be a real disaster with the Mason Ole and the two restaurants and everything else and the ferry, increased traffic. I mean it's -- I mean it's always nice, like the ZBA member said, well, parking is a Village problem. Well, lack of parking, yeah, is a Village problem, but you just can't -- they granted the variance anyway, so.

Is any consideration given to maybe scaling this back because this is not gonna be good?

CHAIRMAN McMAHON: That's a question for the applicant to answer.

As far as -- I have raised many times my concerns about the parking and the intensity of use.

We're here to accept comments from the public.
MR. SWISKEY: Yeah, but it's pretty hard for this board to deny an application once it's got the variances which was, when he got the variance for 20 cars was very shocking. I mean, I guess you could use the excuse that basically it's too much for the area, if the -- what are the parameters that the Planning Board uses to determine an application like this; I'm not quite sure?

CHAIRMAN McMAHON: In what respect?

MR. SWISKEY: Well, most Planning Boards, most Villages have a plan, a master plan, the Village probably doesn't have one, I don't believe. But the master plan states what they want the areas to look like. I mean so since the Village don't have one, what is your judgment on this? I just don't know.

CHAIRMAN McMAHON: This is still an open hearing from the public,
accepting comments from everybody who has an interest.

I'm not -- I've raised my concerns many times. Anyone else on the Board is free to speak.

MR. SWISKEY: I'll ask one other question. Could you turn this application down?

CHAIRMAN McMAHON: I believe we still have the authority to have an up or down vote on this, yes.

MR. SWISKEY: Thank you.

MR. HARRIS: My name is Peter Harris, I live at 212 Knapp Place, Greenport. Just for the record, I'm two blocks out of the Village, but I'm a lifelong resident of Greenport, and 46 years volunteer fire department.

And I just have to say, I'm not against -- I'm not against anyone wanting to go into business and build structures or whatever to make a living; however, the location down on the corner of Front and Third, I just,
from a logistics standpoint, I just can't, I can't see how this can work.

The fact that you build, you went to build a retailer is one thing, but then -- I mean we've already got restaurants in the area that take up parking and we want to build a restaurant and we want to build a hotel, and it's probably, other than the corner of Front and Main, it's the second busiest intersection because of the fact that you're dealing with the Shelter Island Ferry.

And if you have a restaurant or retail or even a hotel, you have to have deliveries. Where are you gonna have deliveries? You got a turning lane, you got your main travel lane, and I just -- I'm just -- I just see it as a logistical nightmare down there.

Again, I'm not against people, you know, wanting to build a business or structures or what have you, but I just -- I mean, as a little boy, I can
remember that property being, it was
the Sinclair gas station there, a
gentleman by the name of Willard
Creaton (phonetic) was the proprietor.

But I just, in this day and age, I
just can't see, see a hotel,
restaurant, retail with no parking to
be able to -- and again, deliveries, I
mean everybody, when you go into
retail, restaurant, you have to have
deliveries, and I have absolutely no
clue where they're gonna deliver.

Thank you.

CHAIRMAN McMAHON: Thank you.

MS. CLARK: Thank you.

MR. SALADINO: John Saladino,
Sixth Street. In the interest of full
disclosure, I'm a

member of the Zoning Board of
Appeals, but I'm not here speaking for
the Zoning Board.

Myself, I'm in favor of this
project. If you give me a few minutes,
I'd like to address some of the
concerns that I've heard.

I've heard concerns about

disrupting the ferry line with the
hotel's parking lot. I don't think the
growth and development of the Village
of Greenport should take into
consideration a mild inconvenience to a
corporation that's outside the Village,
and for customers that are mostly
outside the Village. I think the
Village of Greenport should take into
consideration the growth, development
and the wellbeing of the Village, not
so much the customers of the ferry
company.

Also I've heard concerns about the
safety going in and out of the parking
lot for the hotel. We have all pulled
into parking lots and pulled out of
parking lots, we don't go in them at
miles an hour or 25 miles an hour;
we go in cautiously and we come out
cautiously. And if there's someone in
your way, we've all entered and exited.
parking lots that had cars in front of us. And if there is a guy in front of you, you wait till he passes and you look at the guy behind him and you come out.

I just heard about where deliveries, they have a loading zone that's approved by code so -- I've heard concerns from the Legion Hall next door, I'm not sure I understand them. They don't have a parking lot that the hotel customers would take up space in their parking lot. I'm just not sure I understand the detriment to Legion Hall.

I heard on the videotape last week about the corporation across the street, the concern that the hotel customers would park in that parking lot, and that might be a concern. But it might be a concern for him for any customer to park there. There is a proposed 180-seat restaurant, two restaurants adjacent to the property.
that if it had to abide by the same
code would need 35 parking spaces and
doesn't provide any.

There is a new restaurant opening
up across from that property; I'm not
sure of the amount of seats, 140 or so,
provides no parking either, which those
customers might, in fact, park in that
parking lot.

Plus also, it enhances a foul
corner, it enhances a corner that has
been foul for 10 years, 12 years. It's
the gateway to Greenport. Right now we
have an institution chain-link fence
there. We have the opportunity to
dress that corner to make it a little
more presentable to the people that
visit.

There is a financial issue. I'm
sure the project is gonna be more than
a couple of bucks. It would increase
the tax base here. I'm only guessing,
20, $30,000 in Village tax. I'm not
sure how much in school tax.
I'm just finding it hard to understand. The ZBA granted a variance of 20 parking spaces in their wisdom, they thought it was reasonable.

For the record, I voted against it, and it might seem hard for some people to understand now how a guy that voted against the project as a member of the ZBA and is advocating for it as a private citizen, and it's just that; one is my professional opinion, professional, one is my volunteer position opinion and one is my opinion as the resident. I'm a hardliner, I admit that. I believe in the code, to me it wasn't reasonable relief, I voted no, but now as a private citizen, from my one-year experience on the ZBA being intimately familiar with this project, I'm just not sure I see the level of concern that some people are expressing about this.

The other variances, you know, it was said that you're granted six
variances, the reality is, the one important variance was parking, the other stuff, you know, one percent lot coverage and four for height were really kinda minutiae, and I was okay with them. I voted against the parking variances.

But now they have parking. They have their relief from providing those spaces, now it should be about the project itself. It should be about the building, and it should be about the benefit to the Village.

That's just my opinion. Thank you. Thanks for listening.

MS. ALLEN: Chatty Allen, Third Street. This has been going on for at least a year-and-a-half and from day one, I have been against this project for a lot of the reasons that were being said.

I know what the traffic is like at that corner. Some that do not know,
I'm a school bus driver and twice a day, in the morning and in the afternoon, I have to use that intersection in the big bus. I see how traffic is.

The project is beautiful, and at one of the meetings about a year ago, I did say, anywhere but that, what I said, that tiny little lot there. This is a beautiful project. He has scaled back on what the original was.

To answer Mr. Swiskey's question, he did have a transportation or traffic study done.

I think I have been at every single meeting that has been held about this project. To be honest, I've gotten to the point where, you know, it seems almost like a done deal, have to get used to it, and now personally this project will affect me because I literally will be living across the street from it.

Like it was already stated, the
fact that they have been given every
single variance, now it's just a matter
of voting on the project as a whole;
and at this point, like I said, I'm
resigning myself that I think it should
just go ahead and go in there.

Like it was stated, you have more
going up across the street, the clam
bar -- I'm sorry, I'm dating myself --
Blue Canoe is, you know, applying to
reopen again, the Legion doesn't have
parking. I don't feel at this point,
you need to penalize this project with
the parking, I think that should now
come out. He does have a loading zone
which is to code, he has the spaces,
not as much as you want, but most
places in town don't.

Like I said, I have been, up until
recently, dead set against this, but
meeting after meeting and seeing the
different changes, seeing what he's
doing, I'm now actually in favor of
this.
Thank you.

CHAIRMAN MCMAHON: Thank you.

MR. OLINKIEWICZ: Good evening.

James Olinkiewicz, 131 Third Street. I have the old Mason Ole property across the street.

Just I'm all for the project. It's going to impact us all, it's gonna be a busy intersection. My only comment I would think is that maybe we could or the boards could think about implementing maybe a one- or two-hour parking on each side of that area of Third Street just to keep the flow moving so people just don't park there all day in front of either my restaurant or the Salt, new restaurant or this project, just keep things -- area moving.

I don't know if the Village likes to do that or have anybody to enforce that for a parking regulation, but give it a little bit of movement, so somebody doesn't sit there. Even one
of my tenants upstairs at Mason Ole
doesn't park out in front of the
building and clog up that whole, all
that parking for all day or all night
-- should have to park down the block
or wherever they can find it, a little
bit further away to try to keep that
traffic area moving.

That would be my only comment, but
I think it would be a great add to the
Village and on the entrance coming in.

Thank you.

CHAIRMAN McMAHON: I do think
parking, street parking would be the
purview of the Village Board, not the
Planning Board; but I do think your
comments -- that would have to be an
effort with, I believe, with the
Village Board. Joe?

ATTORNEY PROKOP: It would make
the recommendation.

CHAIRMAN McMAHON: Any other
comments? Anyone?

(No response.)
MR. PALLAS: You all have a copy of the letter that's dated today from the applicant. It's brief. You may want to read that into the record.

CHAIRMAN McMAHON: The e-mail?

MR. PALLAS: You should have a letter as well.

CHAIRMAN McMAHON: Okay. From the applicant, dated today via e-mail with regard to the application discussion, "Dear Chairman and members of the Planning Board, the applicant hereby requests the Planning Board close the public hearing on conditional uses. I note we're incorporating the Village's planner's comments in the drawings with the exception of a second ADA accessible parking space. Very truly yours, SAKD Holdings, Dan Pennessi, President."

MR. PALLAS: One more comment on that letter with the comment in the letter about second ADA parking space. I have discussed that with our planning
consultant, and we're comfortable with
the single ADA spot.

CHAIRMAN McMAHON: You believe
that's appropriate?

MR. PALLAS: Yes, we do.

CHAIRMAN McMAHON: Is anyone here
for the applicant?

(No response.) No, they're not
here. Joe, do we have -- do you know
of the
timeframe, how many days this --

ATTORNEY PROKOP: I think from the
time we close it, we have 62 days, if
I'm not mistaken, to make the decision.

CHAIRMAN McMAHON: Okay.

ATTORNEY PROKOP: What I would do
is, my recommendation might be that you
close it on the condition that the
applicant accepts a decision by the
week following the meeting in April, so
I think our April meeting is --
actually we wouldn't need that. If you
want to close it, we could just close
it. We wouldn't need a condition.
CHAIRMAN McMAHON: I would so motion we close the public hearing on this, unless anyone else has comments they'd like read into the record.

Do I have a second for that?

(No response.) Noah? You would like to keep the hearing open?

MR. THOMAS: Yes.

CHAIRMAN McMAHON: Okay. Is there someone in particular you would like to hear from or -- I mean, we're not voting up or down on the application, it's just closing the public hearing and moving forward.

MR. THOMAS: Okay. Yeah.

CHAIRMAN McMAHON: So I will once again make a motion that we close the public hearing.

Do I have a second for that?

MR. THOMAS: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. THOMAS: Aye.
CHAIRMAN McMAHON: Aye. Motion carries. All right, on to item number 1 for the regular meeting. It's the same applicant. If anyone has any further discussion on this.

Without the applicant here, if everyone has already said their piece, we'll move on to the next item on the agenda.

I will so motion we move on to item number 2.

Do I have a second for that?

MS. CLARK: Second.

MR. THOMAS: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. THOMAS: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number 2, 625 First Street.

Consideration of the sketch plan requirement of Chapter 118,

Section 4 of the Code of the Village of Greenport for the subdivision.
application of James Olinkiewicz, new owner of the property located at 625 First Street, formerly the Methodist church.

The application proposes to subdivide the property into three conforming residential lots, convert the church sanctuary into a single-family residence, create a conforming lot on First Street and rehabilitate the parsonage.

The property is located in the R-2, One- and Two-Family Zone and the Historic District.

The proposed uses are permitted. Suffolk County Tax Map number 1001-2-6-49.1. Does anyone have any comment? I believe we received the sketch. We have received the preliminary plat and now we have the sketch plan; is that right?

MR. PALLAS: I believe the preliminary sketch plan is first --

CHAIRMAN McMAHON: And then the
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preliminary --

MR. PALLAS: Yes. The purpose of this step in the process is for you to provide the applicant with any comments that you have on the sketch plan that would be incorporated into the preliminary plat.

CHAIRMAN McMAHON: And all our comments, I believe have already been expressed and addressed and the revised plans have been received.

I have no further comments at this time. Does anyone else have any comment on this? We've already held a -- it's been publically noticed, and we had that at the last meeting.

Does anyone have any comments, questions?

MS. POLLACK: Karen Pollack, 630 First Street.

Is this the public hearing?

CHAIRMAN McMAHON: No. There was a public hearing for the application at the corner of Front and Third Streets.
I believe notice was delivered or was at least mailed out, certified letters, receipts of certified letters were provided to us, and I believe that the public, it's not technically a public hearing --

MR. PALLAS: It's not, this is not a public hearing. When a preliminary plat gets submitted, that's when a public hearing would be scheduled.

MS. POLLACK: Okay. Because I was noticed that this --

MR. PALLAS: There's a requirement, there's a code requirement when the Board, the Planning Board considers a sketch plan, there's a requirement to notice the neighbors.

MS. POLLACK: Okay. So would I have another opportunity to make comments on this issue?

MR. PALLAS: There will be a public hearing, yes.

MS. POLLACK: All right. Thank you.
MR. DOWLING: Chris Dowling from 617 First Street. I have the property directly across the street from the church parking lot there.

My questions are, I haven't seen any drawings or anything like that or any idea of the lines for where the property lines are gonna be drawn on the property. In the notice that I received in the mail the other day, it said there is going to be three single-family properties; is that correct?

ATTORNEY PROKOP: Three single-family.

MR. DOWLING: Three separate lots, each single-family.

ATTORNEY PROKOP: That's correct.

MR. DOWLING: Not two-family?

ATTORNEY PROKOP: Yes, that's correct.

MR. DOWLING: Okay. Our main concern really with this property is that whatever new building is built
there, that it's, you know, conforming with the Greenport architecture. You know, First Street is an old street, a lot of old houses. Our house was built in 1846, many of the houses on the street are, you know, classic Greenport houses; and we just hope that whatever house is built there in that empty lot kind of conforms with the like and look and the community really.

CHAIRMAN McMAHON: It is within the Historic Board, so anything would need to be approved by the Historic Board.

MR. DOWLING: Cool. Okay. Thanks. Is there presently COs for the property because I know it was a church and now it's --

MS. WINGATE: I think it's -- the certificate of occupancy is for a church, and parsonage, and a garage.

MR. DOWLING: Okay. So people can live there and everything like that
before everything is applied for and stuff now.

MS. WINGATE: The CO will change pending whatever construction accomplished.

MR. DOWLING: Okay. We're noticing there is work starting to happen and stuff like that and people there, there are lights on, so we're wondering what's happening before anything gets approved.

MS. WINGATE: What I know about it at this point in time, it's not construction. There is cleanup, there's removal, there's preparation to move forward, but there is no construction.

MR. DOWLING: Okay. Thanks.

ATTORNEY PROKOP: There is a public hearing, there is a public hearing on Monday night before the HPC at 5 o'clock regarding a major alteration to the church building.

MR. OLINKIEWICZ: James
Olinkiewicz, 625 First Street, the old
Methodist church property.

Just so everybody knows, the
application was for a three-lot
subdivision. The church was going to
become a one-family residence, the
parsonage was gonna stay a one-family
residence and the new lot, depending on
what I want to do, would either be a
one- or two-family residence. It has
to be built in the Historic District,
so everything has to be cleared by the
Historic Board.

The COs on the property right now
have a church sanctuary, a four-bedroom
house. It has a CO for that. There is
a CO on the church and there is a CO on
the garage.

The repairs that have been done
is, there was the hot water heater in
the basement of the parsonage for the
family that moved in. There was the
furnace had to be repaired and we're in
the process of emptying out any of the
superfluous not needed items that were
left behind by the church into a
dumpster that's there.

We're going in front of the HPC on
Monday for discussion about what we're
going to do with the church to save --
we're gonna save the existing
sanctuary. We have applied to tear the
back additions off, that one was in
1912 or '13, we haven't gotten a
definitive date, and there was another
in the 1950s, '60s that have created
that property, the building to be over
7,000 square feet, so we're taking it
back and we're gonna just take the
sanctuary to about 2,400 square feet
and convert that into a single-family
residence.

That's the idea of the project
right now. Everything is in
conformance with the Village lot size,
road frontage, everything else, so I'm
here to answer any questions that
anybody might have.
CHAIRMAN McMAHON: I don't have any questions.

Does anyone have any comments or questions?

MR. OLINKIEWICZ: This was the notification for the sketch plan, correct, and then after this, then we re-notify everybody for the public hearing?

MR. PALLAS: You have to submit the preliminary plat in accordance with code.

MR. OLINKIEWICZ: Right.

MR. PALLAS: Once we receive that, the following meeting from receipt of that, the Planning Board could schedule the public hearing.

MR. OLINKIEWICZ: The original paperwork that we modified and changed and did, which was the preliminary plat that we finished before we came here, do you want me to resubmit a whole new package of everything the same that they already have?
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MS. WINGATE: I suggest you read
the code because the code refers to
paper size, the title on it, there are
some very specific requirements.

MR. OLINKIEWICZ: Okay. No
problem. We'll take care of that.

Thank you.

CHAIRMAN McMAHON: Thank you. If
there's no further discussion on this,
I
believe, I guess we should make a
motion indicating that our comments in
this application have already been
addressed with the previous meetings
previous to this meeting.

We are supposed to provide
commentary for the sketch plan?

MR. PALLAS: Correct.

CHAIRMAN McMAHON: I believe
everything was addressed previously and
it was originally four subdivisions, we
ask there be three. We received the
comments from HPC with regard to the,
all the renovations being in line with
their requirements.

I have no further conditions or comments with regard to this application. I don't know if anybody else on the Board has any comments.

Lucy, is there anything else you feel should be --

MS. CLARK: No, but you held the public hearing open last week for the other project because our full board wasn't present; are you going to give that consideration to this as well?

CHAIRMAN McMAHON: This isn't a public hearing. There was public notice, this is separate -- it's a separate process for a subdivision as for applications.

MS. CLARK: Um-hum. Okay.

CHAIRMAN McMAHON: So there isn't actually public hearing right now in effect.

MS. CLARK: Right.

CHAIRMAN McMAHON: So we should --

I guess I will make the motion that we
will close the discussion on the consideration of the sketch plan with comments that we have already addressed all of our concerns with the applicant. We have no further comment at this time.

Do I have a second for that?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. THOMAS: Aye.

CHAIRMAN McMAHON: Aye. Motion carries. Moving on to item number 3, 631 Sixth Street. Continued discussion and possible motion to approve the site plan application of Hilary Gulley and James Taylor for the construction of a single-family house.

The site is located at 631 Sixth Street and in the R2, One- and Two-Family District and not located in the Historic District.
Suffolk County Tax Map number 1001-6-3-1. Did we receive --

MS. WINGATE: It's folded in half.

CHAIRMAN McMAHON: I saw this earlier, so we do have the loft space shown here. There were no rooms or anything.

We did discuss this at the last meeting, it seems like a fairly straightforward application. There are no variances required.

I have no issues. Does anyone have any comments or questions with regard to this?

There's just a quick question. On the plan, it indicates study as opposed to bedroom number one, I believe two bedrooms, is just -- I believe that the room that's labeled in the application is bedroom number one, there's bedroom number two, it is in totality a two-bedroom home with a loft. We can ask for some clarification on that, but otherwise there is no reason for us to
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hold this over as far as I'm concerned. Everything meets code, there are no variances required anywhere on the project.

ATTORNEY PROKOP: Code require parking, is there adequate parking?

MS. WINGATE: Yes.

ATTORNEY PROKOP: Are they using the existing curb cut?

MS. WINGATE: Existing curb cut, yes.

ATTORNEY PROKOP: The curb cut was actually on the property line; is that correct?

MS. WINGATE: Yes. It's north of the property line, just by a little.

CHAIRMAN McMAHON: Is that acceptable with regard to --

MS. WINGATE: It's nice to use what's there already.

CHAIRMAN McMAHON: The driveway is fully accessible?

MS. WINGATE: Oh, yeah.

CHAIRMAN McMAHON: Okay. So we
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would ask that the plans be -- I'm
going to make a motion that we
approve the application as submitted
with the one condition that we ask
applicant to update this plan to have
the bedrooms properly labeled. Other
than that, I have no issues with this.
Do I have a second for the
application to be submitted?

MS. CLARK:  Second.
MR. THOMAS:  Second.
CHAIRMAN McMAHON:  All in favor?
MS. CLARK:  Aye.
MR. THOMAS:  Aye.
CHAIRMAN McMAHON:  Aye. Motion
carries.

MS. WINGATE:  What is wrong with
the labeling?

CHAIRMAN McMAHON:  It only
indicated, it says bedroom number two
but it doesn't indicate bedroom number
one. That's all, I believe the study
is, on the original plans that were
submitted, it was labeled as study.
MS. WINGATE: No problem.

CHAIRMAN McMAHON: Moving on to item number 4, 104 Third Street.

Continued discussion and possible motion on the site plan application for Keith and Alison Bavaro. The applicants are proposing to reopen the former Blue Canoe Restaurant, located at 104 Third Street.

Zoned in the WC, Waterfront Commercial District, this property has been granted a conditional use permit previously and is not located in the Historic District.

Suffolk County Tax Map number 1001-5-4-3. Is there anybody that would like to speak on this application?

MR. BRESSLER: Eric J. Bressler, Wickham, Bressler & Geasa, Main Road, Mattituck, New York 11952 on behalf of Norfolk Ventures, the owners of the property.

We are here seeking one thing and
only one thing; and that is the
approval of this Board for a minor,
that is to say cosmetic amendment to
the over-sidewalk sign. That is why we
are here.

Now, I understand that an
application was made and a review of
that application reveals that the
requirements of the Village Code have
not been fully met with respect to
required submissions that the code
requires; so in that respect, what I
would like to do is to meet those
requirements, and in meeting those
requirements, I'm handing up -- I have
just handed to the Board Chairman a
certificate of liability insurance in
the amount specified by the code, it's
commercial general liability insurance
policy in the amount exceeding
$500,000, the Village is named as
additional insured.

I have handed up eight full-color
prints in the scale specified by the
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code which reflects what would appear
on the front and back of the currently
existing sign such that it would appear
as depicted in what's been handed out
to the Board. It consists of four
letters, P-O-R-T, and immediately
superimposed above each letter is a
marine flag representing that letter.
That is what is proposed to be put on
the sign.

By way of background, this matter
came on before this Board, came on
before the Zoning Board of Appeals on
the prior application for a sign
involving the Blue Canoe, and the Board
may be aware of the fact that at that
time, the Zoning Board of Appeals
granted a variance which, of course,
travels with the property for the
over-sidewalk sign, it's not changing
but for what you see in front of you.

At that time, a site plan was
approved by this Board and a
certificate of occupancy was issued

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with respect thereto. The site plan was extremely detailed, the certificate of occupancy was extremely detailed. What is proposed to be operated varies not one bit from what was previously approved by the Zoning Board of Appeals except for the lettering on the sign and this Board and the certificate of occupancy, nothing else is being changed.

Also, I think it's worth noting at the time that the owners of the property in 2011 and '12, also, at the request of the Village, put in additional sewage facilities. That's right, that is important. They put in additional sewage facilities in excess of $50,000 was required, was requested and they did that; thus, the certificate of occupancy was issued.

So we're here today seeking very simple relief. You have what the sign looks like, I understand that the fee has been paid. You have the
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certificate of insurance. I know that there has been some discussion about certain other issues. We don't believe any other issues are of any moment for this Board since there is no change with respect to the site plan that was approved, the certificate of occupancy that was approved and the over-the-sidewalk hanging fixture which has already been approved.

If the Board has questions, we have here two representatives of the owner, we have here two representatives of the operator as was mentioned earlier in another application, they do run a well-known restaurant, Salt, over on Shelter Island, a very successful operation. They'd like to simulate that here, maybe even do a little bit better.

We have also, in case the Board needs any historical perspective, we have David Kapel who walked that initial application through in 2012 and...
was instrumental in obtaining the site plan and the certificate of occupancy and the variances which approved the sign.

So if there are any questions, I'll entertain them or I'll hand them off to the person who can best answer them, but it's a simple application, it's now into March, and we need to get open so that the tenant can make its rent-roll and open up.

CHAIRMAN McMAHON: Does anyone have any questions or comments at this time?

(No response.) So we actually -- do we have the actual sign application?

MS. WINGATE: No.

MR. PALLAS: I don't believe that's been received.

CHAIRMAN McMAHON: We don't actually have the sign application, but that's --

MR. BRESSLER: What is it -- I'm
CHAIRMAN McMAHON: The actual sign application, it's separate from the use evaluation application.

MR. BRESSLER: You don't have it?

I have one in my file which is a copy of one that was submitted so --

MS. WINGATE: I -- we have never received a sign application.

AUDIENCE MEMBER: I have it here; I filled it out with you.

MS. WINGATE: I haven't seen it, and I was waiting for the graphics. I've never seen the graphics, I still can't see them, they're over there.

MR. PALLAS: As a minimum, I don't -- we can verify with the application, but we certainly don't have the renderings.

MR. BRESSLER: Well, you have eight full copies, and they're being handed up here if you don't mind me walking over there.
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ATTORNEY PROKOP: Is that dated?

CHAIRMAN McMAHON: The sign, I didn't see that being any sort of an issue at all. The sign is existing, it's being replaced with another sign, I don't see any issue there.

The only holdup that we had was, there was discussion of whether or not --

ATTORNEY PROKOP: Can I --

CHAIRMAN McMAHON: Sure.

ATTORNEY PROKOP: I appreciate you bringing this -- I'm not sure what this is because it has to go in through the Building Department, but I didn't think the proper way to submit an actual application is to the Board. It should go through the Building Department.

AUDIENCE MEMBER: I submitted that with the original application.

MR. BRESSLER: It's our understanding that was submitted with the original application, and that's just another one if you don't have it,
we'll walk another one over.

MR. PALLAS: Either way, whether we have the application or not, we did not have this.

MS. WINGATE: I wouldn't have accepted the application without the graphics attached. This is the first I'm seeing them.

MR. BRESSLER: All I can tell you is, they handed it in, there is another one, here are the graphics. If there are any questions or problems with them, we have them here and we'll answer, we're happy to answer your questions.

I don't think that -- with all due respect, I don't think there should be very many with respect to the graphics, since they're gonna fit in the same square.

MS. WINGATE: It's just procedural, I'm sure you understand that.

CHAIRMAN McMAHON: The sign is not
the issue. That's not -- we can work past the sign, it's not going to be --
the concern we had at the last meeting was whether or not the building, after having been unoccupied for a period of over a year was required to become ADA compliant with regard to the bathrooms and the number of people seated in the restaurant. That was my only question. I didn't have a definitive answer on --

MR. BRESSLER: I'll answer that question. No.

CHAIRMAN McMAHON: -- that was -- we discussed that and the Village Administrator and the Village Attorney said they were going to discuss it and give us opinions as to whether or not the code reflected that, and that's my only concern. That's really the only thing that I have any concern with here is whether or not the building as a requirement be ADA accessible and if it is. That's the only thing. I have no question about the use as far as it
being a restaurant, the occupancy, where it's been, continuing that, great, I have no issue with any of that. The sign is straight forward, not a problem. The certificate of occupancy, there's an overhanging sign section in the code, it seems to be -- I'll have to double check with regard to size, but it looks like it's compliant, there's already an overhanging sign.

I don't see anything -- the only question I have is ADA compliance and whether or not there is a requirement of this Board to enforce that.

MR. BRESSLER: Well, let me -- that's fair enough. Let me speak to that.

You'll, of course, be guided by Mr. Prokop, but as far as the ADA is concerned, I think the answer to your question is no. If you read the ADA and you look at the regulations, you see that in order for something to have
to happen with respect to ADA, given the fact that everything was fine in 2012, there has to occur a triggering act; and a trigger under the ADA and the regulations is that type of act which would impact in any particular area the accessibility aspects of that particular area.

Since nothing is changing between then and now, there is no triggering act, there is nothing in the ADA that says the passage of time, and, you know, whether it be a year, a month, you know, whatever it is, there is no temporal measurement, there is functional measurement; that is, did you screw around with the width of the hallways, did you raise a floor level, did you do something that would create an additional barrier to someone with a disability that would require you then to become ADA compliant.

That's my understanding of how the ADA works and, of course, you'll have
to be guided by counsel, but having
represented large clients over the
years who had ADA problems, that's how
we have typically dealt with them, and
we don't see the triggering act.

I understand your question, and I
think that that's, I think that's the
answer, at least from our point of
view.

ATTORNEY PROKOP: We have comments
from -- we have two sets of comments
from the planning consultant that works
for the Village, Glynis, and Glynis had
issued comments last week. Did you see
them?

MR. BRESSLER: Yes, I did.

ATTORNEY PROKOP: We received
other comments last night or this
morning.

Do you have them?

MR. PALLAS: We have extra sets.

ATTORNEY PROKOP: The other issue
was the ADA. The ADA was a comment
that she had, and it's now in the
Village file, Village records, but the other comment was compliance with New York State plumbing code; if I'm not mistaken.

MR. BRESSLER: Nothing, again, nothing has changed, and we have Planning Board approval and we have a certificate of occupancy so nothing, nothing has changed.

If there were to be a triggering event under the applicable code, then I think I'd have to have a talk with you about what we were going to do about that, but again, I don't see the triggering event here, so that's my response to those comments; and it may very well be that in the future, we'll be talking to you about those aspects because there will be an application for a change that will trigger an upgrade to the level of compliance that current code or indeed the ADA would require for people with disability; but I don't think they're implicated by
this particular application, and I
don't think it is appropriate to
revisit them at this particular time.
Although we do appreciate the input and
we are aware of what would have to be
done would there be a triggering event,
we're not denying that things would
occur and would be required if there
were such events, it's just that they
haven't occurred now.

ATTORNEY PROKOP: I'm not the code
official of the Village. We have a
Building Inspector and also we have a
consultant who is code trained and they
have raised the objection regarding the
plumbing code, and I understand that
could discuss the triggering event with
regard to the ADA requirement, but I
think the triggering event might have
been, I think the triggering event
might have already occurred with the
prior application, but I think that the
plumbing code doesn't have the same
requirement that you're talking about.
The plumbing code is an occupancy limitation, as I understand it; and there was a discussion, although we're talking about, you're mentioning the site plan that was approved in 2012, but it's my understanding also at that time, there was a discussion about the construction of two additional bathrooms that actually were going to be, if I'm correct, made available for public use also on the premises, and I think that that might have been part of the understanding of that application, although we're still reviewing that.

MR. BRESSLER: Well, I think it's fair to say, the concept of additional and/or different facilities is under discussion, but I think it's equally fair to say that at no time was any approval conditioned upon that and there is nothing in documentation. If you would like to have a discussion with my client about those aspects, my client has indicated they are more than
amenable to having or continuing whatever discussions you may want to have, so we are certainly not closing the door on those discussions, but that would be another project of significant complexity and magnitude and any discussion of that would necessarily be on the extended basis and would preclude effectively our friends from Salt from operating their business at the approved location in terms of site plan and certificate of occupancy, and we think they have a right to do that, but again, we're not foreclosing discussion and if you want to have them, we're more than happy to do that with you, absolutely.

MS. BERRY: I have a number of things I want to raise.

First, the use was discontinued for a year, and if you look at the code, it says in this district once a conditional use is stopped, it can be reconsidered; so that's one factor.
And I don't think anybody is objecting to use as a restaurant, so don't -- it's just a notation and a pause.

I looked at the historic records, and there seems to be some issues when the certificate of occupancy was last produced; and one is the number of seats, there is a discrepancy between the C of O and the approved plan so --

MR. BRESSLER: Well, if you would like, we'll put more seating in, but we have gone with a more conservative number.

MS. BERRY: No. It's the opposite, I'm afraid, so it's tens seat more.

MR. BRESSLER: No, it's --

MS. BERRY: Yes.

MR. BRESSLER: Our seating does not exceed what is in the certificate of occupancy.

MS. BERRY: I'll go through it, I can take a little --
MR. BRESSLER: Let me state that for the record, our number of seats does not exceed the number set forth in the certificate of occupancy.

MS. BERRY: It actually does. Your C of O is 188 persons and you submitted 193, I believe.

AUDIENCE MEMBER: So it's less.

MR. BRESSLER: That's less, we have 188.

MS. BERRY: No. The C of O is 188 --

MR. BRESSLER: That's what we have.

MS. BERRY: -- but the plan you submitted said 193.

AUDIENCE MEMBER: That's because --

MR. BRESSLER: Wait, wait, wait.

CHAIRMAN McMAHON: If anyone is gonna -- anyone would like to take the podium, place your -- please, for the sake of the record, if you do want speak, identify yourself.
MR. BRESSLER: What we have is 188.

MS. BERRY: Okay. That's not what the plans show.

MR. BRESSLER: Whether or not the plan shows it, we are in compliance with the certificate of occupancy.

MS. BERRY: Well, the plan needs to reflect the 188, so that's the first thing.

MR. BRESSLER: But that has nothing to do with why we're here today because --

MS. BERRY: It does actually.

ATTORNEY PROKOP: We spent a lot of time between last week and this week trying to keep this positive and moving along, so if we can frame the discussion tonight to do that, so we can stay constructive because that's the attitude of the Board --

MR. BRESSLER: My point is we're in compliance with the certificate of occupancy and if there is something on
the plan which exceeds the certificate
of occupancy and that needs to be
changed, that can certainly be changed,
but that should not hold up this
application in any way.

MS. BERRY: Okay, but can you let
me go through the issues without --
there is a discrepancy between the C of
O that was issued and the approved plan
in terms of the outdoor seating. They
had ten fewer seats, so there was a
discrepancy there so the approved plan
had ten seats less than the C of O, so
it looks like there is a discrepancy
there.

The other thing is in the
application for that C of O which was
significant event and increased the
number of seats, there were discussions
of toilets. The thing is in the
architect's submittal, they separated
the need for toilets for outside and
inside, but only the inside ones were
provided; so part of the issue is the
number of fixtures if there were 150 seats, then only two, one male and one female would be needed. When you go over 150, you need two of each, so that was kind of missed because you are supposed to include the number of outdoor seats when you are considering the toilet fixtures. It's not just the inside, so that was one issue that popped up.

MR. BRESSLER: With all due respect, I don't think anything is missed because I reviewed the file in detail and I reviewed the submittals, and all those numbers were laid out by the applicant to the Village and --

MS. BERRY: Why were only two toilets provided?

MR. BRESSLER: What was issued? I mean, to say that somehow the applicant did not disclose or somehow misled the Village is not an accurate statement.

MS. BERRY: No. I'm not saying they misled it, but they didn't include
those toilets and they separated those pumps.

MR. BRESSLER: The site plan didn't call for those toilets and that site plan was approved. Are you saying that --

MS. BERRY: I'm saying it shouldn't have been approved for that number of seats, okay, so that's what I'm saying. It didn't have the proper fixture number for the number of seats. Okay, so yes, it was approved, but there was an issue there.

Then the last issue is that there is no handicap accessibility, and I did talk to the Americans with Disabilities at their office today, and you're right that a physical event should trigger this, the physical event in 2012 should have triggered this, and somehow it didn't. If there is no change in the number of seats and no alterations, the only changes that are sort of required is that you make changes appropriate.
that are readily achievable like
shifting aprticians and (inaudible)
trying to make it as close to
compatible as you can, but you're
expected to spend 20 percent of any
costs of renovation to rectify the
situation for a lack of accessible
facilities, and you should put a plan
in place to provide the appropriate
facilities in the future. So yes,
you're not going, most likely you won't
be required to put the accessible
toilets as they should have been at the
event that should have triggered this,
but what you should do is put a plan
together for the future.

MR. BRESSLER: We have stated, and
I will reiterate that my client is
willing to have discussions with the
appropriate people in conjunction with
future plans for the property about
these issues. I don't think that I can
be any clearer than that.

MS. BERRY: I think there should
be a timeline and a serious discussion
about this and not just sometime in the
future. Sometime in the future could
be ten years from now.

MR. BRESSLER: I'm going to state
it one more time. Our clients are
willing to have discussions with the
appropriate people in the context of
improvements that are contemplated with
respect to this project. It is not
simple, it is not short in duration,
any triggering event, and I disagree
with you that a triggering event
occurred, but were there to be a
triggering event, which our clients are
considering, the manner in dealing with
that triggering event would be time
consuming, complex and difficult to
work through, but they're willing to do
that. More than that, I can't tell
you, but I think that that addresses
your concerns.

If you want me to say the word
serious, I'll say the word serious,
it's deadly serious when you're talking about spending money and putting in ADA compliant restrooms and all the things that go with it. That's a lot of money and that can put a small business out of business, so while we are willing to enter into those discussions and they are serious discussions, they're going to have to be finely tuned and they're going to have to be done in such a manner that the business can survive as both the statute and regulation provide and what may be reasonable to someone sitting on one side of the table may not be reasonable to someone sitting on the other side because as you are well aware, at least two of the measures in the statute and the regulations are the financial abilities on our side of the table.

MS. BERRY: And that's why the code is written this way.

MR. BRESSLER: No.

MS. BERRY: To be sensitive to
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that.

MR. BRESSLER: That's right, and those are things that you don't have knowledge of right now, but we're willing to discuss with you, so that's our offer, we're willing to discuss with you, and I ask this Board to approve the sign, let this tenant get in there or we're not going to have any money and this is going to be a moot conversation. We need to get a rent stream going in there, so we can even consider making some of the changes that you believe ought to be made because that's how you get to make them. So that's what we are willing to do, and that's what we'd like the Board to do tonight, so that we can get up and get going and try to meet your requests.

MS. BERRY: It would be my recommendation to limit the seating to 150 because then at least the number of fixtures is compliant with code, and,
you know, encourage discussion of how to improve accessibility with you.

MR. BRESSLER: We're happy to have discussions with you, but we need the sign permit to get open and generate money so that we can consider improving the project.

Thank you. If there are any other questions from the Board or anyone, I'm happy to take them.

CHAIRMAN McMAHON: Thank you.

MR. BRESSLER: And I'm more than happy to continue the conversation with counsel at his convenience.

ATTORNEY PROKOP: This piece of paper needs to come in through the Building Department, and I'm happy to meet with you anytime.

MR. BRESSLER: Good.

ATTORNEY PROKOP: As early as tomorrow, it's up to you.

MR. PALLAS: With regard to the sign, we just received this so we would
need to take a look at it. I believe if it meets all the requirements, and we make sure we have the application and the fee, we can, you know, with your okay, we can go ahead and approve that after we have had an opportunity to review it.

You have seen the rendering, if you're comfortable with that and we verify that it does, in fact, meet the requirements, the sign that's there now did have a variance, we just have to verify that that variance is, in fact, still in place, all those things, we can do that if you want to give us the authority to approve that pending all of that.

CHAIRMAN McMAHON: I have no issue with the sign. That's the least of my concerns. If that helps move us forward in a meaningful way, I'm fine with that. I have no issue with that.

With regard to the -- yeah, granted, I did just see the
application, we did not see that
beforehand, there was some
miscommunication as to what -- I don't
know.

Do any of the members of the --

MR. PALLAS: Mr. Chairman, if I
may, going back to the sign issue, is
this the only sign, just this
overhanging sign?

MR. BRESSLER: No. We're going to
change the labeling consistent with
that and we have renderings, we
understand that since it's not an
over-the-sidewalk sign, the process is
different.

MR. PALLAS: We need to see that
as well with your application.

MR. BRESSLER: Consider yourself
in the position of the views (handing).

I'll state for the record, we have
handed up eight copies of a rolled long
sign which is going to be the subject
of an application under the different
sections of the code since it's not an
over-the-sidewalk sign, it is the same
type of labeling, it is the same type
of flags, and I've given you the, one
of the four renderings full color, roll
it out and when you're done with it,
you can roll it back up.

CHAIRMAN McMAHON: Would anyone
else like to speak?

If you have anything else, please.

We are going to take a brief recess so
the

Village Attorney and the Village
Administrator can discuss something
amongst themselves.

(Whereupon, a recess was taken at
this time.)

CHAIRMAN McMAHON: So my
understanding is that, correct me if
I'm wrong here, if there is an issue of
noncompliance with ADA, the law is
written in a way that is meant to allow
people to do this over time and make
appropriate changes as planned. I
think it's in the best interest of the
Village and the applicant if we can work together and come up with a plan for addressing the handicap issues within the building and bring the building up to code. There is a separate issue of the total, as the building right now, there is a New York State Building Code issue of a requirement of, I believe, four bathrooms if you go over occupancy of 150. Right now there are two bathrooms available, so totally separate from ADA compliance, anything in that regard, the occupancy would have to be in the short term limited to 150 with the two bathrooms that are there. It's my understanding, please correct me if I'm wrong, but I believe that is simply they would be able to grant the C of O under those conditions.

I would like to, I believe everyone on the Board wants to see this project go forward, we want the restaurant to open as soon as possible.
I understand it's a season and that's how you make your money, you need to get in there as quickly as possible. My personal feeling is that we could accept the application this evening, and then over the next couple of weeks yourself or the applicants can work with Village Administrator, Village Attorney, the planning consultant to come up with a plan that will address the ADA issues and any accessibility requirements. That would at least allow us to move forward and we can, again, try to get you guys on track to open as soon as possible. That would also allow us to make sure that everything is compliant with State code as well as ADA compliance.

I don't know if anyone has any thoughts or comments with regard to that course of action, but that's how I foresee the best way for us to move forward at this time. I don't know if that's amenable to you or your clients.
MR. BRESSLER: Well, does that mean you are going to approve the sign?

CHAIRMAN McMAHON: The sign.

MR. BRESSLER: That's the only thing that is before you.

MS. BERRY: No, it isn't.

CHAIRMAN McMAHON: That actually is the thing that's not before us. That's the only thing we don't have.

MR. BRESSLER: We are not seeking site plan review and to the extent that you think we are, we are not. We want the approval pursuant to the code of this sign. We are more than willing to enter into discussions with the relevant people about what problems they think exist with respect to the Village approvals that were issued by this Board and were issued by the Building Inspector. That is a separate issue, and we're certainly willing to discuss that, but as it stands now, we have a certificate of occupancy, we have a site plan and we need approval.
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from this Board of a sign.

ATTORNEY PROKOP: The problem is
-- first off, the agenda -- I know that
you may have come into this today when
you called me, I'm not sure when you
came into it, but the agenda has been
published, and actually the agenda
doesn't mention the sign. We didn't
have an application for a sign before
you tried to pass it up.

MR. BRESSLER: Well, Joe --

ATTORNEY PROKOP: I just want to
point out to you though that according
to the agenda, we are here for a use
evaluation.

One of the things about the
existing use is that it's a conditional
use at the property, and conditional
use of an eating establishment was
approved previously separate from the C
of O; however, the use was discontinued
and under the Village code, what that
requires us to do is basically
reapprove it or renew the approval, so
that's really what we're here for is
the consideration of the approval of
that conditional use. Unless somebody
disagrees.

MR. BRESSLER: My understanding
with staffs comments are that nothing
has changed and, therefore, if that's
what you believe is before the Board,
we ask that you approve that because
that depends on factors that are
completely unrelated to the things that
we have been discussing, they relate to
views and other things by my reading of
the code. I don't think there is any
issue with respect to that, and I
didn't think staff does either.

ATTORNEY PROKOP: Actually, what I
would think about that is probably one
of the -- since we're approving the use
of the premises, one of the threshold
considerations would be the legal use
under the State code because we're
approving the use at the premises, so
if we are going to approve the use of
the premises, it would be with the
limitations of the State code, and one
of the limitations is the plumbing
code.

The other thing that I wanted to
mention is that because, not to lose
sight of this, again, we have code
officials here, I'm not a code
official, but it's my understanding
that the plumbing code limitation is a
limitation on occupancy, not on
seating, so I just want to make sure,
of that.

Are we in agreement on that? Am I
speaking correctly?

MR. PALLAS: Yes.

ATTORNEY PROKOP: That's one of
the things we are dealing with with the
application.

MR. BRESSLER: We respectfully
disagree with that application of the
code. We do believe that you have an
application for sign permit. The
language was dictated to us by the
Flynn Stenography & Transcription Service
(631) 727-1107
Building Inspector, the letter was submitted.

MS. WINGATE: The letter --

MR. BRESSLER: The application was submitted and now you have the graphics, and you have the insurance, that's all I can say about that.

And we need to get open, as I said, I'm willing to sit with you, Mr. Prokop, anytime to try to move the law forward on the other things but that just can't be a condition to opening up because that means we're out the season and we're done for, and I think everybody understands that.

I'm not sure everybody understands what the implications of that are, but I think everybody understands that is what is going to occur.

Is the Board going to make a resolution of any kind or not?

MS. ALLEN: Chatty Allen, Third Street. I've been coming to these meetings for a couple of years now.
The agendas are set, you can go online prior to the meeting, you can see what's on the agenda. Item number 4, continued discussion and possible motion on site plan application. Nothing whatsoever about the approval of a new sign. We have been going around and around for at least an hour now, and personally I feel this lawyer is threatening the Board by saying approve this sign so we can open, instead of listening to what's being said. This is not an application this evening for a sign. It was out of order, out of context, whatever the legal terminology is to hand things to the Building Inspector tonight and say, here, this is what the sign looks like, approve it tonight. I think the Board should listen to what the Village Attorney is saying, they want this restaurant opened, these are the conditions, 150 seats, sign gets approved, 150 seats, they can open for
the season.

I don't like seeing any board being treated the way I have been watching this board be treated this evening on one application.

Thank you.

CHAIRMAN McMAHON: Thank you.

MR. KAPEL: I just want to speak briefly, and I'm not employed by the applicant this time. Mr. Bressler represents them, but I'm a Village resident, I'm a Village businessperson, and I have to express my dismay at the fact that you have an established use, putting aside whatever technical objections might, in fact, exist, I'm not going to argue those points, but you have the established use, successfully established five years ago and ran for five years, is proposed to be reopened to the benefit of the Village in exactly the same way that it's been run for five years.

You're at a very sensitive time of
year with respect to viability of a business in Greenport, not to be figuring out how to help these people open up really exposes the Village, I think, to criticism.

CHAIRMAN McMAHON: I think we are looking for a way to help them move forward. I've said that and I believe that is what we want to do. We want them to be able to open as soon as possible. I have no issue with the use as it is; however, the only things that, my only concerns from the beginning have been ADA compliance and whether or not that was an issue. What was raised was a New York State Building Code issue where there may not be adequate bathrooms for an occupancy of 188 people. Those are the only -- that's --

MR. KAPEL: Again, I just want to restate that whatever that condition is has been there since the place was originally opened five years ago and on
top of that, you have an applicant that's telling you that they're willing to work with you to resolve that issue.

Why isn't that sufficient? I mean, this is a small town.

CHAIRMAN McMAHON: That's where we're going, that's what we're trying to resolve.

MR. KAPEL: You have a credible applicant that's made a multimillion dollar investment in the Village, it's paying taxes in the Village, they have a credible operator, you know, well-known established operator that wants to open. Let them open and then work it out.

CHAIRMAN McMAHON: I don't think --

ATTORNEY PROKOP: One of the things I've said before, we're trying to work constructively with the applicant, but one of the things I'd like to note is that we, with the season approaching and professionals
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being retained by the applicant, we
just got the application tonight, the
application that they're demanding we
approve tonight, we just got tonight;
however, we do have -- does the Board
have discussion -- would you like to
consider something with regard to the
--

CHAIRMAN McMAHON: We found there
was part of the application, the sign
application was included, but not the
graphics, it was an incomplete
application. I don't have an issue
with approving the sign, that's not a
question.

Now, if there is question as to
whether or not there is even a site
plan application before us this
evening, that's a much larger question
and if you don't feel there is one,
then we won't be accepting anything,
but in order for this to move forward
as far as I understand, there is a site
plan application before us this evening

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and I thought we would accept that application, continue discussions between Village Administrator, Village Attorney and the applicant to come to a resolution that's acceptable for everyone, allow the application to move forward and open up for the season. If we're not, if you're telling me that's withdrawn or something, that's a very different conversation, but as far as I know, we have a site plan application, I thought we would be accepting it this evening and moving forward. Since we finally got the last piece of the sign application this evening, that's now a complete application, I don't have an issue voting on that particular piece.

ATTORNEY PROKOP: What is the application that got it on the agenda tonight?

MR. PALLAS: It was a use evaluation and application, it's the same documents, it says site plan on the top. For this particular case,
it's a use evaluation, I think it
stated it's a conditional use that
requires this Board's approval.

CHAIRMAN McMAHON: Okay.

MR. INGRILLI: My name is John
Ingrilli and I'm one of the owners of
the property. I just want to clarify a
few things.

The business has not been closed
for over a year. That's incorrect. We
have revenues in -- the tenant had
revenues in 2016 for being opened in
the early part of year. That company
is still not dissolved, but there is an
agreement to dissolve that restaurant
company, I believe that went into place
in May, May 4th or May 6th, it's all
documented with legal documentation.

The other comment, and it's a
question because I'm certainly not an
attorney, but from a code perspective,
it was stated that if a business, what
was that, ceases to -- I just want some
clarity on that --
MR. PALLAS: Ceases --

MR. INGRILLI: I'd like to know what it is, so that --

MR. PALLAS: If it's a cease of the, if it's discontinued, if the uses are discontinued.

MR. INGRILLI: So I would say two things. I'm not sure that the building as a restaurant ceased to exist. There has never been another tenant and it is -- there wasn't something that went in and made it something other than a restaurant and then came in and made it a restaurant.

The other thing I would say is, if you actually look at that code for me, I'd like to also know just, it's a simple question, I think that that applies if you're in the Waterfront District and you abut the water, that's the way it reads. If I can read it, I think the code says that you are in the Waterfront District, which we are commercial and then there's two parts.
to it; one of them applies if you abut
the water, the other applies if you
don't. I'm not saying I'm an attorney,
but I'd like you to read it because I
had about 20 attorneys read it and they
all indisputably said that's what it
says, so I'd just like clarification if
I'm mistaken and I'm reading the code
incorrectly, and if I am, that can be
on the record. I just would like to
know what the actual code says.

Thank you. I'd leave the rest to
my attorney.

MR. BRESSLER: Actually, my client
makes a good point, the discontinuance
is not an issue here. You'll see that
applies to the waterfront and does not
apply to things that are not on the
waterfront. I think that's pretty
plain in the code, but I don't need to
school you on what the code says, it
says what it says and that's not an
issue here, and I don't think the Board
needs to be sidetracked by that.
So without prolonging this any further, what is the Board inclined to do tonight?

CHAIRMAN McMAHON: My inclination is, if the other members are amenable, to approve the sign application because we have the final piece which was missing. I have no issue with that; and accept the application, the use evaluation application with the encouragement to the applicant and to the Village Administrator and Village Attorney and planning consultant to get together over the next couple weeks and come up with a plan to make whatever changes are feasible and reasonable to the property to address ADA compliance.

That's my personal feeling. I don't know how everyone else here feels, but that's where I would like to take this.

ATTORNEY PROKOP: I think if we do that, we could have it on the March work session for decision, if that's
amenable to the Board.

CHAIRMAN McMAHON: That's fine.

ATTORNEY PROKOP: We can make a report to the Board after we meet and then hopefully have a decision at the work session.

CHAIRMAN McMAHON: Or maybe we might need discussion that week, but if not, yes.

I'm going to make a motion that we accept and approve the sign application for this evening as submitted, given the graphic that was included this evening --

ATTORNEY PROKOP: Which one, the eight-and-a-half-by-eleven --

CHAIRMAN McMAHON: The overhead sign.

MS. WINGATE: Overhanging sign.

Okay.

CHAIRMAN McMAHON: I think that was the only one indicated in the application?

ATTORNEY PROKOP: Yes.
CHAIRMAN McMAHON: That's what's indicated in the application, so that's what we can approve.

MS. WINGATE: One question about the sign.

CHAIRMAN McMAHON: Sure.

MS. WINGATE: Is the canoe going away, I mean, we have graphics, but it's a three dimensional sign and is the canoe going away?

CHAIRMAN McMAHON: Can someone from the applicant address that?

AUDIENCE MEMBER: (Inaudible.)

CHAIRMAN McMAHON: Okay, conditional upon removal of the canoe. I will so motion. Do I have a second for that?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. THOMAS: Aye.

CHAIRMAN McMAHON: Aye. Motion carries. Separately from that, I'm going to make a
motion that we accept the use evaluation application as submitted, accept that with the encouragement that the applicant, the attorney and Village Administrator consult and get together to pursue the aforementioned changes with regard to ADA accessibility.

ATTORNEY PROKOP: And the plumbing code.

CHAIRMAN McMAHON: And the plumbing code and that will need to be addressed for the next meeting.

Do I have a second for that?

MR. THOMAS: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. THOMAS: Aye.

CHAIRMAN McMAHON: Aye. Motion carries.

MR. BURGER: Eugene Burger, Cutchogue. Just to get to the plumbing, Jack Nailer (phonetic), are you familiar with him, sir, are you familiar with him?
MR. PALLAS: I am.

MR. BRESSLER: He was the engineer for the Village, right.

MR. PALLAS: Right.

MR. BURGER: He was the one that made us put the grease trap and the eco one sewer ejector system, it cost us almost $70,000, hence that's how we got to the 194, and you're just like blowing it off, not taking it into consideration; it's not right.

CHAIRMAN McMAHON: I can't speak to that, I don't know anything about that.

MR. BRESSLER: Nor do we expect you to.

ATTORNEY PROKOP: Can I just ask you something? That seems to be information that you wanted the Board to consider; would you like to present it to the Board?

MR. BURGER: You have all the records, it's all submitted, engineered plans, $70,000 worth of work. You have
it.

MR. BRESSLER: All of that information is part of the 2012 file. It's all in there, I alluded to it in my initial presentation. I think understated by some of my client's dollars how much it was, but everybody on the Village side knows what was done at that time, everybody knows about the golden grease trap and all of those documents are in the Village's possession.

MR. BURGER: I'd like to say one more thing too.

After all that work we did, there is a problem with the sewer main in the street, and how many nights did we have to shut the restaurant down because it has never been fixed.

MR. BRESSLER: Would you like to know --

MR. BURGER: There's a swale in the pipe in the street.

ATTORNEY PROKOP: -- the point of
communication, what is the problem?

MR. BURGER: I just told you, there's a swale in the pipe in the street --

MR. BRESSLER: And everybody knew it.

MR. BURGER: It get's clogged up --

MR. BRESSLER: Did not everybody know that?

MR. BURGER: Yeah, these guys know it, right?

CHAIRMAN McMAHON: Okay. With all this -- gentlemen, gentlemen --

MR. BURGER: I mean, you're busting our chops about how many bathrooms, you can't even get it out of the building.

CHAIRMAN McMAHON: Okay. With all due respect, we are just the Planning Board.

MR. BURGER: I get it, but these guys, she knows, he knows.

ATTORNEY PROKOP: I'm available
for a meeting anytime you --

MR. BRESSLER: I'll set it up with you.

ATTORNEY PROKOP: Anytime you want --

MR. BURGER: -- and you have all the plans, so take a few minutes and look at all the plans --

ATTORNEY PROKOP: -- an hour ago, I offered as early as tomorrow morning to --

MR. BRESSLER: We'll set it up with you --

ATTORNEY PROKOP: -- all these things, we like to sit with you and --

MR. BURGER: Thank you.

ATTORNEY PROKOP: -- and we'll make ourselves available.

CHAIRMAN McMAHON: Moving on to item number 5, 211 Front Street.

Continued discussion and possible motion to approve the use evaluation for Marie Eiffel LLC. The cafe is located at 211 Front Street, within the
Greenport Movie Theater. Located in the WC, Waterfront Commercial District. This property was previously granted a conditional use permit, and is not located in the Historic District.

The applicant has resubmitted floor plans as requested by the Board.

Suffolk County Tax Map number 1001-5-4-6. We previously discussed this at the last meeting. The only significant change was a reduction of seats from 22 to 21. We have a letter from the applicant indicating that reduction, and also acknowledging that outdoor seating is not permitted.

Those were the only issues I was aware of with this application. Does anyone else have any questions or comments?

(No response.) I'm going to --

this was just a use evaluation application, so.

ATTORNEY PROKOP: The Board adopts
lead agency status and determines that
the consideration of this application
is a Type II application for purposes
of SEQRA and, therefore, no further
SEQRA review is required.

CHAIRMAN McMahon: I will so
motion. Do I have a second for that?

Mr. Thomas: Second.

CHAIRMAN McMahon: All in favor?

Mr. Thomas: Aye.

Ms. Clark: Aye.

CHAIRMAN McMahon: Aye. Motion
carries. I will make a motion that we
approve the
use evaluation application as
submitted with a copy of the formally
mentioned restriction of seats to 21
and the understanding that no outside
seating is permitted.

Do I have a second for that?

Ms. Clark: Second.

CHAIRMAN McMahon: All in favor?

Ms. Clark: Aye.

Mr. Thomas: Aye.
CHAIRMAN McMAHON: Aye. Motion carries. Item number 6, motion to approve the minutes of the January 26, 2017 meeting.

Do I have a second for that?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. THOMAS: Aye.

CHAIRMAN McMAHON: Aye. Motion carries. Item number 7, motion to adjourn.

Do I have a second for that?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. THOMAS: Aye.

CHAIRMAN McMAHON: Aye. Motion carries. Thank you very much.

(Time noted: 7:02 p.m.)
CERTIFICATE

STATE OF NEW YORK  )
   ) Ss:
COUNTY OF SUFFOLK )

I, STEPHANIE O'KEEFFE, a 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 March 2, 2017.

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 2nd day of March, 2017.

______________________
STEPHANIE O'KEEFFE

STEPHANIE O'KEEFFE
Appeals [4] 8/21
39/14 39/18 40/7
applicable [1] 50/12
applicant [27] 3/15
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