VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK  
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PLANNING BOARD  
WORK SESSION  
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Third Street Firehouse  
Greenport, New York  
June 30, 2016  
5:00 p.m.

BEFORE:
DEVIN McMAHON - CHAIRMAN
BRADLEY BURNS - MEMBER
PETER JAQUET - MEMBER
JOHN COTUNGO - MEMBER
LUCY CLARKE - MEMBER

JOSEPH PROKOP - VILLAGE ATTORNEY
PAUL PALLAS VILLAGE ADMINISTRATOR
GLENIS BERRY - PLANNING BOARD CONSULTANT
EILEEN WINGATE - VILLAGE BUILDING INSPECTOR
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CHAIRMAN McMAHON: Okay. We're going to begin.

This is the Village of Greenport Planning Board Work Session for June 30, 2016.

Item Number 1 is 29 Front Street motion to accept use evaluation application from Sea Bags LLC, represented by Don Oakes, CEO.

The applicant opened 29 Front Street, formerly the Sleeping Buddha. The proposed retail use is a permitted use in the WC, Waterfront Commercial Zone as the store is based on retail sales in connection with boating and fishing.

The property is not located within the Historic District.

Suffolk County Tax Map number 1001-5-4-26.

MR. PALLAS: Mr. Chairman, if I may, the wording in the agenda we don't believe is correct. We wrote it up, I believe in our -- it should have,
instead of the proposed retail use is a conditional use and it meets the criteria for a conditional use for retail sales.

CHAIRMAN McMAHON: Okay. I don't know if there's somewhat of a distinction on whether or not it's a continuation of the previous use as retail sales or if it's considered a slightly different use, I think, actually I think someone may have questioned whether or not there is a waterfront connection, but I think re-purposed sales just about as close to Waterfront Commercial retail use as you can get, so but that was a distinction we can discuss. If anyone wants to make a point one way or another, you're free to do so.

Does anyone from the Board have any thoughts or questions on this?

MR. BURNS: What was -- how is Sleeping Buddha?

CHAIRMAN McMAHON: Sleeping
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Buddha, I believe was a retail space as well.

MR. BURNS: It had no waterfront connection.

CHAIRMAN McMAHON: No, I believe it was a conditional use in the Waterfront Commercial.

It's just a distinction as to whether or not it's an allowed use within the district because of its connection to the seafront, waterfront or whether it would be a conditional use as a retail operation.

Personally, I don't have a problem with it either way.

MR. BURNS: Me neither.

CHAIRMAN McMAHON: But that is a distinction we should make a note of and make a decision one way or another how we're going to view it.

MS. CLARKE: There is no outline that says what is and what isn't?

CHAIRMAN McMAHON: There is, and it's whether or not it's related to or
in the service, I believe, I don't have
the exact; do you have the exact?

    MS. BERRY: Yes.

    A permitted use is retail sale of
equipment, goods, supplies, materials,
tools, and parts used in connection
with boating and fishing.

    CHAIRMAN McMAHON: So it's not
really in the service of a current a
commercial fishing enterprise or
pleasure fishing enterprise, but it's
re-purposed sales; I think it's close
enough, and regardless, I think it
would be fine as a conditional use if
it had no connection with waterfront
whatsoever.

    MR. JAUQUET: So conditional is
grab bag for everything else.

    CHAIRMAN McMAHON: Conditional --

    MR. JAUQUET: It's reasonable.

    CHAIRMAN McMAHON: Yes.

    And as retail use that has no
connection to the waterfront is a
permitted conditional use of the
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Waterfront Commercial Zone.

MR. PALLAS: If I may just clarify a comment that was just made about a grab bag; it's really very specific conditional uses that are allowed. I just want to -- it's not a catch all.

MR. JAQUET: There is a list of them?

MR. PALLAS: There's a list of them, and this is one of them, retail sales is one of them.

MS. CLARKE: Are all those stores along that subject to this waterfront WC?

MR. PALLAS: Without looking at the map, I believe, yes.

MS. CLARKE: All the ones that are selling clothing and all of them?

MS. WINGATE: The entire south side of Front Street is --

MR. PALLAS: Correct, the entire block --

MS. WINGATE: -- from Third to Main is all Waterfront Commercial.
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CHAIRMAN McMAHON: Would the applicant like to -- I'm assuming it's you.

MR. OAKES: Absolutely.

CHAIRMAN McMAHON: I'd ask you to take the podium, please write down your name so we have it on the --

MR. OAKES: I'm happy to take any questions tonight. Thank you for having me here, and I apologize for the delay in my presence in the application. In our haste to get opened, we skipped a few steps, so we will make right with that, and I'm happy to answer any questions you have.

CHAIRMAN McMAHON: Do we have any questions, concerns, anyone?

MS. CLARKE: How do they need to remedy what they did not do in the proper fashion prior to?

MS. WINGATE: They were issued two appearance tickets today.

MS. CLARKE: I'm sorry, they were what?
MS. WINGATE: Were issued two violations today.

MS. CLARKE: So they can operate prior to the settling of that violation or do they get closed until that is taken care of?

How does that work, Joe?

MR. PROKOP: So there was the example of the Surf Shop where this Board told the people not to operate, they actually closed until they received approval. Another case is, the more recent case is a retail use where the owner was summoned to come to court and actually pled guilty and paid a fine.

MS. CLARKE: They operated in the meantime prior to that?

MR. PROKOP: In the second case, they operated.

So the first case with the Surf Shop is --

MS. CLARKE: So there's not consistency. There has been a specific
way that we move forward, it's a
case-by-case basis?

MR. PROKOP: I don't know what the
difference between the two was. You
know, there were considerations
where --

MS. CLARKE: I'm curious of how
the decisions were made, what
determined one to and one not to
operate in the meantime.

MR. PROKOP: Okay. I think the
second one where the fine was paid,
what happened in that case was the
woman actually came to a meeting and
tried to rectify, but her application
wasn't accepted because -- the Village
wouldn't accept her application because
it wasn't received enough in advance of
a meeting, and she opened in the
meantime.

With the Surf Shop, and I don't --
I'm not certain of all these facts, but
my recollection is with the Surf Shop,
there was no attempt to file an
application.

So I think that was the
difference.

MS. CLARKE: Thank you.

MR. JAUQUET: And the case here?

MR. PROKOP: The case here is that
there was no attempt to file an
application.

MR. OAKES: I'm not quite sure. I
would certainly state that we didn't
hit the timelines and perhaps there was
some confusion. I know we had several
conversations where Eileen made several
visits and our paperwork was not in
order, but we certainly made an attempt
to file paperwork, we certainly have
filed the paperwork. We are present
here, we have been scheduled to come to
this meeting for, what I assume was the
sign permit, and then the use permit as
well. It wasn't until I arrived today
that I was issued a summons for these
violations. I'm not appearing as a
result of these violations. Those
violations were brought to my attention today. It's been on my plans for as long as this has been on the agenda to come here tonight to try to rectify the missteps that we had in not coming before the Board before we opened in our haste to be opened before Memorial Day.

CHAIRMAN McMAHON: All right. So let's talk about the application as it is now.

MR. PROKOP: I just want to point out, looking at -- I was actually asked this question about the conditional use on the way here, but I would like to point out that in conditional uses, I think under the code, and I would be happy to be corrected if I'm wrong, under the standard of conditional uses, it says a conditional use has to be used in conjunction with a permitted use.

MR. PALLAS: Only if it abuts the water.
MR. PROKOP: Only if it abuts the water. In this case, it does not.

MR. PALLAS: It does not, right.

CHAIRMAN McMAHON: Okay.

Do we have any -- are there any questions from the Board with regard to the actual use or proposed use?

MR. JAUQUET: No, I don't have any questions.

CHAIRMAN McMAHON: Questions, concerns, thoughts.

Personally, it was a retail space; I don't see any issue with continuing it as a retail space.

I do want to advise and make sure everything is in order in terms of the paperwork, but is there any substantive objection from anyone on the Board or elsewhere with regards to this application?

MR. JAUQUET: Well, they're going to follow through on the sign.

CHAIRMAN McMAHON: The sign, we do have to discuss the sign because the
sign is nonconforming as it is. There
might be a danger with the overhead
signs.

I don't know if you were given a
copy of the notes that were prepared by
our consultant.

MR. OAKES: Yes, I received that
today.

CHAIRMAN McMAHON: Okay.

There is just an issue with
regards to the permitted signage in the
Village with regards to overhead signs.
There is a limit to the size of them.
I think it's primarily a safety issue,
because a large sign has more potential
for injuring someone. I know with a
previous applicant, we had required
them to provide us with good insurance
for naming the Village as insured to
cover any potential liability from
this. I don't know if we have had any
other applications where the signs were
larger than was allowed in the Village
code.

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MR. PROKOP: A variance is necessary?

MS. WINGATE: No. We haven't issued any variances, they have just been rejected.

CHAIRMAN McMAHON: Just rejected the larger signs. Okay.

MR. JAUQUET: Can I ask a question?

MR. OAKES: Certainly.

MR. JAUQUET: The transition from the old to what you have, did you sign a new lease?

MR. OAKES: Yes.

MR. JAUQUET: It's not a consignment.

MR. OAKES: No.

MR. JAUQUET: They moved everything out and you're taking over with all your own merchandise?

MR. OAKES: Exactly.

CHAIRMAN McMAHON: So how would we like to move forward with this?

MR. COTUNGO: I think it's
definitely in the category of conditional use; and the only question is that he opened up before he applied.

MR. BURNS: The question is the signage. Can we leave that in the hands of Building Department or do we need him to present --

CHAIRMAN McMAHON: He did provide, so there is the one above the store there.

MR. BURNS: That's the hanging sign.

CHAIRMAN McMAHON: That's the hanging sign that's pictured there.

MR. PROKOP: We have two applications on tonight; one is for the use evaluation --

CHAIRMAN McMAHON: I believe it's one application but it probably should be split into two separate questions.

MR. PROKOP: That application, I would probably accept, my recommendation might be to accept, to put on next week's agenda.
CHAIRMAN McMAHON: For the use.

MR. PROKOP: And then the one for the sign, I think has to be denied.

MR. JAUQUET: Would have to be what?

CHAIRMAN McMAHON: Would have to be denied because it doesn't fit with what's allowed in the Village. They would have to get a variance from the ZBA.

MR. JAUQUET: I understand.

MS. CLARKE: Would it have to go before the Historic Preservation Commission for the sign because it's in the Historic District?

No. Okay.

CHAIRMAN McMAHON: No. This isn't in the Historic District.

MS. BERRY: One sign is okay. It's the hanging sign that needs to be --

MR. OAKES: It's the hanging sign that needs to be addressed.

MS. BERRY: So I think you can...
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accept the one on the wall.

CHAIRMAN McMAHON: Okay, so maybe we could accept it for our next meeting with the condition that the hanging sign be taken down until that's resolved.

MR. OAKES: Just for clarification, what I submitted with the hanging sign, this is just photoshopped, we didn't install it.

CHAIRMAN McMAHON: That hasn't been installed.

MR. OAKES: No, I didn't do that. That I knew I needed permission for. I apologize for the others, but we did not install that. It's there, but that's what I thought this meeting was partly about, and since then, I have seen the codes and requirements and understand, so I will be working with the Planning Board to see if there is any way to get the hearings so we're allowed put the sign up.

CHAIRMAN McMAHON: I don't see a
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drawing. Do we really need it because this isn't a site plan?

MS. WINGATE: It's in the documents, you have a floor plan.

CHAIRMAN McMAHON: I didn't see it. Does someone else have one?

MR. OAKES: That's my original (handing).

CHAIRMAN McMAHON: This is what was photocopied.

MS. WINGATE: Yeah, there was actually a cleaner version of that too.

CHAIRMAN McMAHON: Okay. I'm assuming we have this on -- I just don't have a copy in front of me, but if we have it on file, that's fine, we just need to have a copy of the layout.

I have no real issues or concerns with this, the use side of this. I think I'd like to make a recommendation that we accept the application this evening and vote on it at the regular meeting. We don't need to wait until...
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next meeting to vote.

Joe, do you have an opinion on it; do we have to wait until the regular?
I always get this confused with the work sessions and regular sessions as to what we're allowed to vote on and what we're not allowed to vote on.

MR. PROKOP: The work session, we should vote to accept it, and have the formal vote next week, and then the only thinking that we had talked about for denials, if there is an advantage to having it denied a week early and we know that it's going to be denied maybe we could consider it, but I'm not saying with this application, but I just wanted to say that, so on this application my recommendation would be that we accept it except for the sign that is too big and put it on the agenda for next week.

CHAIRMAN McMAHON: I'm going to say that we can discuss, if you're aware of the issues with the sign, we
can discuss that at another time, but
for now I'm going to make a motion that
we accept the application as submitted
to be voted on at our next regular
session, which is next Thursday.

Do I have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. CLARKE: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

We will --

MR. PALLAS: Excuse me, Devin.

Just for clarification, so it's
you're accepting the use evaluation
under conditional use provision of the
code, correct?

CHAIRMAN McMAHON: Yes.

I should ask the Board, is that
the opinion of the Board?

MR. BURNS: Yes.

MR. JAUQUET: Yes.
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MS. CLARKE: Yes.

MR. COTUNGO: Yes.

CHAIRMAN McMAHON: Yes.

MR. PALLAS: Thank you.

CHAIRMAN McMAHON: And we will address the sign application at a later time if that works for you.

MR. OAKES: Thank you.

CHAIRMAN McMAHON: I'm going to move on to Item Number 2. This is 817 Main Street.

Motion to accept the application for an amendment to approved site plan; dated April 20, 1992. The Planning Board, at that time, approved the use as a bed and breakfast subject to continued compliance with the restrictions and conditions set forth in Article II, Section 85-6 of Section B of the Village code and said resolution.

Applicant 817 Main Street LLC, represented by Sarah Latham has requested an amendment to the site plan.
to allow for the addition of one rental room and the addition of one parking space to the existing parking area.

The use as a bed and breakfast is conditional and has received approval from the Zoning Board of Appeals to exceed the limit of three rooms and six transient roomers by adding a fourth room subject to Village of Greenport and New York State regulations.

The variance was granted at the June 14, 2016 ZBA meeting.

The property is located within the Historic District in the R1, One-Family Residential Zone.

Suffolk County Tax Map number 1001-2-1-25.

This application came before us, it was denied because it was noncompliant with regards to the Village code. We sent it to the ZBA, I believe we actually included a recommendation for approval in our denial which we don't normally do but
we did because this Board had previously discussed this site and other bed and breakfasts within the Village, the Village has a code that is more restrictive than the State and County code that only allows three bedrooms. This Board gave a recommendation that it be increased to five.

Keeping that in mind, we denied the application and sent it to the ZBA. I believe we actually asked they grant this variance. It looks like they did.

There was one -- I'll read off the notes here: The use expansion exceeding the three rooms, six transient residents was approved by the Zoning Board of Appeals on June 14, 2016 contingent upon the added room meeting the minimum 120 square feet required in 150-7, Subsection B7J. The latter was verified by the Building Inspector.

Since there was a condition on the
approval as granted by the ZBA, the Building Inspector has confirmed that that was addressed appropriately. The site plan has been amended to provide four parking spaces.

Are there any comments or questions?

MS. CLARKE: It notes here it is in the Historic District to go before the HPC, they have to go before the HPC.

CHAIRMAN McMAHON: No, because there were no external changes to the property.

MS. CLARKE: Than you.

MR. COTUNGO: How was the fourth parking space obtained?

CHAIRMAN McMAHON: I believe it was just, they were rearranged on the site plan.

If you want to, you can speak to that.

MS. LATHAM: Hi, I'm Sarah Latham, 817 Main Street.
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There was space in the back of the yard, so the site visit by the Zoning Board confirmed that as well, it was just my drawing was not -- I had to put the measurements in the correct space. It was physically on the site plan is my understanding, that I hadn't drawn it correctly.

MR. COTUNGO: On this plan, the survey.

MS. LATHAM: Yes.

There are four spaces in the back. There's three lines, but there's four spaces, and then there's two additional spaces in the front by the garage, so there is actually a total of six spaces on the property.

MR. COTUNGO: I just couldn't tell from here. I cannot tell if these are like regulation parking spaces, if it's really three and can squeeze into four.

MS. LATHAM: No. It should be notated that they're ten feet by twenty feet.
MR. COTUNGO: Oh, I see ten. I didn't know those were dimensions.

MS. LATHAM: I'm sorry, they are ten feet by twenty feet.

MR. COTUNGO: Did you say the whole application doesn't comply with handicap accessibility, the whole application, not only the parking space, but the extra room as well?

MS. LATHAM: I believe that's not a requirement under the bed and breakfast designation. We are not required to be ADA compatible, I don't know the right term, but this is something we actually spoke about at our association meeting about a year ago.

CHAIRMAN McMAHON: I don't believe there is, if anyone knows to counter, but I don't believe --

MS. BERRY: I would have to look it up, but I assume there's a certain size involved.

CHAIRMAN McMAHON: I don't believe
it does. I think we discussed this actually at the last, when we reviewed it the last time as well, and I don't believe there was an issue with it.

Does that answer your question or address your question?

MR. COTUNGO: Yes. It's probably exempt, but I don't know the answer.

CHAIRMAN McMAHON: I believe in this case it is.

Any questions, concerns?

MR. PROKOP: I have a few.

The room that you're now going to be using for your room, what is the use of that room right now?

MS. LATHAM: We were using it as a living room space, so we had a couch and my desk in there. It wasn't part of the inn at all, it's off the kitchen and, like I said, we sort of -- I write in there.

MR. PROKOP: Is there another living room besides that?

MS. LATHAM: Yes, there is a very
large living room in the front of the house and then a large dining room as well.

MR. PROKOP: So I'd just have a comment, and I'm not in the Building Department, but as the attorney, I know that under the State code, you can't use a living room for your residential space, so you would have to convert it, you would have to do something to convert it to a bedroom, you can't just say that the living room is not going to be a bedroom.

MS. LATHAM: To be honest, I don't know what the original use of the room was in the original home, but there is a closet in the room, and I believe that a bedroom, that can be considered a bedroom, right, if there is a closet in the room?

MR. PROKOP: That's up to you. Actually, under the code, I know there is lot of problems where there is now overcrowding on properties, but if
I'm not mistaken, under the State code, you cannot use a room that is designated as something other than a bedroom as a bedroom, so whatever it is, you just have to work out with the Building Department what you need to do, so this is no longer --

MS. LATHAM: Well, I defined it as a living room myself. It was never defined as a living room. The living room is clearly when you walk in the front door, that's the living room, and then the dining room is through the large living room.

MR. PROKOP: You have been very candid about the, you know, the thing that made this application go through is you have been very candid about everything, but I'm just encouraging you to have some kind of discussion because you're really not supposed to use a non-bedroom as a bedroom, so whatever -- and I don't know what it is, but whatever makes a room a
bedroom, that's what you need to do because under the law, I think --

MR. COTUNGO: An egress window is required in a bedroom, it would not be required in the living room, so if you convert a living room to a bedroom, I don't think you are, you would have to make sure there is an egress window which is 5.7 square feet of opening.

MS. LATHAM: Okay.

MR. PROKOP: The other thing that I wanted to say was that I was at the Zoning Board meetings and I am also here tonight and heard the discussion about the measuring. I understand that the Village had somebody go and measure the room and apparently now it meets the code, so however the discussion at the Zoning Board meeting was, part of it had to do with your plans which there was a fairly large difference between the amount of space required for that room and the amount of space that your architect or whoever drew.
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your plans said was available, and
there was a discussion about a closet,
so is the square footage of this room
now including --

MS. LATHAM: In my haste to
provide this Board actually back when I
was in my initial application and
someone had asked for floor plans, I
was given floor plans by the previous
owner that she had had someone, a
friend of hers done and they're
stamped, they're plans and whatnot, but
I didn't physically measure everything
and what he had measured was
inaccurate, and so I can have another
architect come, but I thought that
having someone from Building Department
come with their laser and measure them
and show that the space is there, it
was inches that it was off on the
plans.

MR. PROKOP: As long as it meets,
as long as it doesn't include the
closet, then that's fine.
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MS. LATHAM: It doesn't.

MR. PROKOP: Your plans now with the Village showed rooms being substandard, so you need to -- I would recommend that you need to submit something that shows it's standard, whatever it is, you know, because years from now, we'll look back at this and somebody will say, wait a second, this room was substandard, so something has to come in that shows otherwise.

MS. LATHAM: Can that be something as simple as something from the Building Department that said they conducted a site visit and approved it, so I don't have to pay an architect?

MR. PROKOP: Your plans should match up with whatever Ms. Wingate --

CHAIRMAN McMAHON: What was approved by the ZBA?

MR. PROKOP: The number of rooms. The ZBA said you can have four rooms, but they have to all meet the minimum requirements.
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MS. LATHAM: I had amended the one room with my own notations; is that sufficient, I mean with my measurement? Like I said, it's inches, but it does make a difference, so -- let me show you (handing).

MR. PROKOP: Why don't you show them because I don't know --

MS. LATHAM: These are the actual measurements of the room, less the closet space, and that is, I mean it's half a foot over, but it's only half a foot, so that's why the inches made such a difference.

MR. PROKOP: It's a half a foot over now.

MS. LATHAM: Half a foot over in excess of 120 square feet.

MR. PROKOP: We just need somebody to verify that, whoever it's going to be.

MS. WINGATE: I don't have my notes, but when I measured it was --

MR. PALLAS: If I might make a
suggestion, if the Board so chooses to ultimately approve the application to include a condition that plans of the additional room must be received before it can be used, received by the Village, acceptable to the Village.

MS. LATHAM: And that is not sufficient, what I have.

MR. PALLAS: I have to think about it.

MS. LATHAM: I'm not trying to be difficult.

MR. PALLAS: I know. Neither am I, I just -- if we have other plans that are architectural then we probably should have these plans to be architectural in nature, not hand sketches.

MR. COTUNGO: Should be certified by an architect or an engineer that it meets the requirement of 120 square feet.

MS. LATHAM: I understand. I guess my question is, let's say I -- I
don't know, I guess my question -- it has been verified, someone from the Building Department came and measured.

MR. PALLAS: I think what -- we're not -- we can't -- we shouldn't be verifying your room size. The architect or engineer should certify that, and we would verify that if we thought there was a question. We have already done the second step, we should have something in the file that's stamped so it's clear that this was prepared professionally, that's all we're asking.

MS. LATHAM: Okay.

MR. PALLAS: Before the room can be used, if they choose to approve ultimately to make that a condition of the approval.

CHAIRMAN McMAHON: So if I understand what you're saying, you're saying the plans right now are lacking a specific certification from an architect or engineer for this.
MR. PALLAS: That is correct.

MR. COTUNGO: On that certification, it should have window sizes as well.

MS. WINGATE: B&Bs have their own set of rules, so yes, egress windows are important, but this is an existing building, so it won't work with the code that way.

MR. COTUNGO: Right.

If it was a bedroom before, it would be okay.

MS. LATHAM: You're referencing my room?

MR. JAUQUET: No, the new bedroom on the second floor.

MS. LATHAM: It's not a new bedroom, it's always been there.

MR. JAUQUET: It's got a new use now that you're adding it to.

I think the whole idea is important, if what Joe says is under -- if there is a new State scrutiny for
what the bedroom is and if it relates
to overcrowding, an architect should be
the last determinant of what is in the
house.

MR. PROKOP: My concern was,
having been at the ZBA meeting and now
having been here, my concern was that
the plans that we saw showed a room
that was substandard, and you need to
get something in our file that's
certified by an architect or a
professional that it's not substandard.

I know we took measurement and
that's great, so the application can
move ahead, but before we can, you
know, approve it, we need something on
file showing that the room is not
substandard.

MS. LATHAM: I understand, so I
should pay an architect to come and
draw a plan of the bedroom number four
plans that you have existing and that
will certify -- I mean can we --

CHAIRMAN McMAHON: As I understand
it, the application was approved by the ZBA, the number of rooms was the variance they granted. A condition of that was confirmation that the room was the appropriate size, a measurement was taken by the Village. The Village granted unofficially under the opinion that it is the correct size, but the plan is still deficient without a plan that shows the exact specifications as they should have been done on the original plan.

I believe that's where we are at. Are we all in agreement?

(Whereupon, some Board members nod their heads.)

CHAIRMAN McMAHON: Okay.

Do we have any issue with use of the increase from three to four bedrooms for B&B use?

MR. COTUNGO: No issues.

MR. JAUQUET: No.

MS. CLARKE: No.

CHAIRMAN McMAHON: I'm going to
make a motion that we accept the
application, and if we vote on it next
week for approval, it would be a
condition that you bring in to complete
the file before if bedroom is occupied
for commercial use a stamped plan from
an architect that correctly shows the
dimensions.

MR. JAUQUET: I think that says
it.

CHAIRMAN McMAHON: Do I have a
second for that motion?

MR. COTUNGO: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARKE: Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

So we will formally vote on that
next week, as soon as you can bring in
the certified plan correcting the one
discrepancy showing the accurate size
of the fourth room, you can have it a
completed application.

MS. LATHAM: So next Thursday, same place?

MR. PROKOP: Yes.

Thank you.

CHAIRMAN McMAHON: Thank you.

MR. BURNS: I have a question.

The egress window would need to be conforming?

MS. WINGATE: Yes.

CHAIRMAN McMAHON: We took a vote and we had a motion pass, correct?

MR. COTUNGO: Yes.

CHAIRMAN McMAHON: To accept the application?

MR. COTUNGO: Yes.

CHAIRMAN McMAHON: Moving on.

Item Number 3, 314 North Street.

Pre-submission conference for Jim Olinkiewicz as representative for applicant 314 North Street Greenport, Inc. and is before the Board.

Applicant proposes the construction of a four-family house on

Flynn Stenography & Transcription Service (631) 727-1107
the property located at 314 North Street. The pre-submission package includes a site plan, floor plans, and elevations.

The project as proposed will require variances and is not located within the Historic District.

The property is located in the R-1, One-Family Residential Zoning District of the Village of Greenport. Suffolk County Tax Map number 1001-2-4-27.

So right now off the bat, the Planning Board would have to deny the project as is because it is a multifamily home in an R-1 zoned area.

Also, I don't know, it would be by this Board and go before the ZBA. I don't know if they would even necessarily be able to grant the variance because it seems like it would spot zoning because it's not -- multifamily is never permitted in R-1, it could be permitted in R-2. It's not
really -- I shouldn't really -- do you have any comments or questions about -- you understand that it's --

MR. OLINKIEWICZ: Yeah. James Olinkiewicz, 314 North Street, Greenport.

I understand the complexity of the project. I understand that it's in the R-1 District just across the line from R-2. When I purchased the house, it's on a -- on an oversized lot that's relevant to allow the other lots in the Village but it doesn't meet criteria of lot size for multifamily house.

It is positioned directly across the street from garden apartments that are there. It backs on Moore's Woods. I know there has been a tremendous amount of talk through Southold, East Hampton, all over, even the Village, looking for housing because there is no neighbors behind it, and because of the garden apartments across the street from it, I felt it might be an area the
would be conducive to put a small
four-family in there with maybe two
handicap accessible apartments on the
first floor which there are hardly any
of in the Village and then two other
small apartments upstairs. The whole
project is going to be approximately
2,500 square feet in size, 1,200 square
feet per floor.

I don't know. It's an application
that I figure I should put up to the
Board because there is a -- there is
the issue of housing, there is the
issue of -- everybody reads it in the
papers from the whole east end of Long
Island. Not that Greenport should take
everybody else by any means, but I know
that I have a tremendous amount of
Greenporters that are living on their
parents' couches and stuff that are
calling me and asking me if I have any
one- or two-bedroom apartments. I'm
approached by the Housing Authority
every week on it as well, and there is
a need, whether that's the location or not, I just felt that I should bring it to the Board's attention that it's a possibility because of its location, again with Moore's Woods, right across from R-2 District, it's kind of on the -- infringing on the edge of town, so it's not right in the middle of a residential area in between houses. I thought that it might possibly be a good fit, so I brought it up to the Board's attention. I just want to see where it goes.

CHAIRMAN McMAHON: Okay.

That property by Moore's Woods, is that Village property that abuts into back or is that Town?

MS. CLARKE: Isn't it on Silver Lake?

MR. OLINKIEWICZ: Silver Lake is a ways away from it, but yes, it backs up towards Silver Lake.

MS. CLARKE: That's not Moore's Woods there.
CHAIRMAN McMAHON: I could be mistaken, but I believe there is a stipulation in the code that if there is going to be construction that is adjacent to Village parks, the Village Board of Trustees is supposed to weigh in because we had this issue --

MS. BERRY: It's not adjacent.

CHAIRMAN McMAHON: It's not.

That's not adjacent?

MS. BERRY: It's one over.

CHAIRMAN McMAHON: It's one over from it.

It came up previously, I believe it was Blue Canoe when they were going to make a change there. We discussed that it may have to go before the Village Board of Trustees, I believe there is a stipulation in the code that any construction adjacent to Village parks then --

MS. CLARKE: Isn't there a house in the back?

MR. OLINKIEWICZ: There is not.
Further up, it is property continues through the back, but it's not right behind, his house is not --

AUDIENCE MEMBER: Yes, it is.

MS. CLARKE: Yes, it is.

MR. OLINKIEWICZ: What's that?

MS. CLARKE: It is right -- you do have a neighbor behind you, there is a neighbor behind you.

MR. OLINKIEWICZ: Oh, is there? I don't know where. His house is right behind?

MS. CLARKE: Yes.

MR. OLINKIEWICZ: So but that being said --

MS. CLARKE: Just clarifying some --

MR. OLINKIEWICZ: So I didn't know if this was a project that the Village might consider. If they don't, that's okay also.

CHAIRMAN McMAHON: Where we are at right now is that the Planning Board would have to deny it simply because,
as you know, it doesn't meet the requirements right now.

The only reason I mentioned what might happen at the ZBA because -- clearly I shouldn't actually be concerning myself with that, with regards to the Planning Board, we would have to deny this application as it came in currently.

I don't know if anyone has any thoughts about the project in general or anything else that they would like to share.

MR. OLINKIEWICZ: You know, the project we did on Shelter Island which is on a quarter-of-an-acre lot, they have a housing committee that can supercede zoning if they find the need and it fits in and does that work out with that, not that the Village would ever do that, I know that Southold is talking about changing zoning in an area so they could cluster some houses for rentals and that stuff. I know
it's an issue that's here and if it --

CHAIRMAN McMAHON: I think the Board of Trustees may be the appropriate venue to pursue because as it is, I think it just, simply because it's not allowed in the zoning as it is, it's a multifamily project proposed for an R1 zoned property. I know there is right across the street a multifamily-housing apartment complex.

MR. OLINKIEWICZ: Right.

I brought it up to the Board of Trustees, I believe a month ago. I was told I should go to the Planning Board, the Planning Board has to send me to the Zoning Board, and then whether the Zoning Board sends me to the Board of Trustees or not. I don't know that direction that I have to move through, but so that's why I'm here.

CHAIRMAN McMAHON: Yeah. I mean we can offer a formal denial of your application. That would then allow you to go to the ZBA. I don't know what
they would do.

MR. OLINKIEWICZ: Right.

MR. PROKOP: Was this property already subdivided?

MR. OLINKIEWICZ: Not that I know of. Was it ever subdivided? There is a smaller cottage to the left, there's a smaller cottage to the right, half the size and there's a bigger lot with one cottage on it.

MS. CLARKE: No, the one you have is smaller, the one next to you is larger than the one you have.

MR. OLINKIEWICZ: No.

MS. CLARKE: Yeah, Jim.

So we have the property to -- you're looking at your house from the street, Lakeside is here, okay, your place is smaller than this one, than the place to your right, that house is bigger than the one that you own.

MR. OLINKIEWICZ: The house or the property?

MS. CLARKE: I'm talking about the
home.

MR. OLINKIEWICZ: I own -- the
Village has the name all mixed up on
the property number.

MS. CLARKE: No, I'm just --

MR. OLINKIEWICZ: The house number
it says on the house is 310, but on the
paperwork in the Village --

MS. CLARKE: No, I know exactly
what property you are talking about,
and the one to the right is larger than
the one that you have, it's not a
smaller cottage than what you have, and
then there is to your left, it's not a
cottage, it's more like a shop. It's
not a cottage, it's not lived in. I'm
just clarifying what you're saying
because you're not accurate.

MR. OLINKIEWICZ: We have that
survey.

MS. CLARKE: I'm talking about the
livable space.

MR. OLINKIEWICZ: Oh, the livable
space inside. I'm talking about the
lot size.

MS. CLARKE: No, I'm not talking about the lot size. You said smaller cottage, it's not.

MR. OLINKIEWICZ: Okay. Yes, the house to the right might be bigger in size, but the lot size is smaller than the lot that I purchased, but you are correct.

MS. BERRY: I would like to clarify two things. This lot size is actually nonconforming to R1, so it is not oversized. It doesn't even meet the minimum for its zoning.

MR. OLINKIEWICZ: What is R1 lot size?

MS. BERRY: Ten thousand.

MR. OLINKIEWICZ: So, yes, it doesn't meet R1 code.

MS. CLARKE: It meets R2 but not R1, so it is a nonconforming lot size.

The other thing is the plans as drawn, the units are not handicap accessible.
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MR. OLINKIEWICZ: Those are just preliminary plans just to go before the Board because to pay an architect $8,000 to draw a full set of plans to get kicked to the -- and said this is not going to happen, right, and I'm okay with nothing happening, but to bring it up as an idea.

MS. BERRY: Whoever is doing the drawings, to do a submittal, it's supposed to be stamped and they should read the handicap code because they're not drawing it according to the code.

MR. OLINKIEWICZ: They are going to be handicap accessible when they go in. They might not be -- this is just a preliminary -- it asked for preliminary sketches, it doesn't ask for full architectural plans for a submittal, it only asks --

MS. BERRY: It still needs --

MR. OLINKIEWICZ: -- for because there are so many changes and things that the boards do to them anyway, so
to spend all that money to have that
whole thing done -- they will be
handicap accessible upon if it's ever
approved when it gets back to this
Board. I have a year worth of time
minimum on this project before I could
even come back to this Board.

MR. BURNS: So if it comes back to
us, we need to look at this, if it
comes back to us.

MR. COTUNGO: I'm surprised he
showed a plumbing riser diagram; that's
not required for this.

MR. OLINKIEWICZ: It was just
to -- right.

MR. COTUNGO: We always prefer
more accurate drawings without plumbing
risers.

MR. OLINKIEWICZ: Handicap is not
necessary, it could have been drawn
without, I mean, I would like to make
them handicap. It's not a requisite,
but we have a long way to go before we
even possibly get to that conversation,
so this is just pushing to the next board, pushing then to the trustees and then see what happens from there.

CHAIRMAN McMAHON: I don't want to take any more of your time or our time.

I would suggest then that we deny the application -- well, it's a pre-submission conference, I don't think we have a formal application in front of us.

MR. JAUQUET: No.

CHAIRMAN McMAHON: So can an applicant go from a pre-submission conference with a negative answer at a pre-submission conference straight to the ZBA?

MR. PROKOP: No. He would need a denial.

CHAIRMAN McMAHON: Can we offer a denial without --

MR. PROKOP: Yes.

CHAIRMAN McMAHON: I'm going to make a motion that we deny this application as it would be submitted in
which case then we would be done with it.

    MS. CLARKE: I'll second.

    CHAIRMAN McMAHON: It's up to the applicant whether or not, or where to take it from there.

    Second, we have.

    All in favor?

    MS. CLARKE: Aye.

    MR. JAUQUET: Aye.

    MR. BURNS: Aye.

    MR. COTUNGO: Aye.

    CHAIRMAN McMAHON: Motion carries.

    MR. OLINKIEWICZ: Thank you.

    CHAIRMAN McMAHON: Item Number 4, 211 Carpenter Street.

    Continued discussion on the application for site plan review.

    David Kapell representing Old Shipyard LLC, located at 211 Carpenter Street has proposed to convert an existing two-story building into a first-floor tasting room and one second-floor apartment.
The property is in the CR, Commercial/Retail District. Both uses are permitted in the CR zone. The property has been vacant for some time.

The property is located in the Village Historic District and is subject to coordinated review which was issued on June 16, 2016.

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

We had requested a few changes from the applicant, several of them were made. I believe there is still one door that is supposed to swing outward but it swings in; that would still need to be changed.

MS. WINGATE: It just swings the wrong way, it is not in or out, just swings out but in the wrong direction.

CHAIRMAN McMAHON: Okay.

We're still waiting for the coordinated review, but do we have any --

MS. BERRY: Also that's contingent
of how they approach the street which
isn't clear, so they don't have to
change the door if they open up the
whole porch to the street.

CHAIRMAN McMAHON: Okay.

MS. BERRY: But if they use just
the one approach, you know, so I think
we worded it so it's up to the
applicant.

CHAIRMAN McMAHON: Up to the
applicant. Okay.

MS. BERRY: And basically to make
the approach a hard surface because
right now they go from the porch to
dirt.

CHAIRMAN McMAHON: This was the
question I had: Is a landing required
to be paved in some way or can you have
a dirt landing?

MR. JAUQUET: If it is a question,
it could be up to us just for a
commercial use like that to tell them
what to do for, you know, the --

CHAIRMAN McMAHON: Is it in the
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code or is there --

MR. JAUQUET: I don't know, but I think -- you know, if it isn't we can decide what it should be based on how we want it to look and what we think the safety concerns are.

CHAIRMAN McMAHON: Does anyone have any safety concerns?

MR. JAUQUET: I do. I think it should be a solid surface that you would have in front of a commercial.

CHAIRMAN McMAHON: You're talking about --

MR. JAUQUET: You're talking between the street and the porch, the surface now is dirt and I think that's a good question, my opinion is to surface it.

This piece of yard (indicating).

CHAIRMAN McMAHON: We've discussed this application previously. I don't believe there is any objection to the use of the space or the apartment above; is that correct, members of the
MR. JAUQUET: That is correct.

CHAIRMAN McMAHON: The applicants are not here this evening.

I'm not really sure what else we should discuss with this without having the applicant here.

MR. PROKOP: I would just put it on for the regular meeting. It was put on the agenda for the regular meeting.

Is there anything that's missing from the application?

CHAIRMAN McMAHON: No. We want the one change with the door, and then a determination as to what would happen with the landing.

MS. BERRY: We also have asked that the discharge from the drain spout be under the ramp instead of in front of it.

CHAIRMAN McMAHON: That was not reflected in the most recent rendering.

MS. BERRY: It could be just a condition of it.
CHAIRMAN McMAHON: Okay, we're going to discuss it next week then?

MR. JAUQUET: Yes. We have three or four conditions before we accept or approve, I guess.

MS. BERRY: We could approve it with these --

MR. PROKOP: I think it should go on the agenda for the regular meeting.

CHAIRMAN McMAHON: I make a motion we put this on the agenda for next week, next Thursday.

Do I have a second?

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARKE: Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

Item Number 5 is Stirling Square; 300-308 Main Street.

Continued discussion on the application for site plan review. 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 4 existing apartment units into 5 inn units, and one handicap accessible unit on the ground floor, bringing the total of rental rooms for American Beech Inn to 11 rooms.

The proposal includes a renovation 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 proposal has specified a retractable awning over the existing
cedar trellis which covers the dining patio at the American Beech Restaurant.

The plan also calls for an extension of the wood pergola to the north. The property is located in the Historic District.

The Historic Preservation Commission reviewed the amended proposal at the June 6th meeting and approved the change in facade but asked the applicant to explore other options for the dining patio retractable awning.

The HPC has asked that the project remain on the agenda pending alternative to the retractable awning. All additional changes to the site plan will be reviewed when available.

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

I just want to read off a couple of notes here.

This project needs to go to Greenport Historic Preservation.
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Committee for approval of continued conversation with the canopy pergola issue. At issue is whether the structure covering is permanent or temporary. New York State Building Code references 180 days as a point of reference for indicating different requirements for review. It's a recommendation that when a covering is of significant duration, it should be considered as part of the lot coverage and be included in the calculations. It's recommended that the applicant submit an overall plan which shows lot coverage calculations for the whole property if a canopy is considered.

Before I go any further, did you have anything you wanted to --

MR. BROWN: Yes, I do.

Robert Brown, architect.

Based on the conversation I had this afternoon with Mr. Pelton, we would ask to eliminate the awning issue from this application entirely, we
would address it at such time that we can find a viable method for a retracting awning.

CHAIRMAN McMAHON: You would not, at the moment, be proposing to add any additional coverage of the pergola.

MR. BROWN: That's correct.

CHAIRMAN McMAHON: I believe the pergola now might be -- well, the clear plastic covering that's on the pergola now is problematic because that was not on the original plan, and if it was there permanently, then it no longer qualifies as temporary structure and so it would be in violation.

MR. BROWN: It's my understanding that Mr. Pelton is aware of that, but I will make sure that he is if that's not the case.

CHAIRMAN McMAHON: Because the plans as they -- well, the plans are different now, so what you're proposing then would be, you're going back to the original --
MR. BROWN: Leaving the pergola as it is --

CHAIRMAN McMAHON: -- pergola as it was on the plans?

MR. BROWN: Yes.

Hopefully, at some point in the future, if we can find a viable method of retracting an awing over the entire length, we would come back.

CHAIRMAN McMAHON: Okay.

MR. PALLAS: Just a question, if I may.

Leaving it as is, what about the extension of the pergola, is that still --

MR. BROWN: The extension of the pergola would be part of the application, yes.

The only thing we are removing is the awing aspect of the project.

MS. WINGATE: The issue is there is a fireplace below the wood structure. I think that's just bad planning.

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MR. BROWN: I believe the height is sufficient to accommodate that situation.

MS. WINGATE: I have to look at it.

MS. BERRY: One of the things that I think isn't clear is it's called a pergola, but now you have got a roof on, so it should be called a canopy; and it's a fixed entity, so I think you need to change how you're presenting it because before a pergola was approved, but now it really is a canopy. It's a fixed structure with a roof, and with that, you need to provide proof of the fire ratings of the cover and also the structural verification that for the wind load and stuff like that because it's different, so I think --

MR. BROWN: Excuse me.

I understand what you're saying. I need to talk to Mr. Pelton about his intentions with the plastic covering on the pergola.
From my point of view, it always has been and always would be a pergola, again, I have to discuss with him what his intentions are.

MS. BERRY: If you're --
MR. BROWN: I understand what you're saying.

MS. BERRY: Also if it's a permanent structure then you may need to look at site coverage and have those calculations approved.

MR. BROWN: Yes, I understand that would be part of it.

CHAIRMAN McMAHON: There is one other thing I need to mention with regards to the lobby and use of the square as a whole.

Just going by there one evening, I saw that there -- it appeared as if there were people drinking and partying in the general, you know, in the central area. It appears that there was a party going on in the lobby that was extending out into the area. I was
just walking by, I don't know if that was actually the case or not, but it appeared that way.

If that's the intention, that would need to be part of the site plan because as it is for a number of reasons, one if anyone was drinking there, then it would need to be attached to a particular liquor license with one of the tenants of the Square, whoever it may be and that would have to be included in the plan.

Just in your discussion, you might want to mention that, if it's --

MR. BROWN: The site plan does show specific seating areas in the open area, and Mr. Pelton is aware that if liquor is being served there, he has to amend his liquor license.

MR. PROKOP: I think also with respect to that specific comment, I think he has to note that on the application, so one of the questions about the application has been the use
of the beverage counter, so I think that somebody did tell the Village that there was not going to be alcohol served there, so that's part of the --

MR. BROWN: I'm not aware of that.

MR. PROKOP: So there is going to be alcohol served.

MS. WINGATE: It is not decided.

CHAIRMAN McMAHON: I believe it was discussed, I don't think there was ever --

MR. PROKOP: I raised it as a comment that because of the -- we're being told that it's a lobby, but it looks like a bar, I mean it's pretty clear to me that it looks like a bar, and it actually has a bar and I was -- the comeback to that was that it's not a bar because alcohol is not going to be served there, it's a beverage counter.

MR. BROWN: I don't remember that, but he is aware that if it is used for alcohol, he would have to amend the
liquor license.

CHAIRMAN McMAHON: And the site plan as well. I mean, it would need to -- if there is any intention to have that as rehearsal dinners or whatever it is in the lobby and spilling out into the area there, that would need to be part --

MR. BROWN: Incorporated into the liquor license.

CHAIRMAN McMAHON: Incorporated into the plans because if it is being used that way right now, it would be a condition that it specifically could not be used that way and it would need approval because it appears it's being done. If that's the plan that you would like to have or Brent wants to have reviewed, that's fine, but it just needs to be clear on the plans what the use is because there's egress issues then for the other tenants in the Square. If there is something that happened, it can become a safety issue.
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as well as a site plan issue.

MR. BROWN: I'm not sure I understand how that's distinct from showing the seating areas.

CHAIRMAN McMAHON: Just because it looked as if the drinking and socializing was outside of, separate from that, it didn't appear to be contained on any one -- you know, there is a number of tenants on the site, it didn't appear to be contained to any one tenant, so it just needs to be -- I don't know how that --

MR. PROKOP: I don't know why you're looking at us like it's a mystery because one of the things that we're supposed to do is to analyze the use and the configuration of the use directly and also in terms of SEQRA and we have had a number of problems tonight, just even tonight on the agenda where we have things, it's a question as to how things are classified and what they really are and
we come to this and, you know, it seems pretty clear to me that it was a bar that's indicated, you've pretty much confirmed that except that you don't know whether or not -- your response is that if he's going to sell liquor, he's going to have to go to the SLA, but even before he gets to that, he needs to tell us what he is really going to do with the space. It's not just something he can hold off until, you know, some later time. He needs to tell the Board accurately what he intends to do with the space.

The other thing I would want to say since I'm speaking now, if you don't mind, if I can please for a second.

The whole concept of the pergola when this first came before this Board was that it was decorative, it wasn't a structure. We were told two things. We were told that it would never be covered and we were also told it was
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not going to increase the size of what was there before it.

Now we have a structure that is proposed to be bigger than what was there before and also covered. With all due respect to Mr. Pelton, I understand that you are deferring to his decision, but in the meantime the pergola can't be covered. If he wants to decide at some later time whether he wants to cover it, that's fine, but in the meantime it can't be covered.

MR. BROWN: I think that's understood.

MR. PROKOP: Okay.

MR. COTUNGO: I definitely want it uncovered now.

MR. PROKOP: It shouldn't be covered.

MR. COTUNGO: Any motion of this Board, it has to be removed first.

MR. PROKOP: Correct.

MR. COTUNGO: We can't act on anything until you remove that cover.
that's there now. That was done illegally, right? There is no permit for that cover?

MR. BROWN: Not to my knowledge.

MR. COTUNGO: Who knows if it meets the snow load or anything else. It's a permanent structure, it may not meet the fire code or anything else. In my opinion, before any discussion or any motions, that's got to be removed and then come back. That's my opinion.

MR. PROKOP: Thank you very much. The final comment that I have and then I'll be quiet on this, there are changes on the exterior of the building as it is, not even as part of this application, there were changes on the exterior of the building that were not before the HPC, and they need to get that before the HPC as part of this, whatever you're doing with the HPC now, they have to be reviewed by the HPC.

MR. BROWN: Specifically what?

MR. PROKOP: One of the things
that comes to mind is the ventilation
ductwork that's hanging outside of the
building, the aluminum ductwork that's
hanging outside the building.

Thank you.

CHAIRMAN McMAHON: Comments,
questions?

(No response.)

MR. PALLAS: As I recall, it was
accepted at the last meeting and there
is a 62-day window which will --

CHAIRMAN McMAHON: Yeah. It
doesn't seem like we're going to be
able to approve this at our meeting
next week, so if we have a 62-day
window once we accept an application to
either agree with you to an extension
or to act on it, right now I would vote
to deny as it is. I would suggest that
we extend the time period if you are
agreeable to that as a representative.

MR. BROWN: Just so that I
understand, the meeting following this
month's meeting would be beyond the 62
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days.

CHAIRMAN McMAHON: By a day.

So we would have to just so --
because otherwise we would have to act
on it next week and right now --

MR. BROWN: So I would ask that it
be extended.

CHAIRMAN McMAHON: I propose a
60-day extension, hopefully we can have
it resolved before that, but a 60-day
extension if that is amiable to
everyone. We have the motion -- would
that be acceptable to you?

MR. BROWN: Sure.

CHAIRMAN McMAHON: I'm going to
make a motion that we extend the review
period for acceptance of the
application by another 60 days in
addition to, I don't know what date it
was issued, but to add 60 days onto
that timeframe.

Do I have a second for that
motion?

MR. JAUQUET: Second.
CHAIRMAN McMAHON: All in favor?

MR. PALLAS: Before you vote, if I may.

I think the motion should include that the applicant accepted that request.

CHAIRMAN McMAHON: Okay.

In light of the discussion we had with the applicant and the interest of the Board, I would like to make a motion that we extend the review period to accept the application for an additional 60 days.

Do I have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARKE: Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

So with regards to this, do we have any more constructive comments we could make at this time with regards to
the application?

MR. COTUNGO: I think all the liberties that were taken, such as the ductwork and the awning should be addressed and remediated before he comes back to us.

MR. JAUQUET: What we're asking for is for the plans to be, and the uses to be definitely assigned to each of the spaces and to decide what you're going to do with that covering on the restaurant, so that we have definite things to accept or reject as we go along.

CHAIRMAN McMAHON: So you indicated that they're going to take -- they want essentially to take the covering, the new proposed covering off the plans that you're submitting now and revert back to what was approved prior.

I believe the issue then is that what was approved prior is not actually what is done currently, so the awning
or the covering right now is in violation of what was approved previously.

MR. JAUQUET: And what it ends up being has -- there's a fire code issue and the coverage issue, the site coverage issue.

And the liquor?

CHAIRMAN McMAHON: That's -- I think it needs to be clear what, you know, is the lobby going to be used as a space for catered events? It needs to be clear as to whether that's either going to be specifically allowed or specifically disallowed. It should be clear that it's one thing or another, so we need clarification on that, particularly with respect to if there is going to be a new water feature in the walkway there, then there's an egress issue if you have people milling about or coming out of the lobby.

MR. JAUQUET: These are things that are all going to be expressed in
the revised plan?

CHAIRMAN McMAHON: Well, that's between -- because also it does become a SEQRA issue if there is a quality of life, if you have outdoor partying there, that's a noise level, that's not something we considered with what the plans are showing right now. Right now, it's showing all contained inside except up to where the pizza place is now, it has approved outdoor seating, I believe. If that's going to be extended further up the street, there's apartments all across the street, so the plans should be very specific about what that use is going to be and what it will not be.

MR. PALLAS: Just for clarity, so that when we receive his plan, we know what we're looking at, for the labeling, you want to include the exterior space, the use of the exterior space as well, correct?

CHAIRMAN McMAHON: Whatever it may
MR. PALLAS: Exactly. If I might make a suggestion. It should probably be labeled access only area or something like that to leave it unlabeled based on all the questions that you all have, I think it would be incumbent upon the applicant to label that space even if they're not planning to use it for parties or whatever, so we are clear on the plan that it is not going to be used for that purpose. That's a suggestion.

MR. JAUQUET: I would agree with that, so what we see on the plans is what we get.

MR. PALLAS: Exactly.

MS. BERRY: This is a really minor one, but in your latest proposal, is it just two seats now on water feature or is it all around?

MR. BROWN: Two seats.

MS. BERRY: Okay. Is there a way to do it, so the feet don't go into the
path, like, can you set it back slightly?

MR. BROWN: Definitely, I mean, it hasn't been detailed to that extent, but we can incorporate that.

MS. BERRY: Okay.

MR. BROWN: But there is sufficient clearance on the other side, everything is accessible, but it does constrict in that area.

MS. BERRY: My other concern was, there is also an entry door right there.

MR. BROWN: It's a secondary entry, but yes.

MS. BERRY: Okay.

CHAIRMAN McMAHON: Are there any more comments or questions at this time?

(No response.)

CHAIRMAN McMAHON: Okay.

Do you have any questions or comments?

MR. BROWN: No.
I have some work to do.

CHAIRMAN McMAHON: I'm going to make the motion that we table this until our next meeting. If there is anything new, we can discuss it then.

Do I have a second for that?

MS. CLARKE: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARKE: Aye.

MR. JAQUET: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

Thank you.

MR. BROWN: Thank you.

Item Number 6, vacant lot east of 217 Monsell Place.

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

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

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

The project as proposed will
require variances. The property is
located in the R-1, One-Family
Residential District of the Village of
Greenport.

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

So this is new construction on a
vacant lot. The applicant, I believe
is aware that the project will need a
variance for a side setback relief on
one side setback. The lot is
nonconforming to minimum dimensions
required in the R1 Zoning District, lot
area 5,040 square feet, less than the
10,000 per the code. Lot width 42
feet, that's less than the 80 feet
required by code.
The proposed placement of the building violates one side setback, but not front and rear. Section 150-13 D allows (inaudible) regulations for undersized lots. Total dimensions of both side yards for a principal building shall be computed on the basis of four-tenths of the lot and lot width; however, no side yard dimensions shall be less than four-tenths of the (inaudible) total dimensions of both side yards shall be computed (inaudible); however, no side yard dimension shall be less than 90 feet.

For purposes of the discussion, the lot width is 42 feet meeting combined side widths to be 16.8 feet. Over 20 feet are provided, so this complies. The five-foot side setback is less than ten-foot minimum 50 percent variance. There is space to meet the code if the building were centered on the property.

CHAIRMAN McMAHON: Do you want to
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speak about the project?

MR. NICHOLSON: Yes. Bryan Nicholson, the applicant.

I'd be happy to answer any questions you might have.

CHAIRMAN McMAHON: So you're aware that you would need to get a variance from the ZBA?

MR. NICHOLSON: Correct. I have already submitted to the ZBA.

CHAIRMAN McMAHON: So you're just looking for a denial from us to go to the ZBA?

MR. NICHOLSON: I already have a denial from the Building Department, it's included in the ZBA packet.

CHAIRMAN McMAHON: We're just waiting for the ZBA to act on this application?

MR. PROKOP: No. He needs the Planning Board to deny too.

CHAIRMAN McMAHON: He needs the denial from us as well.

MR. PROKOP: Yes.
CHAIRMAN McMAHON: Okay.

Does anyone want to discuss this beyond the denial?

MR. COTUNGO: How did you come up with the shape of the driveway?

MR. NICHOLSON: There was an addendum I brought in. Currently on the lot right by the sidewalk it says there is an existing utility pole, I've already spoken to the Town and they have preliminarily agreed that they would move the utility pole, so that will allow me to move the house forward. Moving the house forward then allows me to not have a curved driveway. It would fit in a lot better with all the other houses on the street, and it would most likely eliminate the need for me to cut down trees that are currently on the property in the back.

Also moving that pole, there is an easement issue because the neighbors next door, their power line crosses my
lot, I have discussed with them and
they are ecstatic about having their
electric line buried.

MR. COTUNGO: It would have to be
a pretty good driver to back out of
that driveway.

MR. NICHOLSON: I agree with you.

MR. COTUNGO: I couldn't do it.

MR. JAUQUET: What's the width of
the driveway; is it 18 feet?

MR. NICHOLSON: No. The width of
that driveway would be approximately
ten feet.

MR. COTUNGO: You could never back
out, it's impossible, only a
motorcycle.

MR. NICHOLSON: In the packet I
submitted to you, it says that if that
pole is moved then the house would come
forward on the lot and then that also
allows a straight driveway to go back,
so when I submitted this, I did this
because of the current utility pole
that is there.
MR. COTUNGO: It looks like you can go straight forward to the right of the utility pole; can you have a straight driveway; it looks like you can.

MR. NICHOLSON: It's possible, but once again, backing out or even turning in, I don't think we want to take the chance of having somebody hit a power pole.

MS. BERRY: How far forward are you going to move the house?

MR. NICHOLSON: So the neighbor's house, I believe off the survey, their porch starts nine point three feet back, and the house starts thirteen point three, so I would be at least thirteen point three feet back to match the aesthetic of the neighborhood.

MS. BERRY: There is a code section that I got a different setback, so I think you need to look at 150-13 D 3. I totally agree that moving it up as close as you're allowed by the code.
makes sense, but check the section and include verification.

MR. NICHOLSON: Absolutely.

CHAIRMAN McMAHON: Did you say you were actually planning on moving to a straight driveway after, like this is what you have now, but once the utility pole is moved --

MR. NICHOLSON: Yes, so if and when that utility pole gets moved, then that takes care of the easement issue with the power line with the neighbor's line which will be buried, and on top of that, allows for a straight driveway and allows the house to be moved forward.

CHAIRMAN McMAHON: Okay. Just because that curved driveway actually seems a little dangerous.

MR. NICHOLSON: And I only did this application because I'm working with what is currently there on the lot.

CHAIRMAN McMAHON: Okay.
MR. JAUQUET: Why is there a bedroom on the first floor? There is no living spaces except a great, like a dining room. I mean, it's very small. I'm just curious for a single-family house why it needs four bedrooms.

MR. NICHOLSON: One, I mean, it's an open-floor-plan concept, kitchen, dining, living area. As far as bedrooms on the first floor for elderly people or people that couldn't be upstairs, putting a bedroom on the first floor is a lot more helpful and accommodating.

MR. JAUQUET: Is this for sale?

MS. CLARKE: He's in contract to purchase the lot.

MR. NICHOLSON: I am currently in contract to purchase the lot.

MR. JAUQUET: Are you going to retain the house or sell it?

MR. NICHOLSON: I'm retaining the house.

MR. JAUQUET: As a rental house?
MR. NICHOLSON: No. It's not going to be a rental, that's not my plan.

MR. JAQUET: So you're going to live in it?

MR. NICHOLSON: It's going to be for my parents and/or future in-laws.

MR. COTUNGO: There is a ratio of number of bedrooms, how many square feet of living? You should probably have your architect --

MR. NICHOLSON: That is already -- I've taken the calculation and all the square footage, as far as the plans in front of you, should meet code for everything.

MS. WINGATE: I was curious myself and checked it, it was.

MR. COTUNGO: It's not that much of a big area per bedroom.

MS. WINGATE: It was accurate.

MR. COTUNGO: It's accurate.

CHAIRMAN McMAHON: Do we have any questions, concerns, thoughts?
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(No response.)

CHAIRMAN McMAHON: No.

MS. BERRY: You're going to deny it right, so --

CHAIRMAN McMAHON: Yes.

MS. BERRY: Because you wouldn't have been able to accept it.

MR. PROKOP: I just wanted to discuss something with the Board.

CHAIRMAN McMAHON: Sure.

MR. PROKOP: Take this chance.

With regard to the Olinkiewicz application for your review, did that get a denial from the Building Department?

MS. WINGATE: No.

MR. PROKOP: Why didn't that get a denial and these did; did he apply to the Building Department?

MS. WINGATE: He didn't fill out a building permit application, Bryan filled out a building permit application and pushed his paperwork along.
MR. PROKOP: How did he come to --
Mr. Olinkiewicz, how did it get to this
Board just by, he wanted us to approve
a concept or something?

MR. PALLAS: Pre-submission.

MR. PROKOP: These are
pre-submission conferences also.

MS. WINGATE: He filled out an
application to have a pre-submission
conference.

MR. PROKOP: I'm just trying to
figure out what -- we should have a
process for this because what I was
going to say was with Mr. Olinkiewicz,
we probably shouldn't deny a -- the
denial that gets him to the Zoning
Board of Appeals probably shouldn't be
this Board alone. You mentioned that
you had denied this application, I
guess you did the same thing for the
next one also.

MS. WINGATE: Yes.

MR. PROKOP: Okay.

MS. WINGATE: No, the next doesn't
need ZBA, only this one.

MR. PROKOP: Okay. Only this one, so just speaking about this one, I think it's okay to deny the pre-submission on this because it was already denied -- I think what we should do is adopt, the technical thing we should do is adopt the denial of the Building Inspector and deny it on that basis, that's --

MS. WINGATE: Excuse me, say that again.

MR. PROKOP: On this one, Item Number 6 which is 217 Monsell Place. You have a denial letter that you issued, correct?

MS. WINGATE: On this one, yes.

MR. PROKOP: So what I think we should do is adopt a denial -- we should vote to adopt the denial of the Building Inspector and leave it at that and then Mr. Nicholson will decide what he wants to do.

CHAIRMAN McMAHON: That would
allow Mr. Nicholson to then go to the ZBA on this application?

MR. PROKOP: Correct.

CHAIRMAN McMAHON: Does anyone have any issue with that, this Board just adopting the denial handled by the Building Inspector?

(No response.)

CHAIRMAN McMAHON: Okay.

I make a motion that we formally adopt the denial letter that was issued by the Building Inspector, deny this application, and the applicant would be free to go before the ZBA.

Do I have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. COTUNGO: Aye.

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. CLARKE: Aye.

CHAIRMAN McMAHON: Motion carries.

Item Number 7, vacant lot south of 525 Second Street.
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Pre-submission conference for Bryan Nicholson. The applicant proposes to develop the vacant parcel which he is currently under contract to purchase.

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

The pre-submission package includes a site plan, floor plans, and elevations. The project as proposed will require variances.

Is that a typo? I thought this did not.

MS. WINGATE: That's a typo, yeah, this one doesn't need any variances.

CHAIRMAN McMAHON: The property is located in the R-2, Two-Family Residential District of the Village of Greenport.

Suffolk County Tax Map 1001-2-6-14-2.
MR. PROKOP: There is no issue that this is going to be only a one-family house?

MR. NICHOLSON: Yes. This will be the one-family home.

MS. CLARKE: Is this one going to be a rental?

MR. NICHOLSON: No, this will not be a rental.

MS. CLARKE: Are you living in this one?

MR. NICHOLSON: No, both are going to be either for parents or in-laws. We're moving the entire family out here.

MS. CLARKE: Well, alrighty.

CHAIRMAN McMAHON: The use is a permitted use on a subdivision with an updated plan dated 12/1/2005 and the notes of July 27th meeting of the Zoning Board of Appeals, approval is contingent upon the removal of the wood deck on the adjacent property owned by Salvatore Ficara (phonic). This deck

Flynn Stenography & Transcription Service
(631) 727-1107
is still present.

MR. NICHOLSON: Can I speak about that real quick?

CHAIRMAN McMAHON: Sure.

MR. NICHOLSON: That deck, speaking with the seller's attorney, they said they are in the process of having that removed within the next week for closing.

CHAIRMAN McMAHON: Okay.

MR. PROKOP: Was this before the ZBA before?

CHAIRMAN McMAHON: I wasn't aware of that.

MS. WINGATE: It was before the ZBA back in the late '90s, and one of the conditions back then was that the deck --

MR. PROKOP: What's the -- I'm sorry to interrupt.

MS. WINGATE: He subdivided it and never brought anything, so now that Bryan wants to build something, the deck on the house that was part of the
subdivision needs to be removed, that was a condition of the subdivision.

MR. COTUNGO: Where is the deck, on another house next door?

MS. WINGATE: On the house to the north.

CHAIRMAN McMAHON: The applicant appears to be using the front yard setback exemption described in 150-13 D, Subsection 3 to be more in line with the neighborhood construction. The applicant should submit evidence and dimensions of dwellings within 200 feet on either side, verify this visually appears compliant.

We have, back to the drawings that are shown that the calculations were made from -- that may be on file with the Village, but make sure it's included in the application.

While the building appears to be designed to code, it will not meet new energy codes slated for October 2016.

We encourage the applicant to consider...
using a more stringent requirements of the new codes.

There's also a request to have the windows included in the building plans, they are not.

Glenis, when you say the windows were not included, what do you mean by that?

MR. COTUNGO: They're not indicated on the floor plan, they just show --

CHAIRMAN McMAHON: So on the side --

MR. COTUNGO: They're not delineated. Well, there's a lot of things that are not delineated.

MR. NICHOLSON: You're saying the actual size of the windows and everything?

MR. COTUNGO: Located, they're not located on the floor plan, they're only located on the exterior elevations.

MR. NICHOLSON: Understood.

MR. COTUNGO: It's the same exact
MR. NICHOLSON: That is correct.

MR. COTUNGO: I guess all the in-laws have the same needs, they all need a bedroom on the first floor --

MR. NICHOLSON: That was the --

MR. COTUNGO: -- so many bathrooms.

I think the ratio of bedrooms and bathrooms is too high compared to the ratio of living unless there is like three teenagers. If they have cars, the driveway is not big enough. If you visit and they have relatives and all four bedrooms are filled, there's not four parking spaces on the property.

MR. NICHOLSON: Right, but I believe code says I need to provide parking for two cars.

MS. WINGATE: That's what the code says.

CHAIRMAN McMAHON: Were you given a copy of the notes from our consultant, what I was just reading.
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from?

MR. PROKOP: We'll get them to him tonight.

CHAIRMAN McMAHON: Do we have any other concerns about this other than what I've just discussed?

MR. PROKOP: How could the lot coverage be correct? I don't know if there is a question of this, but if the lot area is 7,500 square feet and the house is going to be 1,000 square feet, is that 13, I guess it's 13. I guess that's right.

There is a condition to the subdivision that has not been met, this is not a legal lot. For us, I mean something has to be done, it's technically not a legal lot.

We don't have the benefit of the ZBA decision, I haven't seen it.

MR. NICHOLSON: You're talking about basically the covenants and restrictions of this lot?
MR. PROKOP: Right, whatever the condition was for this subdivision.

CHAIRMAN McMAHON: As you said, the removal of the porch.

MR. NICHOLSON: Right. I have read that, and it said I can't put a two-family home on there, this is a single-family home.

MR. PROKOP: No, but there is a porch that was supposed to be removed and it's still there.

MR. NICHOLSON: Right. Like I said, I have a letter from the seller's attorney stating that will be removed within the next week before closing on the lot, so as part of me closing on this property to be able to build on it in the first place, that will be removed.

MR. PROKOP: You really can't close -- I mean, that's up to your attorney, I'm not giving you legal advice, but you're closing on something that doesn't exist because the
subdivision is not valid until the deck is removed and you're asking us for a building permit.

MR. NICHOLSON: The lot is subdivided, you're talking about it as a buildable lot because it is legally subdivided already.

MR. PROKOP: It may not be because the subdivision was conditional on that being done.

MR. NICHOLSON: It was on the building of a home which would be subject to the deck being removed, but it is actually a legally subdivided lot.

MR. PROKOP: I'll check all the records. We're just getting this tonight, so thanks.

MR. NICHOLSON: Sure.

MR. PROKOP: Could you get a single and separate search from a title company, it's not a big deal; would you please get that for us?

MR. NICHOLSON: Yes, I can.
title search has been done and concluded.

MR. PROKOP: Okay.

MR. NICHOLSON: There are no issues that came up.

MR. PROKOP: You need to ask them for a single and separate.

MR. NICHOLSON: Single and separate, absolutely.

CHAIRMAN McMAHON: This is a pre-submission conference, correct?

MS. WINGATE: Yes.

CHAIRMAN McMAHON: Any Board members have any questions or concerns about the application, thoughts?

(No response.)

CHAIRMAN McMAHON: Okay, so obviously you are aware if there is a covenant on the lot before anything can be done, the porch needs to be removed, we need to be evidenced before we can -- I mean, it's a pre-submission conference now, we're not even accepting the application at this time.
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anyway.

That would need to be addressed.

MR. NICHOLSON: Sure.

CHAIRMAN McMAHON: I think you were given a copy of the notes that I read off of.

MR. NICHOLSON: I don't have the copy of that.

CHAIRMAN McMAHON: We'll give you a copy of that.

MR. NICHOLSON: Thank you.

CHAIRMAN McMAHON: So the deck would have to be removed. We did want to confirm that measurements and calculations for the setback based on the side properties, if we could just get confirmation of that and then it's up to you with regards to the energy codes, we encourage you, but that's your decision.

MR. NICHOLSON: Of course.

CHAIRMAN McMAHON: Anything else?

(No response.)

CHAIRMAN McMAHON: So I'm going to
make a motion that we -- do we need to provide comments back to the applicant?
It's a pre-submission, I think that's how we're supposed to move forward; is that correct?

MR. PROKOP: I would put it on the agenda for next week and we can do the comments in the meantime and then try to have some kind of resolution --

CHAIRMAN McMAHON: -- that we can give back to them.

MR. PROKOP: That we can adopt it and give to the applicant next week.

CHAIRMAN McMAHON: Maybe even based off of Glenis' notes.

So I'm going to make a motion that we table this until next week.

Do I have a second?

MS. CLARKE: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAQUET: Aye.

MS. CLARKE: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.
CHAIRMAN McMAHON: Motion carries.
Do you have any questions for us?
MR. NICHOLSON: No.
Thank you very much.
CHAIRMAN McMAHON: Thank you.
MR. PROKOP: Before you close the meeting, I have --
CHAIRMAN McMAHON: Yes.
MR. PROKOP: Going back to the 314 North Street, what we did tonight is we denied it, but all we denied was an application for a pre-submission conference and we didn't really have an application per se before us, so the kind of denial he would need -- we basically looked at the pre-submission plan, voted no because we can't accept it, we don't have the jurisdiction to deal with it, but to get a denial that would take him to the ZBA, he would actually file an application. An application has to be made and then have the application denied, not just a question for pre-submission conference.
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CHAIRMAN McMAHON: Okay. So they're still on the agenda for next week.

MR. PROKOP: Let's leave it on the agenda for next week.

CHAIRMAN McMAHON: And then if he in the meantime -- I don't know how long it would take for the denial, but if he formally submits an application to the Building Department in the meantime.

MR. PROKOP: We'll work on that. I was going to suggest that it goes on for next week.

CHAIRMAN McMAHON: Okay. Any other business before we close out the meeting?

(No response.)

CHAIRMAN McMAHON: Motion to approve the Planning Board minutes of the April 28, 2016 meeting.

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: Aye.
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CHAIRMAN McMAHON: Aye.

MR. COTUNGO: Abstention.

MS. CLARKE: I abstain.

CHAIRMAN McMAHON: Approved, motion carries.

Item Number 9, motion to accept the Planning Board minutes of the May 5, 2016 and May 26, 2016 meetings.

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Aye.

Three ayes, one abstention.

MR. COTUNGO: I vote no.

CHAIRMAN McMAHON: One no vote.

Two abstentions, three ayes. Motion carries.

Item Number 10, motion to adjourn.

MS. CLARKE: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARKE: Aye.

MR. JAQUET: Aye.

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

CHAIRMAN McMAHON: Motion carries.

(Time noted: 6:52 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 proceedings is a true and accurate record of the stenographic notes taken by me.

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 to this 30th day of June, 2015.

____________________________
STEPHANIE O'KEEFFE