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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

August 25, 2016  
5:10 p.m.

B E F O R E:

DEVIN McMAHON - CHAIRMAN

BRADLEY BURNS - MEMBER

PETER JAUQUET - MEMBER

JOHN COTUNGO -- MEMBER

PAUL PALLAS -- VILLAGE ADMINISTRATOR

JOSEPH PROKOP - VILLAGE ATTORNEY

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

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1  
2 CHAIRMAN McMAHON: I'd like to  
3 begin the meeting.

4 This is the Village of Greenport  
5 Planning Board Work Session for August  
6 25, 2016.

7 Item number 1, Stirling Square,  
8 300-308 Main Street.

9 Continued discussion on the  
10 application for site plan review. An  
11 amendment to the previous site plan  
12 approved on November 4, 2015 is  
13 required.

14 The applicant Robert I. Brown,  
15 Architect is representing Stirling  
16 Square LLC, Brent Pelton. The  
17 applicant has proposed to remodel four  
18 existing apartment units into five inn  
19 units and one handicap accessible unit  
20 on the ground floor for a total of six  
21 additional inn units, bringing the  
22 total of inn units for American Beech  
23 Inn to 11 inn units.

24 The proposal includes a renovation  
25 of Suite 308C, a ground floor space,  
Flynn Stenography & Transcription Service  
(631) 727-1107

1  
2 into a lobby for the inn, incorporating  
3 a new glass facade with interior and  
4 new exterior seating and a water  
5 feature in the courtyard.

6 At the August 4, 2016 meeting of  
7 the Planning Board, the applicant told  
8 the Board that he would like to use  
9 308C for events and retail sales.

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

15 Proposal for cover over the  
16 existing cedar pergola which covers the  
17 dining patio for the American Beech  
18 Restaurant. An extension of the wood  
19 pergola to the north has been  
20 eliminated.

21 The property is located in the  
22 Historic District. The Historic  
23 Preservation Commission will be  
24 reviewing the exterior installation of  
25 the ductwork for the kitchen exhaust at

1  
2 the September meeting.

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

5 Mr. Brown, would you like to say  
6 anything to start?

7 MR. BROWN: We have submitted a  
8 revised plan, and you have before you a  
9 letter for Mr. Pelton that I received  
10 this afternoon which hopefully  
11 clarifies the situation concerning the  
12 use of the proposed lobby. We have  
13 taken out event space as a use.

14 And above and beyond that, if you  
15 have any questions, I can try to answer  
16 them as best I can.

17 CHAIRMAN McMAHON: I do not see  
18 that any -- in the letter Mr. Pelton  
19 indicated you did find a manufacturer  
20 for an awning, retractible awning.

21 MR. BROWN: Yes.

22 CHAIRMAN McMAHON: So is that  
23 going to be part of --

24 MR. BROWN: Yes.

25 I have submitted as a separate

1  
2 application since we had withdrawn from  
3 this application to this Board and to  
4 Historic Preservation.

5 CHAIRMAN McMAHON: Okay.

6 So now the -- I don't have in  
7 front of me a revised plan.

8 It essentially has, as indicated  
9 in Mr. Pelton's letter, it's no longer  
10 going to be an event space, it's just  
11 going to be, 308C is going to be  
12 essentially a lobby, essentially a con  
13 lobby.

14 MR. BROWN: A conventional hotel  
15 lobby with some gift retail.

16 CHAIRMAN McMAHON: So a --

17 MR. BROWN: And reception for  
18 incoming or checking out guests.

19 CHAIRMAN McMAHON: A reception  
20 area with some retail sales.

21 Are you going to -- it says there  
22 won't be any alcohol sales.

23 MR. BROWN: That's correct. The  
24 beverage counter is gone.

25 CHAIRMAN McMAHON: It's gone

1  
2 entirely.

3 MR. BROWN: Yes.

4 CHAIRMAN McMAHON: So not coffee  
5 or any --

6 MR. BROWN: If there is coffee, it  
7 will be on a -- put on the table  
8 somewhere.

9 CHAIRMAN McMAHON: Okay.

10 Is what you have submitted, does  
11 that reflect the most current imagining  
12 that Mr. Pelton wants?

13 MR. BROWN: Yes. To the best of  
14 my knowledge, yes.

15 CHAIRMAN McMAHON: That puts the  
16 retractible awning over the --

17 MR. BROWN: That's actually on a  
18 separate document, the awning.

19 CHAIRMAN McMAHON: Is that a  
20 separate application from this?

21 MR. BROWN: Yes.

22 CHAIRMAN McMAHON: So we have one  
23 application, use evaluation application  
24 where 308C has a lobby space --

25 MR. BROWN: Yes.

1  
2 CHAIRMAN McMAHON: And there is a  
3 separate application for the awning.

4 MR. BROWN: Yes.

5 And that involves Historic  
6 Preservation as well.

7 CHAIRMAN McMAHON: So you  
8 submitted a site plan just indicating  
9 the use of the lobby space, correct?

10 MR. BROWN: That's correct.

11 CHAIRMAN McMAHON: That's the most  
12 recent one. I don't have it in front  
13 of me, that's why I just want to verify  
14 with you.

15 Does anyone have any questions?

16 MS. WINGATE: Would you like it?

17 MR. PALLAS: We haven't received  
18 the awning site plan in time for this  
19 meeting.

20 CHAIRMAN McMAHON: Okay.

21 MR. PALLAS: That's not it.  
22 That's the prior meeting.

23 CHAIRMAN McMAHON: Okay.

24 All right. So do we have -- where  
25 are you with this, Joe?

1                   ATTORNEY PROKOP: I don't think  
2  
3                   that they can be considered as separate  
4                   site plan applications. I mean, my  
5                   recommendation would be to consider it  
6                   as one application because they're both  
7                   Type 1 actions because there in the  
8                   Historic District, and I don't think  
9                   that you can have two different Type 1  
10                  SEQRA reviews going on at a property at  
11                  the same time. I don't think that that  
12                  is --

13                 MR. BROWN: Can I ask if the SEQRA  
14                 review that is going on includes an  
15                 awning?

16                 ATTORNEY PROKOP: No, but we could  
17                 amend it to include the awning.

18                 CHAIRMAN McMAHON: So has anyone  
19                 had a hearing on that?

20                 ATTORNEY PROKOP: No. Nobody has  
21                 gotten back to us yet.

22                 CHAIRMAN McMAHON: So we could  
23                 include the addition of the awning,  
24                 fully retractible awning into that, can  
25                 we approve that or does it have to be a

1  
2 separate?

3 ATTORNEY PROKOP: My  
4 recommendation would be to have just  
5 one application because it is  
6 significant due to the Historic  
7 District. If they were minor changes  
8 in the property, there wouldn't be a  
9 Type 1 action, I think it would be  
10 okay, but because of the significance,  
11 I think it should be --

12 the other thing is the letter that  
13 we got said anticipated liquor sales,  
14 and I mentioned that that is a mistake  
15 and it should have said with no alcohol  
16 sales.

17 CHAIRMAN McMAHON: I believe it  
18 says with no anticipated --

19 MR. BROWN: It says no anticipated  
20 alcohol sales.

21 ATTORNEY PROKOP: I think that  
22 probably he meant to say there's no  
23 alcohol sales because I think that's  
24 going to be a question with the Board.

25 MR. COTUNGO: I'm not happy with

1  
2 the word anticipated.

3 MR. BROWN: I can't speak for  
4 Mr. Pelton on that.

5 CHAIRMAN McMAHON: Okay.

6 So there are two separate  
7 questions here: One is the lobby space  
8 and the other being the awning. The  
9 issue with the awning, I believe  
10 originally was a matter of if it's an  
11 affixed awning that it becomes that you  
12 need a variance because a certain  
13 amount of --

14 MR. BROWN: Yeah, it is a  
15 retractible awning.

16 CHAIRMAN McMAHON: But now it's a  
17 retractible awning, so that alleviates  
18 that issue.

19 If that is amended to the plan and  
20 I think that would be a moot point that  
21 would be addressed by the retractable  
22 awning. That was just a coverage  
23 issue, that was not, I don't believe  
24 anyone on the Board had any issue with  
25 it being covered up. It was the fact

1  
2 that it's not allowed in the code.

3 Does anyone have any other  
4 concerns or questions with regard to  
5 this?

6 MR. COTUNGO: Do you have to wait  
7 for the Historic Board?

8 CHAIRMAN McMAHON: We can't move  
9 -- there still is, I believe it was  
10 said at the September meeting Historic  
11 Preservation Commission would be doing  
12 their discussion, previously they  
13 weren't going to move forward until  
14 that had been addressed, and it was an  
15 existing nonconformity that had to be  
16 addressed before we could move forward.

17 MR. BROWN: May I ask if we know  
18 when in September the Historic Board is  
19 meeting?

20 MS. WINGATE: I believe it's the  
21 12th.

22 CHAIRMAN McMAHON: Does anyone  
23 have an issue with the use of the space  
24 as a lobby?

25 MR. COTUNGO: No.

1  
2 I only have an issue with the  
3 letter that says anticipated.

4 CHAIRMAN McMAHON: Okay.

5 MR. BROWN: Mr. Pelton couldn't be  
6 here tonight, but he fully intends to  
7 be here next week at the Planning  
8 Board.

9 ATTORNEY PROKOP: That has to be  
10 amended to show to remove -- was it  
11 amended?

12 MR. BROWN: It was amended. That  
13 was submitted.

14 ATTORNEY PROKOP: And something  
15 that says no alcohol sales, if that's  
16 your plan.

17 CHAIRMAN McMAHON: I would assume  
18 retail sales are a permitted use for  
19 how this is zoned, commercial retail.

20 ATTORNEY PROKOP: It looks like  
21 it's a permitted use.

22 CHAIRMAN McMAHON: Is that CR-1,  
23 is that the --

24 ATTORNEY PROKOP: Yes, Retail  
25 Commercial Zoning.

1  
2 CHAIRMAN McMAHON: Okay.

3 Personally, I have no issues with  
4 the lobby; I think it makes perfect  
5 sense for the inn.

6 The larger question is the  
7 conversion of four existing apartments  
8 to hotel rooms. I don't know if anyone  
9 has an issue with that. I don't. It  
10 seems a fair use of the property.

11 Does anyone have any question with  
12 that?

13 MR. JAUQUET: No. We covered  
14 that.

15 MR. BURNS: What this discussion  
16 means is the whole complete plan still  
17 has to come before us as a complete  
18 plan.

19 MR. BROWN: Including the awning.

20 CHAIRMAN McMAHON: Yes.

21 MR. BROWN: I can have that before  
22 the Board by tomorrow.

23 CHAIRMAN McMAHON: Do we need  
24 additional time to -- can we discuss it  
25 at the next meeting or do we need to

1  
2 push it back?

3 ATTORNEY PROKOP: I think you can  
4 discuss it, yes.

5 I think it would be  
6 administratively easier as far as the  
7 process goes if it was just an  
8 amendment. I mean, you took it off as  
9 an amendment, why don't you put it back  
10 on as an amendment, so we don't --

11 MR. BROWN: That's fine.

12 ATTORNEY PROKOP: It will make  
13 everything a lot easier.

14 MR. BROWN: I have no problem with  
15 that.

16 ATTORNEY PROKOP: If that's okay  
17 with the Building Department.

18 MR. BROWN: I can provide the  
19 Village with plans by mid-day tomorrow.

20 CHAIRMAN McMAHON: Anybody have  
21 any questions or concerns?

22 MR. PALLAS: I haven't reviewed  
23 the plans myself. I would just like to  
24 take a look at them, make sure what was  
25 mentioned was covered; but just to be

1  
2 clear that you're aware of the request  
3 for the letter that says no anticipated  
4 alcohol, I think the Board is looking  
5 for something more affirmative than  
6 that.

7 MR. BROWN: Understood. I will be  
8 in touch with Mr. Pelton.

9 CHAIRMAN McMAHON: Do we have any  
10 other business to discuss this evening  
11 with regard to this?

12 MR. BURNS: No.

13 MR. COTUNGO: No.

14 MR. JAUQUET: No.

15 CHAIRMAN McMAHON: Do you have any  
16 questions for us?

17 MR. BROWN: No.

18 I will have revised plans for you  
19 tomorrow.

20 CHAIRMAN McMAHON: Okay.

21 MR. BROWN: Do you think there is  
22 possibility of including this next  
23 week?

24 CHAIRMAN McMAHON: It will still  
25 be on the agenda certainly if there's

1  
2 an amended plan. I think essentially  
3 this plan -- we have gotten so many  
4 iterations of the plan, but I --

5 MR. BROWN: I can appreciate that.

6 CHAIRMAN McMAHON: -- certain of  
7 exactly where we're at. This is still  
8 technically a pre-submission  
9 conference.

10 ATTORNEY PROKOP: That would be  
11 the major achievement if we could just  
12 get something that is what we're  
13 looking at, you know --

14 CHAIRMAN McMAHON: A finalized  
15 rendering.

16 MR. BROWN: I'm just thinking  
17 about reporting to Mr. Pelton about  
18 where we stand.

19 CHAIRMAN McMAHON: That's my  
20 question as well because we have gone  
21 back and forth so many times, it has  
22 been a revised plan. I believe we  
23 accepted it and that's why we're under  
24 the timeframe, that's why we had to get  
25 extensions of the timeframe. Now we

1 had another amendment to the plan.  
2  
3 Does that delay the timeframe; do we  
4 have to vote?

5 MR. PALLAS: I think you would  
6 need to wait for Historic Board, so I  
7 think you would have to request an  
8 extension, but I think you at least  
9 have a sense of where you are. If  
10 you're calling that the final plan, you  
11 would have a sense of where you are and  
12 then the outcome of the Historic  
13 Board's review, then you would come  
14 back here again when that's concluded  
15 for the next approval motion.

16 MR. BROWN: Hypothetically, would  
17 it be possible to get an approval  
18 conditional upon Historic Preservation  
19 if the Board was so inclined?

20 MR. PALLAS: I can't recommend  
21 that to the Board. I'm sorry.

22 CHAIRMAN McMAHON: So it seems  
23 like regardless, we have to wait for  
24 the Historic Board to do their review  
25 of the application; so it doesn't seem

1  
2 as if we can move forward, certainly  
3 this evening.

4 We will look at and discuss the  
5 amended plans you're going to submit  
6 tomorrow at our meeting next week, but  
7 at the moment it seems like we are  
8 still -- we have to wait for the  
9 amended plans and review those.

10 MR. BROWN: You will have those  
11 tomorrow.

12 CHAIRMAN McMAHON: Okay.

13 So does anyone else have any  
14 questions or comments with regard to  
15 this application?

16 MR. JAUQUET: No, I don't.

17 MR. COTUNGO: I don't.

18 CHAIRMAN McMAHON: I'm going to  
19 make a motion that we move on to the  
20 next item on the agenda.

21 Do I have a second?

22 MR. JAUQUET: Second.

23 CHAIRMAN McMAHON: All in favor?

24 MR. BURNS: Aye.

25 MR. COTUNGO: Aye.

1 MR. JAUQUET: Aye.

2 CHAIRMAN McMAHON: Motion carries.

3 Item number 2, vacant lot east of  
4 217 Monsell Place.

5 Table discussion of the  
6 pre-submission conference for Bryan  
7 Nicholson pending ZBA determination.

8 The applicant proposes to develop  
9 the vacant parcel which he is currently  
10 under contract to purchase. Bryan  
11 Nicholson is before the Board to  
12 discuss the proposed construction of a  
13 one-family house on the property  
14 located east of 217 Monsell Place.

15 The pre-submission package  
16 includes a site plan, floor plans, and  
17 elevations. The project as proposed  
18 will require one variance.

19 It is scheduled to be on the ZBA  
20 agenda for the September meeting.

21 A revised site plan will be  
22 submitted for consideration upon the  
23 completion of the Zoning Board Appeals  
24 process.

1                   Proceedings - 8-25-16                   21  
2                   The property is located in the  
3 R-1, One-Family Residential District of  
4 the Village of Greenport.

5                   The property is not located in the  
6 Greenport Village Historic District.

7                   Suffolk County Tax Map number  
8 1001-2-2-29.

9                   Are you speaking on behalf of the  
10 applicant?

11                   MR. FARRELL: Yes. My name is  
12 John Farrell, I'm with the law firm of  
13 San Wan Coschignano, 333 Earle Ovington  
14 Boulevard, Suite 601, Uniondale, New  
15 York.

16                   I believe the application is still  
17 pending with the Zoning Board, you  
18 know, it's a pretty modest house. The  
19 variance, we believe is minor. Based  
20 on the development in the area, it  
21 probably makes the most sense for the  
22 Zoning Board to grant that variance,  
23 but we'll have to see when we get  
24 there.

25                   CHAIRMAN McMAHON: Does anyone

1  
2 have any questions or comments with  
3 regard to this application?

4 MR. JAUQUET: I'm still promoting  
5 the reduction of the bedroom space, and  
6 creating more living space on the grade  
7 level instead of three-and-a-half full  
8 bathrooms and four bedrooms and one  
9 room for kitchen, living, and dining in  
10 a one-family house; and my idea is to,  
11 at least on the plan, call the  
12 downstairs bedroom a living room or a  
13 family room and do a three-quarter  
14 bathroom instead of a half and a full  
15 on grade.

16 If it's truly a one-family house  
17 and given the problematic nature of  
18 overstuffed houses, overpopulated  
19 houses and multiple -- and the car  
20 situation that happens.

21 I'm not sure you're familiar with  
22 what happens in Greenport --

23 MR. FARRELL: Yes, I'm familiar.

24 MR. JAUQUET: -- on some of the  
25 blocks.

1  
2           Anyway, that's my recommendation,  
3 and that's what I'm going to vote on.  
4 If it stays the way it is, I'll be  
5 voting against it.

6           MR. BURNS: You weren't here last  
7 time.

8           MR. JAUQUET: No.

9           MR. BURNS: The reasoning there is  
10 to accommodate his grandparents --

11          MR. JAUQUET: Right.

12          MR. BURNS: -- who can't climb  
13 stairs.

14          MR. JAUQUET: It's still a  
15 single-family house being developed  
16 like any developer would develop a  
17 single-family house.

18          MR. BURNS: Because you wouldn't  
19 do it that way, doesn't mean that he  
20 can't do it that way.

21          MR. JAUQUET: Right. I mean, a  
22 three-quarter bath and a room  
23 downstairs that can function both as a  
24 bedroom and as a family room, at least  
25 on the plans could still work for other

1  
2 custom uses the tenant wants to make  
3 use of that.

4 I mean, anyway --

5 MR. BURNS: Well, that applies to  
6 almost every house in the Village. The  
7 new owner could use --

8 MR. JAUQUET: A new owner can do  
9 anything, but, you know, we've got two  
10 houses, small little houses, small  
11 little lots on vulnerable blocks in  
12 a -- with a Village history that, you  
13 know, has had abuse and situations that  
14 can't now be turned around.

15 Anyway, that's my -- what else did  
16 you talk about?

17 CHAIRMAN McMAHON: I think that  
18 was the gist of the conversation, that  
19 was the central -- my personal opinion  
20 is that, to me the plan seems to fit in  
21 with zoning regulations of the Village.  
22 It may not be an ideal setup. It seems  
23 to fit to me, and I don't feel I have  
24 any grounds to do anything, so that's  
25 my position. I believe Ben has a very

1  
2 similar position. I believe John would  
3 say --

4 MR. COTUNGO: Yeah, I agree with  
5 Peter.

6 MR. BURNS: What do you agree  
7 with?

8 MR. COTUNGO: That a house with  
9 that many bedrooms should definitely  
10 have more living area, and the idea of  
11 just changing the name bedroom to  
12 living is not acceptable. That was  
13 proposed at the last meeting, just  
14 changed the name.

15 MR. BURNS: I understand you can  
16 say that as an architect, you would  
17 suggest that to a client, but you're  
18 not the architect.

19 MR. COTUNGO: I say that as a  
20 resident of Greenport, not as an  
21 architect.

22 MR. BURNS: You sure would object  
23 to my house.

24 CHAIRMAN McMAHON: I believe there  
25 are a number of -- I don't think this

1  
2 necessarily is outside the norm of the  
3 Village. I think there are a number of  
4 homes in the Village that are built out  
5 the extent of the lot that would not be  
6 fitting with the code. Current  
7 regulations, I mean, this is generally  
8 conforming. There is a variance, but  
9 it's really just about the site of the  
10 home, not about the actual size of the  
11 home or anything in that regard.

12 MR. JAUQUET: Yeah.

13 CHAIRMAN McMAHON: I understand  
14 where you're coming from; I just think  
15 it's an appropriate use for it, and I  
16 don't see any reason to vote against  
17 it.

18 MR. FARRELL: If I can just  
19 address that point real quick.

20 Whether or not it's labeled as a  
21 bedroom or living room, the fact of the  
22 matter is the footprint isn't changing.  
23 The number of occupants of the dwelling  
24 are not changing. The bedroom is  
25 necessary because there are elderly

1  
2 people involved, and they can't do the  
3 stairs.

4 At the end of the day, you know,  
5 and I'll get into this more on the next  
6 application, I guess; this is a site  
7 plan review application. You're  
8 talking about site issues, so under the  
9 code that's traffic, parking,  
10 landscaping, and negative impacts on  
11 deterioration to the environment. If  
12 this was in a wetland or adjacent to a  
13 wetland, I could see those issues  
14 coming up.

15 The interior layout is really  
16 outside the purview of this Board  
17 because the Board of Trustees hasn't  
18 granted the architectural review  
19 authority, so whether they have a  
20 bedroom on the first floor or an extra  
21 living room on the first floor, it's  
22 not going to increase or decrease the  
23 impact that the structure is going to  
24 have on the site.

25 MR. JAUQUET: I would disagree

1  
2 with you on the point that the Planning  
3 Board does have purview over quality of  
4 life in the Village, and any kind of  
5 impact that a structure might  
6 contribute to that. It's not allowed  
7 in the code for the Planning Board's  
8 definition of what the Planning Board  
9 does, but we do have purview over  
10 what's built, how it's used, and what  
11 the impact of the architecture could  
12 have on too many people in a house, you  
13 know --

14 MR. FARRELL: That outside --  
15 that's an architect --

16 MR. JAUQUET: It's the Planning  
17 Board -- I'm just going to make a point  
18 for the audience.

19 MR. FARRELL: Okay.

20 MR. JAUQUET: The Planning Board  
21 has the power to help regulate the  
22 quality of life in the Village, and  
23 architecture interior and exterior  
24 contribute to that, so.

25 MR. FARRELL: I understand that,

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but --

MR. JAUQUET: You can't disagree --

MR. FARRELL: -- in terms of the short-term rental issue, I believe the Board of Trustees had a meeting this afternoon where they're looking to amend the rental permit ordinance of the code to address that issue, so to the extent --

MR. JAUQUET: We're working on it too.

MR. FARRELL: To the extent that, you know, would be a concern of this Board, that issue is going to be handled by the Board of Trustees and code enforcement, you know, if my clients were to violate those provisions of the code, there are substantial fines involved; \$500 a day for a first violation and up to \$5,000 after multiple violations, so, you know, to clamp down on the number of bedrooms in a house as a code

1 enforcement tool --

2  
3 MR. JAUQUET: I'm not saying it's  
4 a code -- I'm not associating with code  
5 enforcement, I'm associating with the  
6 quality-of-life purview that our Board  
7 has. It's not technical.

8 ATTORNEY PROKOP: I will,  
9 Mr. Farrell, thank you for your  
10 comments, and they're very respected,  
11 and I will advise the Board, I'll talk  
12 to the Board about the issues involved  
13 with this and we'll have the same  
14 comments, I guess, about the second  
15 application.

16 And not to get into the fray  
17 because I really don't want to, but I  
18 think that -- I'll withhold any  
19 comments for tonight, and I'll advise  
20 the Board.

21 MR. FARRELL: Okay.

22 ATTORNEY PROKOP: Prior to the  
23 next time they see you.

24 Thank you for your comments.

25 MR. FARRELL: Thank you.

1  
2 MR. JAUQUET: What about a  
3 three-quarter bath down there?

4 MR. FARRELL: I would have to talk  
5 to my client about that. I don't know  
6 that they're ready to make that change.  
7 They think the bathtub is helpful for  
8 the elderly --

9 MR. JAUQUET: I would think that a  
10 walk-in shower is better for the  
11 elderly.

12 MR. FARRELL: I don't know. I'm  
13 not a doctor.

14 MR. JAUQUET: My big concern is  
15 that a house, and it's a single-family  
16 house, whether he's got a special use  
17 for it for his elderly parents or not,  
18 it's still a single-family house, and  
19 it's got a lot of bedrooms, and it  
20 doesn't have much living space. You  
21 know, the kids -- everybody that does  
22 their homework is in the TV room and in  
23 the kitchen at the same time.

24 MR. FARRELL: Right.

25 MR. JAUQUET: That's my problem.

1  
2 MR. FARRELL: Right, that's -- I  
3 mean, look, I have a house that is  
4 slightly bigger than this one. We  
5 spend all our time in the living room  
6 and the kitchen, and it's going back  
7 and forth around the wall to get into  
8 the kitchen; with an open space, I mean  
9 open concept, there's something that's  
10 very popular now.

11 MR. JAUQUET: I know it is.

12 MR. FARRELL: And a lot of people  
13 are combining that space because when  
14 you entertain, where does everybody  
15 congregate? In the kitchen. You can  
16 expand that space out into the larger  
17 living room, it makes it much more  
18 comfortable, much more inviting, much  
19 more accommodating for guests and  
20 things like that. I mean I'm not an  
21 expert on interior design, but I know  
22 that open concept and floor plans such  
23 as the ones that they're proposing are  
24 very popular right now and most people  
25 either spend their time in their

1  
2 bedroom or in the living room watching  
3 the TV, and it's one big space, and I  
4 think it's big enough to accommodate,  
5 there are four bedrooms, there is no  
6 saying that all four bedrooms are going  
7 to be occupied by full adults. If  
8 there are kids, there are kids, but,  
9 you know, choosing a house of this  
10 size, which is not a large house, I  
11 mean, you're talking about a footprint  
12 of less than a thousand square feet, I  
13 think it's 800 --

14 MR. JAUQUET: It's a  
15 1,700-plus-or-minus-square-foot house.

16 MR. FARRELL: Over two floors,  
17 it's not built to --

18 MR. JAUQUET: The bedrooms  
19 upstairs are like, you know, about as  
20 small as they can get.

21 MR. FARRELL: I understand that,  
22 but how people choose to live is not my  
23 concern.

24 CHAIRMAN McMAHON: So at this  
25 point again, we're -- so we're actually

1 talking about the second application  
2 because this first item that we are  
3 technically on is still before the ZBA,  
4 so the one we're discussing right now  
5 is before the ZBA, we can't act on it  
6 regardless. We're still waiting for  
7 that.  
8

9 So I'm going to make a motion to  
10 move on to item number 3, which is -- I  
11 believe we don't have anything to do  
12 with item number 2 this evening, so I  
13 make a motion to move on to item number  
14 3.

15 Do I have a second for that?

16 MR. COTUNGO: Second.

17 CHAIRMAN McMAHON: All in favor?

18 MR. BURNS: Aye.

19 MR. COTUNGO: Aye.

20 MR. JAUQUET: Aye.

21 CHAIRMAN McMAHON: Motion carries.

22 So now we are talking about item  
23 number 3 which is essentially what we  
24 have been talking about.

25 Is there anyone else who would

1  
2 like to speak to this application this  
3 evening?

4 MR. FARRELL: With regard to item  
5 number 3, I just need to clarify a few  
6 points.

7 CHAIRMAN McMAHON: Sure.

8 MR. FARRELL: I'm a little  
9 confused about what happened -- I read  
10 the minutes from the hearings. I'm a  
11 little confused about what happened at  
12 the last hearing. It looks like there  
13 was some kind of vote taken on the  
14 pre-submission and it looked like it  
15 was a tie vote. I'm not sure where  
16 that stands, and what the impact on the  
17 application is.

18 ATTORNEY PROKOP: What was before  
19 the Board last meeting was an  
20 application for pre-submission review.  
21 Basically it's considered a  
22 pre-submission conference, and the  
23 Board voted on that pre-submission  
24 plan, and basically voted not to accept  
25 it because it was, as I understand it,

1                   Proceedings - 8-25-16                   36  
2                   was two to two; so it didn't -- there  
3                   was no approval of the plan.

4                   However, the idea of a  
5                   pre-submission conference is to try to  
6                   work out details and questions on the  
7                   plans, and see if there is any  
8                   willingness by the applicant to address  
9                   concerns of the Board. That didn't  
10                  take place, and so it can move,  
11                  apparently the applicant wants it to  
12                  move ahead although the Board indicated  
13                  that it wasn't in favor of the plan; I  
14                  think the applicant still has the  
15                  ability to move ahead if that's what  
16                  they'd like to do.

17                  So now it's before us as a regular  
18                  application, and we go through a  
19                  process of accepting the application  
20                  and then putting it on for action.

21                  So tonight would be only to accept  
22                  the application or not accept it, and  
23                  next meeting would be for vote.

24                  I just wanted to bring to Chairman  
25                  McMahon's attention that we have a

1  
2 four-person vote for tonight, and one  
3 of the things you might consider doing  
4 is to table the acceptance vote until  
5 next meeting, a week from tonight; and  
6 then do the acceptance and the approval  
7 votes at the same meeting.

8 CHAIRMAN McMAHON: Right now it  
9 appears as if we have a split vote and  
10 wouldn't be able to move forward  
11 regardless, so I think that's a  
12 reasonable way to move forward, we  
13 would at least have a full board. If  
14 there is going to be a denial, it would  
15 come from a full board as opposed to  
16 just a four-member board.

17 ATTORNEY PROKOP: I think that  
18 would enable me to have some time to  
19 make some comments to the Board and  
20 give advice.

21 CHAIRMAN McMAHON: Okay.

22 Does anyone have any thoughts or  
23 comments with regard to that?

24 MR. FARRELL: I just wanted to  
25 quickly go through, you know, just some

1  
2 minor points just to have it on the  
3 record. We had a brief discussion  
4 about the authority of the Board with  
5 regard to site plan approvals, et  
6 cetera. From looking at the code, I'm  
7 not sure that the Board of Trustees had  
8 given the Planning Board authority on  
9 site plan over single-family and  
10 two-family dwellings.

11 If you look at Chapter 150-30,  
12 that section states in all cases where  
13 this Chapter requires approval of site  
14 development plans by the Planning  
15 Board, no building permit shall be  
16 issued by the Building Inspector except  
17 upon authorization of, and in  
18 conformity with the plans approved by  
19 the Planning Board.

20 I bring that up because I went  
21 through every section of the code. And  
22 there are multiple references to site  
23 plan approval, but they're all in  
24 sections dealing with commercial  
25 districts and commercial uses. For

1                   Proceedings - 8-25-16                   39  
2                   example, all of the commercial  
3                   districts, CR, they have the following  
4                   language: In a -- insert this  
5                   commercial zoning district here -- no  
6                   building or premises shall be used and  
7                   no building or part of a building shall  
8                   be erected or altered, which is  
9                   arranged, intended or designed to be  
10                  used in whole or in part for any use  
11                  except as listed below and all such  
12                  uses will be subject to site plan  
13                  approval in accordance with Article 11,  
14                  Section 150-30.

15                  Now, that language carries through  
16                  for the general Commercial District as  
17                  well as the Waterfront Commercial  
18                  District. That same language is not in  
19                  the R-1 and R-2 Districts. In fact, it  
20                  does appear -- I have to take that  
21                  back, it does appear in the R-1  
22                  District, but only as it relates to bed  
23                  and breakfast. It does not say that  
24                  single-family homes or two-family homes  
25                  are subject to site plan review.

1  
2 I understand that that's the, I  
3 believe that's the way the Board has  
4 handled things in the past, I'm just  
5 not sure that that was the intent of  
6 the Board of Trustees when these  
7 provisions were enacted. It's also  
8 required in multi-family dwellings,  
9 when you create a multi-family building  
10 and apartment units.

11 So I just wanted to bring that up.

12 I also want the record to reflect  
13 that the comments, I guess, regarding  
14 the design of the house should be  
15 incorporated, actually all of the  
16 testimony from the previous  
17 application, item number 2 should be  
18 incorporated into the testimony with  
19 respect to item number 3.

20 I will say that I spoke to my  
21 client --

22 ATTORNEY PROKOP: Your comments or  
23 the Board's comments?

24 MR. FARRELL: Everybody's comment.  
25 I think the entire testimony for item

1  
2 number 2 should be included into item  
3 number 3, and we're talking about the  
4 same house style, the same design. I  
5 don't think we need to get into the  
6 same back and forth. This way the  
7 record is clear that we're bringing all  
8 those comments in.

9 ATTORNEY PROKOP: Thank you.

10 MR. FARRELL: I did have an  
11 opportunity to speak to my client, they  
12 would agree to do the three-quarter  
13 bath on the first floor if that would  
14 satisfy the Board.

15 MR. JAUQUET: All right.

16 We're not going to make any  
17 decisions until --

18 ATTORNEY PROKOP: My  
19 recommendation is that the Board adopt  
20 a motion to adjourn the acceptance vote  
21 until next week.

22 MR. JAUQUET: We can have another  
23 week to --

24 ATTORNEY PROKOP: I have to speak  
25 to the Board, I'm going to provide some

1  
2 input to the Board regarding legal  
3 questions.

4 CHAIRMAN McMAHON: Okay.

5 Does anyone else have anything to  
6 add to this before we move on?

7 Essentially, the attorney has  
8 advised us that he has the few items  
9 that he would like to counsel us on as  
10 we previously discussed, I do think,  
11 especially since right now it looks  
12 like it would be a split vote, would be  
13 a no vote, it would be in the best  
14 interest of the Board to have a  
15 full-Board vote, the yay or nay at the  
16 next meeting.

17 So I'm going to make a motion to  
18 table this discussion to the regular  
19 session next Thursday.

20 MR. COTUNGO: Second.

21 CHAIRMAN McMAHON: All in favor?

22 MR. BURNS: Aye.

23 MR. JAUQUET: Aye.

24 MR. COTUNGO: Aye.

25 CHAIRMAN McMAHON: Motion carries.

Thank you very much.

Item number 4, motion to accept use evaluation application for Rachel Mysliborski doing business as Woodstruck, LLC.

The applicant has opened a retail boutique at 313 Third Street, within the Sterlington Commons.

This is a permitted use in the CR-Commercial/Retail District.

This property is not located within the Historic District.

Suffolk County Tax Map number 1001-6-2-23.

Do we have anyone speaking?

MS. MYSLIBORSKI: Rachel Mysliborski.

My husband and I, Mark, 1500 Stars Road, East Marion. We're proposing a use evaluation application for retail store in which we sell furniture, wood furniture, and that is about it.

One correction I wanted to make is that our legal name is Woodstruck LLC;

1  
2 however, we're doing business as  
3 Island's End Woodcraft.

4 CHAIRMAN McMAHON: That looks like  
5 what's on the application. Woodstruck  
6 LLC would be Island's End Woodcraft.

7 MS. MYSLIBORSKI: You got it.

8 ATTORNEY PROKOP: This says open a  
9 retail boutique; can you just give us a  
10 little more description?

11 MS. MYSLIBORSKI: Yes.

12 My husband makes wood furniture,  
13 we have a shop at our home in East  
14 Marion. We do small fixes, repairs,  
15 that sort of thing, refinishing, all  
16 within our structured line, and we sell  
17 the pieces here in Greenport. We sell  
18 some candles, all U.S.A.-made products,  
19 at least we try to do 90-plus percent  
20 American made. That's really our  
21 purpose is to help people repair their  
22 furniture. Sometimes we bring in  
23 estate pieces, repair them for sale.  
24 That sort of thing.

25 If you have any questions, I'd be

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happy to answer.

CHAIRMAN McMAHON: Do we have  
general floor plan of the --

MS. MYSLIBORSKI: I do.

CHAIRMAN McMAHON: Do you have  
one?

MS. MYSLIBORSKI: It should have  
been with the application, I thought.

MS. WINGATE: Yes. It's not much,  
but it's there.

CHAIRMAN McMAHON: I see it.

MS. MYSLIBORSKI: I blew it up, I  
blew up the actual plan. We haven't  
changed anything inside; we just  
literally painted and added our  
products.

CHAIRMAN McMAHON: It's  
essentially one open space.

MS. MYSLIBORSKI: Correct, one  
open space with two columns in the  
middle, yes.

CHAIRMAN McMAHON: The counter for  
sales and --

MS. MYSLIBORSKI: The counter is

1  
2 also movable. We have made no  
3 permanent structural changes at all.

4 CHAIRMAN McMAHON: I imagine there  
5 is negative garbage being generated.

6 MS. MYSLIBORSKI: We bring our  
7 garbage home.

8 CHAIRMAN McMAHON: It's just a use  
9 evaluation application.

10 Does anyone have any -- I believe  
11 this is a permitted use.

12 MS. WINGATE: Yes.

13 CHAIRMAN McMAHON: Does anyone  
14 have any issues, questions, comments  
15 with regard to this application?

16 MR. BURNS: The sign.

17 CHAIRMAN McMAHON: So the sign is,  
18 I can see it's larger than what is  
19 permitted.

20 MS. WINGATE: No.

21 CHAIRMAN McMAHON: No.

22 MS. WINGATE: The size is good,  
23 you're not allowed to have signs above  
24 the roof corner, so how you mount it on  
25 the roof is a problem.

1  
2 I had missed that originally and  
3 Glynis brought it to my attention, so  
4 they're going to have to find a  
5 different location for the sign.

6 MS. MYSLIBORSKI: We're more than  
7 happy to do that. The problem with the  
8 location is we do not have a gable end  
9 that is facing anything public. The  
10 back of the gable end of this  
11 particular building faces the backyard  
12 of a residential area.

13 If you have any recommendations as  
14 to where else you would like us to put  
15 it, that would be wonderful. We did  
16 speak with our neighbor Brian Arm  
17 Physical Therapy, he does not have a  
18 problem with us sharing part of his  
19 side of the building to put a sign up.  
20 We prefer not to, but the other issue  
21 is that where our eave is very low.  
22 We're very hidden in the back of  
23 Sterlington Commons and therefore it's  
24 very difficult to get the attention of  
25 the public which obviously it was our

1  
2 choice when we decided to rent it, I  
3 understand that, but if the Board has  
4 any recommendation, I'd like to hear  
5 about that.

6 CHAIRMAN McMAHON: I don't  
7 personally have any recommendation. Is  
8 this -- is that existing now or just a  
9 Photoshop?

10 MS. MYSLIBORSKI: No. We put that  
11 there, we were under the understanding,  
12 we were wrong, that because it was a  
13 private property that the sign would  
14 not be under Board approval. We were  
15 wrong, ignorance is not a defense of  
16 the law, I understand that.

17 Like I said, we would be more than  
18 happy to move it. Where, I don't know.

19 CHAIRMAN McMAHON: I don't  
20 personally have any issue with the  
21 sign, but if it's not allowed, it's not  
22 allowed, so we wouldn't be able to  
23 approve an application with the sign as  
24 it were. If you plan to remove it or  
25 move it --

1  
2 MS. MYSLIBORSKI: We would be  
3 happy to do that. Is there any -- so  
4 basically, all it's saying is that --  
5 because it's not attached to the roof,  
6 my understanding of it was that it  
7 couldn't pierce the actual roof, which  
8 it doesn't, it's attached to the vinyl  
9 of the dormer, just wondering if you  
10 look below from the parking lot, you  
11 wouldn't be able to see that. The  
12 other buildings have a gable end that  
13 they can put signs up on, so unless we  
14 can share the side of another building,  
15 that's fine.

16 ATTORNEY PROKOP: Why don't you go  
17 to the ZBA?

18 MS. WINGATE: There was also the  
19 possibility of a detached sign, you  
20 were limited to size. I really haven't  
21 looked at the code.

22 CHAIRMAN McMAHON: I'm not very  
23 familiar with the section of code  
24 you're referring to, so I will take a  
25 look at it before the next meeting.

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MS. MYSLIBORSKI: Okay.

CHAIRMAN McMAHON: I believe it's currently not allowed.

MS. MYSLIBORSKI: We'll remove it, and what happens from there?

CHAIRMAN McMAHON: I have no issue with the use, I mean, that's essentially what we're looking at, if the sign is currently not conforming, that would have to be addressed; otherwise, I have no issue with the use.

MR. JAUQUET: Same here.

MR. COTUNGO: I have no issue with the use. I don't really like the sign there. As an architect, I don't like that you bridge two dormers with a sign.

MS. MYSLIBORSKI: I don't either.

MR. COTUNGO: That's like against all architectural rules.

MS. MYSLIBORSKI: How do you get to that conclusion; I'm curious, as an architect what is --

1  
2 MR. COTUNGO: Because dormers are  
3 meant to be freestanding, not connected  
4 with a sign. That wasn't the purpose  
5 of constructing dormers, I think it's  
6 an insult to the architectural  
7 integrity of the building.

8 MS. MYSLIBORSKI: You can't really  
9 see the building from the parking lot,  
10 that was the problem.

11 MR. JAUQUET: Can't you put the  
12 sign freestanding on a post at the  
13 entry into that walkway?

14 MS. MYSLIBORSKI: That would be  
15 great.

16 ATTORNEY PROKOP: Can I make a  
17 suggestion? We had decided that  
18 procedurally we would accept use  
19 applications as a Type 2 action, and  
20 also we would approve them at work  
21 sessions if there was nothing that  
22 needed to be discussed, so the motion  
23 that I would recommend if the Board is  
24 okay is to adopt lead agency status,  
25 determine that it's a Type 2 action for

1  
2 purposes of SEQRA, and approve the use  
3 review application, but deny -- do we  
4 even have an application for the sign?

5 MS. MYSLIBORSKI: Yes.

6 ATTORNEY PROKOP: So deny the sign  
7 application and just leave it at that  
8 and let her figure it out. She should  
9 go to the ZBA.

10 CHAIRMAN McMAHON: As far as the  
11 use of the building, we'd all like to  
12 move on, we have no issues with that.

13 If the sign is not allowed as it  
14 is, then it's not allowed.

15 MS. MYSLIBORSKI: It will be taken  
16 off.

17 CHAIRMAN McMAHON: Go to the ZBA  
18 and make a request to them or change  
19 it, that's up to you.

20 MS. MYSLIBORSKI: Okay.

21 CHAIRMAN McMAHON: That's the best  
22 way to move forward today, so I'm going  
23 to make a motion that we adopt lead  
24 agency status for purposes of SEQRA,  
25 make a determination this is a Type 2

1  
2 action and make a declaration this will  
3 not have any significant negative  
4 impact on the environment.

5 Do I have a second for that?

6 MR. COTUNGO: Second.

7 CHAIRMAN McMAHON: All in favor?

8 MR. BURNS: Aye.

9 MR. COTUNGO: Aye.

10 MR. JAUQUET: Aye.

11 CHAIRMAN McMAHON: Motion carries.

12 I make another motion that we  
13 approve the use evaluation application  
14 without the sign portion of the  
15 application, approve the proposed use.

16 Do I have a second for that?

17 MR. BURNS: Second.

18 CHAIRMAN McMAHON: All in favor?

19 MR. BURNS: Aye.

20 MR. COTUNGO: Aye.

21 MR. JAUQUET: Aye.

22 CHAIRMAN McMAHON: Motion carries.

23 And I guess third part would be a  
24 motion to deny the sign application  
25 because it does not conform to the

1 specifications in the Village code.

2 Do I have a second?

3 MR. BURNS: Second.

4 CHAIRMAN McMAHON: All in favor?

5 MR. BURNS: Aye.

6 MR. COTUNGO: Aye.

7 MR. JAUQUET: Aye.

8 CHAIRMAN McMAHON: Motion carries.

9 If you would like to go to the ZBA  
10 for the sign, that's up to you or if  
11 you would like to move it.

12 MS. MYSLIBORSKI: Are there  
13 area -- one last question.

14 Are there areas on the building or  
15 around thereabouts that would have been  
16 acceptable because I'm -- you know,  
17 we're very --

18 CHAIRMAN McMAHON: I don't know.

19 MS. MYSLIBORSKI: So it's not  
20 allowed, but we don't know where it is  
21 allowed?

22 ATTORNEY PROKOP: You have to get  
23 a professional to look at that, hire a  
24 design professional.

1 CHAIRMAN McMAHON: Thank you.

2 MS. MYSLIBORSKI: Thank you.

3 CHAIRMAN McMAHON: All right.

4 Let's move on to item number 5.

5 Item number 5, 11 Third Street.

6 Motion to accept use evaluation

7 application for Christian De Leon.

8 The applicant proposed to open a  
9 barbershop at 311 Third Street, within  
10 the Sterlington Commons.  
11

12 This is a permitted use in the CR  
13 Commercial/Retail District.

14 This property is not located  
15 within the Historic District.

16 Suffolk County Tax Map number  
17 1001-6-2-23.5.

18 Hello.

19 MR. ARNOLD: My name is Jordan  
20 Arnold. I am appearing with Mr. De  
21 Leon just to make sure that nothing  
22 gets lost in translation.

23 CHAIRMAN McMAHON: Sure.

24 MR. ARNOLD: Just full disclosure,  
25 I'm an attorney, but I'm not appearing

1  
2 in my capacity as an attorney, just a  
3 very good friend of Mr. De Leon.

4 CHAIRMAN McMAHON: So this is an  
5 application, the same development as  
6 the previous one for a barbershop,  
7 which I believe is a permitted use in  
8 the Commercial Retail District.

9 Does anyone have any comments,  
10 questions with regard to this  
11 application?

12 MR. COTUNGO: No.

13 CHAIRMAN McMAHON: Do we have any  
14 issues with -- is there currently a  
15 sign out front?

16 MR. ARNOLD: I don't believe there  
17 is, no.

18 CHAIRMAN McMAHON: Okay.

19 Is there -- was there a formal  
20 sign application submitted?

21 MS. WINGATE: Yes, but he has the  
22 same situation, they're on the opposite  
23 sides of the building.

24 CHAIRMAN McMAHON: Okay, so the  
25 same thing.

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MS. WINGATE: Same thing.

CHAIRMAN McMAHON: Okay.

Again, so does anyone have any issue with the use as proposed?

MR. COTUNGO: No.

MR. JAUQUET: No.

CHAIRMAN McMAHON: Okay.

CHAIRMAN McMAHON: The sign itself, I have no issue with the sign; obviously if there is an issue with where the sign is going to be located, we will have to deny that as it doesn't conform to the code; but otherwise I think we can move forward unless anyone has any questions or concerns.

I'm going to make a motion for purposes of SEQRA we adopt lead agency status, type this as a Type 2 action, determine it will have no significant negative impact on the environment.

Can I have a second for that motion?

MR. COTUNGO: Second.

CHAIRMAN McMAHON: All in favor?

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MR. JAUQUET: Aye.

MR. COTUNGO: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carries.

I make a motion to deny the sign application as it does not conform to the code as existing. If the applicant wishes to go before the ZBA or do something different with the sign, he's free to do so.

Do I have a second for that motion?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. COTUNGO: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Motion carries.

And finally, I make a motion to approve the use evaluation application as submitted without the signage.

Do I have a second for that?

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor?

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MR. BURNS: Aye.

MR. COTUNGO: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: The motion carries.

Thank you very much.

Item number 6, vacant lot on Sixth Street.

Motion to accept the application for site plan review and subdivision approval for Michael Kimack.

Mr. Kimack represents Sixth Street LLC, and has applied to subdivide the property.

The proposed subdivision creates one substandard lot at 6,557.4 square feet which has an existing two-family house and one conforming lot at 7,531 square feet. The subdivision has created several nonconforming setbacks, which will need variances.

This property is not located within the Historic District.

Suffolk County Tax Map number

1001-6-3-5.

Are you the applicant?

MR. PFLANZL: Yes, I'm the owner.

CHAIRMAN McMAHON: Is there anything you would like to say about the application?

MR. PFLANZL: The current house is a two-family house. We are willing to give up one family, we want to make it into a one-family house and therefore build another house in the rear lot. I bought this property with my friend. I want to have the front house and he wants to build another house in the back.

CHAIRMAN McMAHON: Okay.

If you can just please, I'll give you pen and paper, if you could write down your name and state your name afterwards for the record.

ATTORNEY PROKOP: Are you Michael Kimack?

MR. PFLANZL: No, Michael Kimack is the expediter, but he could not come

1  
2 today.

3 ATTORNEY PROKOP: I'm sorry,  
4 thanks.

5 MR. PFLANZL: My name is Wolfgang  
6 Pflanzl.

7 CHAIRMAN McMAHON: Are you  
8 representing Sixth Street LLC?

9 MR. PFLANZL: Yes.

10 CHAIRMAN McMAHON: As noted from  
11 what I just read, this does require  
12 variances so we would have to deny the  
13 application, and it would be sent to  
14 the ZBA for their review. That's just  
15 because we don't really have a choice  
16 but to deny it.

17 We can discuss if anyone wants to  
18 bring up anything with regard to the  
19 application, but right now I think the  
20 only thing we can do is deny it.

21 So if anyone wants to speak, feel  
22 free.

23 MS. McENTEE: Joann McEntee, 242  
24 Fifth Avenue.

25 One of the things -- and just

1 researching this property, I'm a bit  
2 concerned because I've noticed that  
3 this property -- I went to the Town of  
4 Southold and looked at the property tax  
5 card today, and the property tax card  
6 says .12 that he is assessed in paying  
7 taxes on, which the 5,227 square feet.

8  
9 Now, I understand that the survey  
10 is different with the application here.  
11 I do have some maps that do appear that  
12 the lot does look like it is .30.

13 I am concerned that, one, that the  
14 Village of Greenport possibly has been  
15 losing thousands of dollars as well as  
16 the Town of Southold losing thousands  
17 of dollars throughout the years on this  
18 property.

19 I do have a call in, again, on  
20 Monday to the Town of Southold to  
21 rectify it. Somebody was not there to  
22 assist me further.

23 The difference here is 8,961  
24 square feet. It is alarming, so I am  
25 not quite sure why if this is 5,227 and

1  
2 then we're subdividing it where it says  
3 here to be 6,557 and 7,351 which equals  
4 14,188, where does the 227 come in?  
5 This is kind of very concerning.

6 One of the things that I would  
7 suggest is, one, before we even  
8 consider moving forward with the  
9 subdivision or moving it on to the next  
10 level, is really straighten out this  
11 issue first.

12 Is there another property that's  
13 involved; is there a deed that really  
14 needs to be addressed?

15 One thing I was concerned about  
16 originally is, you know, just looking  
17 at the agenda, it said vacant lot on  
18 Sixth Street, so I'm looking all around  
19 for this vacant lot on Sixth Street. I  
20 did look up the tax map number, not an  
21 issue because I can, but there are  
22 people that don't realize, some of the  
23 public do not realize that, that they  
24 have access to this information on the  
25 internet or do not have the time. It

1  
2 would have been more advantageous for  
3 the agenda to have a street on it,  
4 rather than just vacant lot, as it  
5 usually does. It also does not state  
6 whether it's in an R-1 or R-2. I  
7 generally know, but generally the  
8 public does not know, but it does say  
9 that it's not in the Historic District  
10 so --

11 ATTORNEY PROKOP: This was your  
12 comment from yesterday?

13 MS. McENTEE: This is my comment,  
14 my letter.

15 ATTORNEY PROKOP: I apologize. I  
16 didn't realize what you were saying,  
17 but you're absolutely correct.

18 When I got this agenda that said,  
19 it just referred to it as item number  
20 6, and the description vacant lot on  
21 Sixth Street is my language because I  
22 was trying to add something, it was  
23 only referred to as item number, but  
24 you're correct, it should have referred  
25 to it as a lot number, and I'm the

1  
2 final person that reviews these agendas  
3 and it is my mistake because you're  
4 right, there is a house on the lot and  
5 from now on it should be referred to as  
6 the number of the house.

7 Do you know what the number is?

8 MS. McENTEE: I believe it's 429.

9 MR. PFLANZL: 429 Sixth Street.

10 ATTORNEY PROKOP: 429 Sixth  
11 Street?

12 MR. PFLANZL: Yes.

13 ATTORNEY PROKOP: So I didn't  
14 understand, when I heard that you  
15 commented, I didn't understand what it  
16 was, but thank you for making it right.

17 MS. McENTEE: Okay.

18 The bigger issue really is what is  
19 the lot, is it .12 which is 5,257  
20 square or is it as it's stated here,  
21 14,188, and why are the taxes so far  
22 less because obviously it's less  
23 currently.

24 I called the Village of Greenport  
25 today, they could not give me an answer

1  
2 as to what he was paying taxes on,  
3 other than stating that the Town of  
4 Southold says this is what the  
5 assessment value is; and this is what  
6 Greenport will submit the taxes to our  
7 property owners.

8 ATTORNEY PROKOP: Did you get a  
9 copy of the assessor's card when you  
10 were there at the Town?

11 MS. McENTEE: I did not, but I  
12 will get that on Monday.

13 ATTORNEY PROKOP: I can look it up  
14 tomorrow, but if you want to get that  
15 we can look at it and make comments, if  
16 it's appropriate to make a comment to  
17 the Town.

18 MS. McENTEE: Again, is this  
19 unfair for me to say not to move  
20 forward until this issue is  
21 straightened out; could this lot have  
22 been subdivided at another time, or is  
23 it part of Corwin Street which leads  
24 right into it?

25 I don't believe so, because a line

1  
2 is drawn right there, but it is kind of  
3 concerning.

4 ATTORNEY PROKOP: The Board has to  
5 deny the application, they don't have a  
6 choice, so I think if there's anything  
7 that has to be straightened out, it  
8 would have to be straightened out  
9 before it goes to another Board.

10 This Board will be it for tonight  
11 for the application. It's a mandatory  
12 denial.

13 MS. McENTEE: Thank you.

14 ATTORNEY PROKOP: Unless somebody  
15 disagrees with me.

16 CHAIRMAN McMAHON: No. It's my  
17 understanding we would deny the  
18 application because it's not conforming  
19 and it would have to go to ZBA.

20 If there are issues that are -- if  
21 something's wrong with the tax map,  
22 that's not really something we would  
23 rectify, but it would certainly be  
24 rectified before any application could  
25 go forward anywhere whether it would be

1  
2 ZBA or anyone else.

3 We have a stamped survey here, so  
4 if there is an issue with that, I'm not  
5 really sure who would be the  
6 appropriate person to address that.

7 Again, the plans as submitted  
8 would have to be denied regardless.

9 Anyone else have any different  
10 thoughts?

11 MR. COTUNGO: He definitely needs  
12 more information on his application  
13 whether he goes to the Zoning Board or  
14 comes back to us, he definitely needs  
15 what's called a zoning analysis or  
16 zoning compliance table where you list  
17 on each lot what the area is, what the  
18 lot coverage is, whether it's a front  
19 yard setback all on the chart so it  
20 makes it easier for people to diagnose  
21 what's going on here. Even this survey  
22 is not that clear. I'm reading it and  
23 it should show the driveway coming in  
24 on this street, and it should propose  
25 some kind of house.

1                   MR. PFLANZL: We are proposing  
2  
3 that.

4                   MR. COTUNGO: It's a little  
5 unclear too, there's a two-story  
6 dwelling and then there's going to be a  
7 440 square foot addition.

8                   MR. PFLANZL: That is going to be  
9 the new proposed addition which we need  
10 a variance for because we're doing --

11                   MR. COTUNGO: You're taking down  
12 part of the house --

13                   MR. PFLANZL: Yes, we're taking  
14 down that current addition, and we want  
15 to build a new addition.

16                   CHAIRMAN McMAHON: Does anyone  
17 have an opinion as to whether or not  
18 this is incomplete, is it good enough  
19 that we can deny it or is it simply --

20                   MR. COTUNGO: I think it's  
21 complete enough that you can deny it,  
22 but I'm just trying to give some advice  
23 how you should proceed.

24                   MR. PFLANZL: Right.

25                   ATTORNEY PROKOP: I don't know if

1  
2 we have a scale requirement for the  
3 Village. I don't know that the ZBA  
4 can -- is that scale too small for the  
5 ZBA?

6 MR. COTUNGO: It's hard to read.

7 MS. WINGATE: For the survey?

8 ATTORNEY PROKOP: Yes.

9 MS. WINGATE: That's standard.

10 MR. PALLAS: Before it goes to  
11 ZBA, it would have an outline of a  
12 house which isn't there yet. It can't  
13 proceed in this manner to the ZBA, so  
14 this, you know, he is just showing --

15 CHAIRMAN McMAHON: You're saying  
16 this is essentially incomplete at this  
17 time.

18 MR. PALLAS: For the subdivision  
19 process at this stage of the  
20 subdivision, following the process,  
21 this is the first pass, but it needs  
22 Zoning Board, so that they would have  
23 to refine this application  
24 significantly to go to Zoning and  
25 assuming that they attain approval, it

1  
2 would come back here with more detail  
3 from Zoning, plus subdivision detail is  
4 required with code.

5 CHAIRMAN McMAHON: So either way,  
6 we will be denying this application.

7 MR. COTUNGO: Yes.

8 CHAIRMAN McMAHON: I'm going to  
9 make a motion that we deny this  
10 application as it requires variances  
11 that we cannot grant.

12 Do I have a second for that?

13 MR. COTUNGO: Second.

14 CHAIRMAN McMAHON: All in favor?

15 MR. JAUQUET: Aye.

16 MR. COTUNGO: Aye.

17 MR. BURNS: Aye.

18 CHAIRMAN McMAHON: Motion carries.

19 Thank you very much.

20 Item number 7, 201 Manor Place.

21 Motion to accept the application  
22 for Site Plan review for Eastern Long  
23 Island Hospital.

24 Applicant John Condon has been  
25 authorized to submit plans for a

1  
2 30-inch seawall/curb on the east,  
3 south, and west sides of the hospital.

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

8 This property is not located  
9 within the Historic District.

10 Suffolk County Tax Map number  
11 1001-2-3-2.

12 Is there anybody who would like to  
13 speak on behalf of the applicant?

14 (No response.)

15 Does anyone have any -- my  
16 understanding is that this is a safety  
17 measure or precaution in case there's  
18 flooding, it would -- it's raising the  
19 generator; is that correct, and  
20 providing a seawall in case there's  
21 flooding issues.

22 MR. PALLAS: That was the intent  
23 as provided to us by the applicant,  
24 yes.

25 CHAIRMAN McMAHON: Okay.

1  
2 Does anyone have any comments or  
3 questions?

4 MR. PALLAS: Just for the Board's  
5 information, this requires a wetlands  
6 permit from the Village Board of  
7 Trustees which, the process starts  
8 tonight with the Village Board.

9 CHAIRMAN McMAHON: This is already  
10 on their agenda?

11 MR. PALLAS: It's on the agenda to  
12 schedule a public hearing for the  
13 wetlands permit.

14 CHAIRMAN McMAHON: Okay, so  
15 they're going to take lead agency  
16 status for purposes of SEQRA; is that  
17 right?

18 ATTORNEY PROKOP: Yes. I think  
19 that would probably be best, yes.

20 CHAIRMAN McMAHON: Okay.

21 ATTORNEY PROKOP: Because we can't  
22 do anything until they approve it.

23 CHAIRMAN McMAHON: So then, unless  
24 anyone has anything else to say about  
25 it, I'm going to suggest we table it

1                   Proceedings - 8-25-16                   74  
2                   until the next meeting, give the  
3                   Village Board time to address this, to  
4                   get the wetlands permit.

5                   I'm going to make a motion to  
6                   table this to the next meeting, next  
7                   work session --

8                   I'm going to make a motion we  
9                   table this until the September work  
10                  session.

11                  Do I have a second for that?

12                  MR. JAUQUET:    Second.

13                  CHAIRMAN McMAHON:  All in favor?

14                  MR. BURNS:    Aye.

15                  MR. COTUNGO:   Aye.

16                  MR. JAUQUET:   Aye.

17                  CHAIRMAN McMAHON:  Motion carries.

18                  Item number 8, motion to approve  
19                  the Planning Board minutes of the July  
20                  28, 2016 and July 7, 2016 meetings.

21                  Do I have a second for that?

22                  MR. BURNS:    Aye.

23                  CHAIRMAN McMAHON:  All in favor?

24                  MR. BURNS:    Aye.

25                  MR. COTUNGO:   Aye.

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MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Motion carries.

Item number 9, motion to adjourn.

Do I have a second for that?

MR. COTUNGO: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: Aye.

MR. COTUNGO: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carries.

Thank you very much.

(Time noted: 6:15 p.m.)

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C E R T I F I C A T E

I, STEPHANIE O'KEEFFE, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on August 25, 2016.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of August, 2016.

*Stephanie O'Keefe*

STEPHANIE O'KEEFFE

**ATTORNEY PROKOP: [40]** 8/25 9/15 9/19  
10/2 10/20 13/8 13/13 13/19 13/23 15/2 15/11  
15/15 17/9 30/7 30/21 35/17 37/16 40/21 41/8  
41/17 41/23 44/7 49/15 51/15 52/5 54/22  
60/21 61/2 64/10 64/14 65/9 65/12 66/7 66/12  
67/3 67/13 69/24 70/7 73/17 73/20  
**CHAIRMAN McMAHON: [120]**  
**MR. ARNOLD: [3]** 55/18 55/23 56/15  
**MR. BROWN: [33]** 5/6 5/20 5/23 6/13 6/16  
6/22 7/2 7/5 7/12 7/16 7/20 7/24 8/3 8/9 9/12  
10/18 11/2 11/13 12/16 13/4 13/11 14/18  
14/20 15/10 15/13 15/17 16/6 16/16 16/20  
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**MR. BURNS: [28]** 14/14 16/11 19/23 23/5  
23/8 23/11 23/17 24/4 25/5 25/14 25/21 34/17  
42/21 46/15 53/7 53/16 53/18 54/3 54/5 58/3  
58/13 58/15 58/25 71/16 74/13 74/21 74/23  
75/9  
**MR. COTUNGO: [38]** 10/24 12/5 12/24 16/12  
19/16 19/24 25/3 25/7 25/18 34/15 34/18  
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53/19 54/6 56/11 57/5 57/23 58/2 58/16 59/2  
68/10 69/3 69/10 69/19 70/5 71/6 71/12 71/15  
74/14 74/24 75/5 75/8

**MR. FARRELL: [22]** 21/10 22/22 26/17 28/13  
28/18 28/24 29/4 29/13 30/20 30/24 31/3  
31/11 31/23 31/25 32/11 33/15 33/20 35/3  
35/7 37/23 40/23 41/9  
**MR. JAUQUET: [45]** 14/12 16/13 19/15  
19/21 19/25 22/3 22/23 23/7 23/10 23/13  
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29/11 30/2 30/25 31/8 31/13 31/24 32/10  
33/13 33/17 34/19 41/14 41/21 42/22 50/13  
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**MR. PALLAS: [10]** 8/16 8/20 15/21 18/4  
18/19 70/9 70/17 72/21 73/3 73/10  
**MR. PFLANZL: [10]** 60/3 60/7 60/23 61/8  
65/8 65/11 68/25 69/7 69/12 69/23  
**MS. McENTEE: [7]** 61/22 64/12 65/7 65/16  
66/10 66/17 67/12  
**MS. MYSLIBORSKI: [24]** 43/16 44/6 44/10  
45/4 45/7 45/12 45/19 45/24 46/5 47/5 48/9  
48/25 49/25 50/4 50/19 50/22 51/7 51/13 52/4  
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**MS. WINGATE: [11]** 8/15 12/19 45/9 46/11  
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**\$5,000 [1]** 29/22  
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**.12 [2]** 62/7 65/19  
**.30 [1]** 62/12

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**1,700-plus-or-minus-square-foot [1]** 33/15  
**1001-2-2-29 [1]** 21/8  
**1001-2-3-2 [1]** 72/11  
**1001-4-7-29.1 [1]** 5/4  
**1001-6-2-23 [1]** 43/15  
**1001-6-2-23.5 [1]** 55/17  
**1001-6-3-5 [1]** 60/2  
**11 [3]** 3/23 39/13 55/6  
**12th [1]** 12/21  
**14,188 [2]** 63/4 65/21  
**150-30 [2]** 38/11 39/14  
**1500 [1]** 43/19

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**20 [1]** 2/5  
**20-34 [1]** 2/7

**201 [2]** 2/13 71/20  
**2015 [1]** 3/12  
**2016 [7]** 1/8 3/6 4/6 74/20 74/20 76/7 76/13  
**217 [3]** 2/7 20/5 20/15  
**227 [1]** 63/4  
**23 [1]** 43/15  
**23.5 [1]** 55/17  
**242 [1]** 61/23  
**25 [3]** 1/8 3/6 76/7  
**25th [1]** 76/13  
**28 [1]** 74/20  
**29 [1]** 21/8  
**29.1 [1]** 5/4

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**3-20 [1]** 2/5  
**30 [2]** 38/11 39/14  
**30-inch [1]** 72/2  
**300-308 [2]** 2/4 3/8  
**308 [2]** 2/4 3/8  
**308C [4]** 3/25 4/9 6/11 7/24  
**311 [2]** 2/11 55/10  
**313 [2]** 2/10 43/8  
**333 [1]** 21/13  
**34 [1]** 2/7  
**34-42 [1]** 2/9

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**42 [1]** 2/9  
**42-55 [1]** 2/10  
**429 [3]** 65/8 65/9 65/10  
**440 [1]** 69/7

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**5,227 [2]** 62/8 62/25  
**5,257 [1]** 65/19  
**525 [1]** 2/9  
**55 [1]** 2/10  
**55-59 [1]** 2/11  
**59 [1]** 2/11  
**59-72 [1]** 2/12  
**5:10 [1]** 1/8

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**6,557 [1]** 63/3  
**6,557.4 [1]** 59/17  
**601 [1]** 21/14  
**6:15 [1]** 75/13

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**7,351 [1]** 63/3  
**7,531 [1]** 59/19  
**72 [1]** 2/12  
**72-74 [1]** 2/13  
**74 [1]** 2/13

**8**  
**8,961 [1]** 62/23  
**800 [1]** 33/13

**9**  
**90-plus [1]** 44/19

**A**  
**ability [1]** 36/15  
**able [3]** 37/10 48/22 49/11  
**about [24]** 17/17 17/17 24/16 26/9 26/10 27/8  
30/12 30/14 31/2 31/5 33/11 33/19 34/2 34/22  
34/24 35/9 35/11 38/4 41/3 43/23 48/5 60/6  
63/15 73/24  
**above [2]** 5/14 46/23  
**absolutely [1]** 64/17  
**abuse [1]** 24/13  
**accept [8]** 35/24 36/21 36/22 43/3 51/18 55/7  
59/10 71/21  
**acceptable [2]** 25/12 54/17  
**acceptance [3]** 37/4 37/6 41/20  
**accepted [1]** 17/23

**accepting [1]** 36/19  
**access [1]** 63/24  
**accessibility [2]** 4/12 4/13  
**accessible [1]** 3/19  
**accommodate [2]** 23/10 33/4  
**accommodating [1]** 32/19  
**accordance [1]** 39/13  
**accurate [1]** 76/6  
**achievement [1]** 17/11  
**act [1]** 34/6  
**action [7]** 10/9 36/20 51/19 51/25 53/2 57/19  
76/9  
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