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VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD

COMBINED

WORK and REGULAR SESSION

-----x

Third Street Firehouse  
Greenport, New York

December 1, 2016  
5:17 p.m.

B E F O R E:

DEVIN McMAHON - CHAIRMAN

BRADLEY BURNS - MEMBER

PETER JAUQUET - MEMBER - absent

LUCY CLARK -- MEMBER

JOHN COTUNGO -- MEMBER

JOSEPH PROKOP - VILLAGE ATTORNEY

GLYNIS BERRY - PLANNING BOARD CONSULTANT

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

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1 Work/Regular - 12-1-16

2 CHAIRMAN McMAHON: This is the  
3 Village of Greenport Planning Board  
4 Work Session and Regular Session  
5 combined for December 1, 2016.

6 Item Number 1, corner of Front and  
7 Third Street.

8 Continuation of the pre-submission  
9 conference and possible motion on  
10 payment in lieu of parking requirements  
11 for Dan Pennessi.

12 Dan Pennessi represents owner  
13 Mayland Shannon LLC and is before the  
14 Board to discuss proposed uses and  
15 development of the site located at the  
16 corner of Front and Third Streets.

17 The Zoning Board has requested  
18 that the Planning Board review the  
19 parking requirements as set forth in  
20 Section 150-16, Subsection G.

21 The property is located in the  
22 Waterfront Commercial District, and the  
23 uses are listed as conditional uses.

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

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2 I believe this application came  
3 before us, and it was denied because of  
4 nonconformance, parking, setbacks and  
5 some other issues, I believe, and it  
6 went before the ZBA.

7 The ZBA has asked us for a  
8 determination as to how we would want  
9 to go forward, if this project were to  
10 go forward, how the Planning Board  
11 would want to treat the possibility of  
12 the section of the code that allows  
13 payment the lieu for parking spaces.

14 New construction within the  
15 Village of commercial properties  
16 requires a certain number of parking  
17 spaces. There is a provision in the  
18 code that allows the applicant make  
19 payments, I believe \$2,500 per space,  
20 to not have to provide those parking  
21 spaces in situations where it is not  
22 possible for the location or size of  
23 the lot; so the Zoning Board has asked  
24 us -- I believe the application is  
25 before them, I don't know the total  
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2 number of spaces in the final plan the  
3 Zoning Board reviewed had, I believe it  
4 was 24 space, so they were looking for  
5 a four-space variance from them. The  
6 Zoning Board is asking for our input as  
7 to whether or not we are going to take  
8 advantage of, if the project would go  
9 forward, if this Board would want to  
10 take advantage of the section of the  
11 code that allows payment in lieu of  
12 parking for the other 20 spots.

13 Just that is what we are  
14 discussing this evening. It's not a  
15 discussion of the project as a whole,  
16 but if the project were to go forward,  
17 would this Board want to take advantage  
18 of the payment in lieu section.

19 MR. PALLAS: Just for  
20 clarification, I believe the variance  
21 was for 20 spaces.

22 CHAIRMAN McMAHON: It was 20  
23 spaces, so it's changed.

24 Wasn't it originally 24?

25 MR. PALLAS: It was originally 24;  
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2 it's 20.

3 CHAIRMAN McMAHON: It's still  
4 before the ZBA for other variances,  
5 correct?

6 MR. PALLAS: Yes.

7 CHAIRMAN McMAHON: So the question  
8 for us is would this Board, if this  
9 project were to go forward want to take  
10 advantage of that section of the code  
11 that allows payment in lieu.

12 Does anyone have any thoughts on  
13 that?

14 MR. BURNS: I personally don't see  
15 any way for anything to develop there  
16 without some kind of payment in lieu.  
17 I prefer to see the property refer back  
18 to what it was when my children were  
19 young. We used to park there just to  
20 go to the movies. Maybe put a hedge  
21 around it and a nice rose garden or  
22 something; but that's not practical and  
23 it isn't practical since you need to  
24 have the Town, the Village purchase it  
25 and do something with it in the way of  
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2 making it pretty; therefore, to be a  
3 commercially feasible piece of  
4 property, some accommodation has to be  
5 made for parking.

6 It seems to be that for the  
7 Village, that payment in lieu is the  
8 most advantageous.

9 CHAIRMAN McMAHON: I agree with  
10 that. I think that -- I'm not making a  
11 judgment on the project as a whole, but  
12 I think that for -- I do think that it  
13 would be the best interest, if this  
14 project does go forward that that money  
15 be collected and then be earmarked  
16 specifically to address the parking  
17 issues throughout the Village.

18 My personal feeling is that, yes  
19 if the project does go forward, that  
20 the Village should be looking for  
21 payment in lieu of those 20 spots.  
22 That's my opinion.

23 John, do you have any thoughts?

24 MR. COTUNGO: Again, we're only  
25 discussing the payment in lieu as I  
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2 think it's overdeveloped, but I would  
3 also be worried about the improper  
4 loading space, especially for that use  
5 that they are providing and realizing  
6 it's probably the busiest corner in the  
7 Village.

8 CHAIRMAN McMAHON: Agreed, and I  
9 think that, you know, there still will  
10 be an opportunity to discuss the  
11 specifics of that and if those issues  
12 don't go away, make a determination as  
13 to whether or not those are still  
14 issues that need to be addressed  
15 properly.

16 It's simply a question of whether  
17 or not payment in lieu of parking  
18 spaces is an option that would, that we  
19 would want to pursue if the property  
20 were to go forward.

21 MR. COTUNGO: Yes, I understand.

22 CHAIRMAN McMAHON: Lucy, do you  
23 have any thoughts?

24 MS. CLARK: (Nods head.)

25 CHAIRMAN McMAHON: No.



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So my personal feeling --

MR. PENNESSI: May I?

CHAIRMAN McMAHON: Please.

MR. PENNESSI: Dan Pennessi for  
SAKD Holdings LLC.

Chairman and members of Planning  
Board, good evening and thank you for  
taking the time to hear this  
application for payment in lieu of  
parking.

To clarify what the Village  
Administrator had clarified earlier, we  
had revised the plan according to a  
November 2nd letter I hope that you all  
got.

We reduced some of the seating in  
the restaurant to drive down the  
parking requirement for the project to  
30 spaces; and we have gone ahead and  
revised the parking area to include a  
full loading zone in accordance with  
the zoning code, relocated the one ADA  
space required to an area that has even  
more space to load and unload in the  
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2 ADA-accessible space and have allowed  
3 for ten spaces on spot. Two of those  
4 spaces would be restricted for timing  
5 in order to access the loading zone.  
6 To some of the comments that were made  
7 the last time I was here, those were  
8 essentially the changes to the plan,  
9 and plans were sent to the Zoning Board  
10 for its special meeting on the 6th of  
11 this month.

12 I'm here for any other questions  
13 that are raised. We are here only to  
14 see if the Planning Board would  
15 entertain a payment in lieu of parking.  
16 We plan on submitting a full site plan  
17 submission after we get through this  
18 meeting and the process with the Zoning  
19 Board will be supplementing the  
20 previously submitted site plan  
21 application.

22 CHAIRMAN McMAHON: Okay.

23 MS. CLARK: I'm personally not  
24 comfortable on voting on this prior to  
25 the project itself being okayed. It  
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2 just seems to me that I would prefer to  
3 wait until, to see what's approved, if  
4 anything is approved. I just don't  
5 like doing this on the stipulation if  
6 this project were approved; I would  
7 rather do it in a fashion that's in  
8 sync with the process. That's my  
9 opinion.

10 CHAIRMAN McMAHON: I agree, and I  
11 think that that's part of the problem  
12 that the code was written sort of  
13 unclear of what step should go first,  
14 whether it should be us making that or  
15 whether the ZBA -- there really isn't,  
16 I don't think -- correct me if I'm  
17 wrong, but I don't think it's terribly  
18 clear in there exactly who is supposed  
19 to grant what at what stage, whether  
20 the ZBA --

21 MS. CLARK: Well, we wouldn't need  
22 to accept money in lieu of parking  
23 spaces if there aren't any parking  
24 spaces for us to accept money in lieu  
25 of.

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2 CHAIRMAN McMAHON: I understand.

3 Again, it's in lieu of, but I  
4 don't know what other mechanism we can  
5 really do because it's not up to the  
6 ZBA, if the project is noncompliant as  
7 it is, you know, as they're looking at  
8 it, it's noncompliant without payment  
9 in lieu of those 20 spaces; so they  
10 can't really go forward, the project is  
11 sort of in limbo.

12 MS. CLARK: I think they can make  
13 a determination on how many parking  
14 spaces they're willing to give a  
15 variance for, and then we decide  
16 whether --

17 Go ahead.

18 MR. PALLAS: The problem, if they  
19 -- the variance request is for 20 --  
20 I'm just trying to clarify, the  
21 variance request is for 20 spaces, it's  
22 up to the -- the way the code reads,  
23 Joe, correct me if I'm wrong, the way  
24 the code reads is that it's the  
25 Planning Board's purview to decide  
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2 whether or not to grant or whether or  
3 not to request a payment in lieu of the  
4 required parking spaces. However many  
5 meet that, whatever is left is what the  
6 variance is for.

7 MS. CLARK: I would feel that  
8 that's a no-brainer. If the ZBA is  
9 going to grant a variance for a number  
10 of parking spaces, of course we would  
11 take money in lieu of those parking  
12 spaces. I feel they have to --

13 CHAIRMAN McMAHON: Actually, they  
14 wouldn't -- see if I understand this  
15 correctly, where the project is right  
16 now, they actually wouldn't be, they  
17 are no longer seeking a variance for  
18 any parking spaces; they're seeking  
19 another variance for something else. I  
20 don't believe at this point -- so there  
21 are a total of 30 spaces required, 10  
22 are provided and that is, there is a  
23 mechanism in the code that will allow  
24 us to accept payment in lieu for those  
25 other 20 spaces. The variance, I don't  
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2 believe, would be for those spaces, so  
3 its --

4 MR. BURNS: Is it possible for us  
5 to vote to accept payment in lieu in  
6 principle and later on determine how  
7 many spaces because we don't know what  
8 the total project is going to require  
9 at this point?

10 CHAIRMAN McMAHON: I don't know.

11 MR. PENNESSI: We do today, to be  
12 very clear, there is pending before  
13 this Board a request that it accept a  
14 payment in lieu of 20 parking space.  
15 There is separately an application  
16 before the Zoning Board for a 20-space  
17 variance.

18 The Zoning Board can either grant  
19 the 20-space variance or the Planning  
20 Board can accept a payment in lieu of  
21 those 20 spaces; those are the two  
22 options.

23 CHAIRMAN McMAHON: Or the ZBA  
24 could deny it, but --

25 MR. PENNESSI: Yes. To your  
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2 point, yes. Likewise, the Planning  
3 Board can accept or not.

4 MR. BURNS: I still wonder if it  
5 isn't possible for a vote in lieu of  
6 whatever parking to accept a payment in  
7 lieu of whatever number.

8 CHAIRMAN McMAHON: Yeah, up to 20  
9 is what's allowed, so we -- I mean I  
10 think for any viable project, you would  
11 need to accept payment in lieu. If  
12 there was any building, it's really the  
13 only truly empty lot I can think of on  
14 Main there, but if there were some  
15 other new construction, something was  
16 demolished and replaced with something  
17 else, there is no parking; and I think  
18 the parking, looking at the way the  
19 code was written, I wasn't there, I  
20 didn't write it, I wasn't part of it;  
21 but it seem to me there was a parking  
22 requirement added to be restrictive and  
23 to limit construction and development  
24 otherwise it would become  
25 overdeveloped. There was also a

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2 mechanism put in place so that a  
3 potential developer could make a viable  
4 project and could have payment in lieu  
5 of up to 20 space and make it workable.

6 I think we're between, going back  
7 and forth between the two boards, it is  
8 putting us in a sort of cart before the  
9 horse situation where you don't want to  
10 be voting on it, I understand that; but  
11 the ZBA has asked us for our input to  
12 make a determination as to if this were  
13 to go forward, is this something we  
14 would want to do.

15 My personal feeling is yes. We  
16 can have a consensus among us yes or  
17 no, but either way, I think that would  
18 be helpful for the ZBA to move forward  
19 with this project. That's ultimately  
20 what I think they're trying do is to  
21 move forward here. I do understand  
22 your concerns, I have similar ones; it  
23 just, it doesn't take away John's  
24 concerns about the loading zone, or  
25 similar ones I share and those are

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2 still things that can be flushed out  
3 and discussed further, but I'm not sure  
4 how to move forward otherwise.

5 Thought. Comments. Questions.

6 ATTORNEY PROKOP: You would, so  
7 there was a reason why this came back.  
8 It was because it was not, you know, it  
9 was realized at the Zoning Board  
10 meeting that there was relief requested  
11 from the Zoning Board that would not  
12 result in any consideration to the  
13 Village if the Zoning Board gave that  
14 relief; so we just wanted to pass  
15 through this Board, not with any  
16 preconceived notion that the relief  
17 would be granted, but just to give this  
18 Board the opportunity, if you wanted to  
19 grant some of the relief or all the  
20 relief that there would be  
21 consideration paid so we wouldn't lose  
22 that opportunity if the Zoning Board  
23 did the same thing.

24 So your options are, you have an  
25 application before you for a waiver of  
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2 up to 20 parking spaces which you don't  
3 have to grant; you don't have to do  
4 anything; you could deny the  
5 application; you could not vote on it  
6 tonight; or you could grant the full  
7 amount; or you can grant a lesser  
8 amount; you don't have to grant the 20  
9 or you could grant the 20.

10 If you grant the waiver, that's  
11 not a granting of the site plan or any  
12 portion of the site plan. The site  
13 plan still has to work; so if the  
14 application would go back to the ZBA  
15 and they would look at the other --  
16 whatever you do tonight or if you do  
17 nothing tonight, it's still going to be  
18 at the ZBA on the 6th; and depending on  
19 what happens with the ZBA, it would  
20 then come back to the Planning Board if  
21 the applicant wants to proceed and go  
22 over the site plan. If you think at  
23 that point the site plan is not going  
24 to work or it is going to work, you  
25 you'll have a completely independent  
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2 review at that time, so the things like  
3 the loading dock and all of these other  
4 things will come back and, you know,  
5 the impacts of traffic, the impacts on  
6 the site, you know, will all come back  
7 before this Board.

8 This scope of the project is  
9 related to the parking if I'm not  
10 mistaken, because the parking --

11 Eileen, the parking that yields  
12 determines the level of the project,  
13 right, the development of the site?

14 MS. WINGATE: Parking is  
15 determined by occupancy.

16 ATTORNEY PROKOP: Right, so the  
17 scope of what happens at the site is  
18 determined to some extent by the  
19 parking yield.

20 MS. WINGATE: Correct.

21 ATTORNEY PROKOP: So that's  
22 another component.

23 CHAIRMAN McMAHON: Again, it is  
24 sort of an odd situation we're in here.

25 What would happen if the ZBA  
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2 denied the variance for 20 spaces,  
3 could the application still come before  
4 us and be granted or to be granted in  
5 lieu of parking?

6 ATTORNEY PROKOP: Yes, I think it  
7 could. If they -- we haven't voted  
8 yet.

9 MS. CLARK: You think it could or  
10 it could?

11 ATTORNEY PROKOP: Yes, it could.

12 MR. COTUNGO: I would prefer that.

13 MS. CLARK: Agreed.

14 CHAIRMAN McMAHON: You would  
15 prefer that we not vote on it?

16 MR. COTUNGO: Yes.

17 MS. CLARK: Yes.

18 CHAIRMAN McMAHON: Okay.

19 MR. PENNESSI: To be clear, the  
20 code -- the applicant's position is  
21 that the code provides two mechanisms  
22 to obtain relief from parking. One,  
23 which is tremendous in dollars, the  
24 other which is tremendous in time and  
25 effort on the applicant's behalf and  
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2 the Village's behalf. The latter was  
3 the strategy undertaken to obtain a  
4 variance.

5 The ZBA requested that we explore  
6 the possibility of the Planning Board  
7 accepting a payment in lieu, and if  
8 it's \$2,500 a spot, 20 space is  
9 \$50,000. It's not a small sum of  
10 money.

11 MS. CLARK: It's not a large sum  
12 of money either for this project. This  
13 project is huge; I don't think of  
14 \$50,000 as being a whole lot of money  
15 to do a whole lot with the parking  
16 issue that we have in Greenport.

17 That's just my feeling.

18 MR. PENNESSI: That being said, we  
19 have made application to the Planning  
20 Board, we have the pending variance  
21 application; and, you know, we'll have  
22 to see what happens when the Planning  
23 Board makes its decision tonight or  
24 doesn't make a decision tonight and  
25 when the Zoning Board makes its

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2 decision on the 6th.

3 CHAIRMAN McMAHON: My personal  
4 feeling is, if the project were to go  
5 forward, it would be in the best  
6 interest of the Village to accept  
7 payment in lieu. How that eventually  
8 comes back before this Board, I don't  
9 know whether we -- I mean it seems as  
10 if we -- I'm getting a sense if we  
11 voted right now, it would be a split  
12 vote and it would not do anything, it  
13 wouldn't move us forward in any way.  
14 If it were to, you know, I wouldn't --  
15 I think that --

16 I don't think that the project  
17 should move forward without payment in  
18 lieu; I think that that's important. I  
19 think the code was written to be  
20 intentionally restrictive and yet it  
21 allowed this mechanism to allow  
22 development and to accept that there is  
23 a parking issue in the Village, and the  
24 money should be spent to alleviate  
25 those concerns. I think that it's

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2 important for the project to be viable  
3 to go forward that it should have that  
4 component, without it, you know, than I  
5 think it's, I wouldn't be -- That would  
6 cause a problem for me if it were to go  
7 forward without the payment in lieu; so  
8 if it were to go to the ZBA and the ZBA  
9 granted --

10 I shouldn't go there, can't go  
11 there.

12 MR. PENNESSI: We're in the same  
13 position, honestly because --

14 Look, I wouldn't be here unless I  
15 was optimistic; so we're optimistic  
16 that it will get approved. We put in a  
17 lot of time and effort; we're committed  
18 to the project, committed to this  
19 property in the Village.

20 The informal vote from the ZBA on  
21 all of the other variances we have  
22 requested appear that we're going to be  
23 granted those variances based on the  
24 informal vote. No formal vote was  
25 taken and they tabled any discussion or  
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2 informal vote on parking with the  
3 suggestion that we come here.

4 MS. CLARK: I'm not comfortable  
5 making a decision on an informal vote,  
6 I'm just not.

7 CHAIRMAN McMAHON: Okay.

8 Does anyone else have any  
9 questions or comments?

10 MR. ROBERTS: Doug Roberts, 133  
11 Sixth Street. I'm also Village  
12 Trustee. I'm not speaking on behalf of  
13 anyone but myself.

14 You have -- Thank you for your  
15 work and your volunteerism and your  
16 service. I know it's a hard job, and I  
17 appreciate you.

18 You have a really important job.  
19 You're looking at our overall  
20 community, our plan, what happens and  
21 you have to look ten, twenty years down  
22 the road; it's a big job.

23 Right now is a little tiny, tiny  
24 job; and it's just this one little  
25 thing. I just want to make sure that  
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2 that's clear. The payment in lieu is  
3 the only thing you're looking at at  
4 this moment. Really the options are:  
5 The project doesn't go forward, which  
6 is something that could happen down the  
7 road; the project goes forward with ZBA  
8 granting a variance, the Village makes  
9 zero dollars in revenue; or the project  
10 goes forward, you guys decided tonight  
11 that you would support payment in lieu,  
12 the Village earns \$50,000 in revenue,  
13 not a lot in the scheme of this  
14 project, but \$50,000 is better than  
15 zero.

16 And I e-mailed you all earlier to  
17 tell you that I have been pushing the  
18 Village Board for us to invest in  
19 planning services specifically around  
20 traffic flow and parking and so if you  
21 give the Village, if you give us the  
22 taxpayers this \$50,000, if the project  
23 goes forward, if you tonight say that  
24 you would accept that, I commit to you  
25 and everyone else that I will push very  
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2 hard for that \$50,000 to be used for  
3 not a solution, but a study that will  
4 tell us how to solve our parking  
5 problem. We have a parking problem, we  
6 all know it especially in the summer.

7 I just want to reiterate that to  
8 you, if you give us the Village the 50  
9 grand, I will work as hard as I can.  
10 Those of you who watch me work on the  
11 Village Board, you know that sometimes  
12 I push real hard for stuff, so I'm not  
13 the only one who wants us to work on  
14 parking. The problem is always: Well,  
15 do we raise taxes to hire more services  
16 or do we go write a grant? Let's go  
17 find our grant writer at Village Hall.  
18 Guess what, we don't have one.

19 So this is an opportunity -- you  
20 don't have to commit to the project,  
21 I'm just asking you to consider this  
22 one little tiny decision if the project  
23 were to go forward, would you accept  
24 \$50,000 on behalf of your fellow  
25 taxpayers or not? That's all and then  
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2 the rest of it we'll figure out later.

3 Thank you again, and thank you for  
4 listening.

5 MR. SWISKEY: I guess we can  
6 speak, right?

7 William Swiskey, 184 Fifth Street.

8 I understand that most of the  
9 people in this room probably wasn't  
10 around when that provision was written  
11 into the law about payment in lieu of  
12 parking. Well, that was to collect  
13 money, which the Village did; and then  
14 we went out and we bought land. We  
15 created parking places like next to the  
16 IGA, behind, you know, where the --

17 Anyway. Well, now there is no  
18 more land. If you take \$50,000 which  
19 is peanuts because it's not gonna build  
20 a parking garage; it won't even build  
21 one space in a parking garage because  
22 that's \$150,000 a pop, put that in your  
23 head. You're gonna give this man  
24 permission, he's gonna bring 20 people  
25 in, they're gonna come, they're gonna

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2 stay overnight. Where are they gonna  
3 park; you have no parking now? It  
4 doesn't matter in the winter, but on  
5 the weekend, forgot it, you're gonna  
6 have gridlock and it's not about the  
7 project itself, it's just there is no  
8 place to buy parking and you can't  
9 take -- Believe it or not, if you read  
10 the law, you can't take for a study,  
11 you have to buy parking. Where are you  
12 gonna buy parking? That's what you  
13 need to consider because all you're  
14 gonna do is say, all right another 20  
15 cars here with no place to park because  
16 you're not gonna find anyplace. If you  
17 can tell me one place where you could  
18 find, anybody on this Board, to create  
19 parking for \$50,000 to create 20  
20 spaces, it ain't gonna happen. Hell,  
21 the cheapest parcel of land in the  
22 Village, even if it's got an old house  
23 or it's vacant, it's probably 3 or  
24 \$400,000. And you would want the  
25 parking in the Downtown area. What are  
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2 you gonna tear down? It just isn't  
3 there, you know, you're deluding  
4 yourself if you think --

5 That provision of the law just  
6 doesn't work anymore.

7 Thank you.

8 MR. CORWIN: My name is David  
9 Corwin; and I'm a member of Zoning  
10 Board of Appeals; and I just want to  
11 tell you how my thinking progressed on  
12 this project.

13 First of all, it's, well it's Mr.  
14 Pennessi's own fault that he came in  
15 and he wanted interpretations, so I  
16 don't think we really have to apologize  
17 to him for this taking so long; but  
18 it's been a year.

19 When he first brought this project  
20 in, I said no way am I ever gonna vote  
21 for that. That's what I said to myself  
22 and than two months ago somebody said,  
23 "well, you know, I see people carrying  
24 these bags with wheels on them up and  
25 down Fifth Street and Sixth Street

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2 every weekend;" and I thought to  
3 myself, I see the same thing on First  
4 Street, so you certainly can make the  
5 argument that people that don't have  
6 cars and are going to come use the  
7 place.

8 Then I went by there, I rode my  
9 bicycle by there, and I looked at those  
10 buildings and that empty space and I  
11 thought to myself, that third building  
12 at that same height would really make a  
13 great streetscape which Mr. Pennessi  
14 has said, his architect has said, and  
15 now I see that too.

16 I've been thinking about this and  
17 thinking about this, I mean, literally  
18 I spend a lot of time thinking about  
19 this; and one thing I don't like about  
20 the project is the restaurant. We have  
21 peak restaurants now; they're starting  
22 to fail; we've got more than enough.  
23 And what really irks me about these  
24 restaurants is I went down to see the  
25 Spanish Galley there early in the  
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2 morning, Claudio's Clam Bar takes their  
3 slop from cleaning his floor and they  
4 throw it in the bay. What the heck?  
5 Then I go behind American Beach, ride  
6 my bicycle down there and every morning  
7 there is a puddle where they took their  
8 slop and threw it out on the street; so  
9 I'm not enamored of restaurants.

10 But yesterday, we have a little  
11 continuing education course from New  
12 York Conference, a fellow named Wade  
13 gave it, it was a video conference  
14 training that everybody is supposed to  
15 take on all these Boards. He had some  
16 very good arguments about parking. I  
17 don't necessarily accept the idea that  
18 there are going to be self-driving cars  
19 in 20 years and all the parking  
20 problems are going away; let's face it,  
21 we have been talking about parking  
22 since they invented the horse and  
23 buggy. But this little video thing  
24 pointed out some interesting things.  
25 He says you should have 85 percent of  
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2 your spaces filled, 15 percent empty is  
3 the best way for business; and what he  
4 said was, you should meter it because  
5 parking costs something. Why should  
6 taxpayers pay it out of their pocket?

7 I think the Village could do a lot  
8 with parking if they did something  
9 besides ignore it.

10 Now, another thing is that parking  
11 place down there at the MTA property,  
12 the railroad property, it's a free  
13 long-time parking facility for people  
14 from Shelter Island or whatever, they  
15 just park their cars there, they take  
16 bus to the City or whatever; so there's  
17 a lot of room for that.

18 But over time, my thinking has  
19 changed a lot to I'm almost ready to  
20 vote to give Mr. Pennessi the variance  
21 he needs for his parking. What would  
22 really be helpful is if you guys get  
23 something out of it, if it's 20 parking  
24 spaces, you can say payment in lieu of  
25 parking, I would encourage you to go



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2 ahead and do that.

3 Thank you.

4 CHAIRMAN McMAHON: Okay.

5 My thought is: Honestly I don't  
6 think this should be before us tonight.  
7 I think that if the ZBA wants the  
8 Planning Board to have the option to  
9 accept payment in lieu for 20 spaces,  
10 it should not grant a variance for 20  
11 spaces; and an application should come  
12 before the Board that has 20 spaces  
13 that need to be accounted for and need  
14 to be provided for with the mechanism  
15 in the code. I don't know that, you  
16 know --

17 I've said many times on the record  
18 at previous meetings from the first  
19 time this came before us, I think if  
20 the project is going to go forward, I  
21 think we should take advantage of the  
22 payment in lieu for 20 spaces. That  
23 has been my position all along. I have  
24 said many times previously I don't  
25 think the project should go forward

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2 without that. I think that that's  
3 important, an important piece of this.  
4 I think the code is written in a way  
5 that it was intentionally restrictive,  
6 it will allow relief in the form of  
7 payment in lieu. I think that we  
8 should be taking advantage of that.

9 I get that it's perhaps unclear in  
10 the code as to how that process is  
11 supposed to work out. My understanding  
12 is that a variance wouldn't be granted  
13 by the ZBA and an application would  
14 come before the Board and we would have  
15 the authority to require the payment in  
16 lieu. I don't know if I'm  
17 misinterpreting or if I'm not  
18 understanding that correctly, but  
19 that's my understanding of the code as  
20 it is.

21 If the ZBA, I mean if you're  
22 looking --

23 Essentially, I don't know how we  
24 can make a binding -- I mean, I have no  
25 problem voting, but I don't know if we  
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2 have, I don't think we have a majority  
3 one way or the other, first off; so I  
4 don't know how it would be binding  
5 anyway regardless because we don't have  
6 an actual -- it's not part of an  
7 application before us, so we're in an  
8 odd position, and I'm not sure what the  
9 best way go forward is.

10 Again, I said many times, I think  
11 my position is fairly clear, I'm not  
12 sure --

13 MR. BURNS: As mine is.

14 CHAIRMAN McMAHON: So we can hold  
15 a vote right now, but it appears as if  
16 it's going to go two/two, and it's not  
17 going to provide any guidance to the  
18 ZBA.

19 Mr. Pennessi.

20 MR. PENNESSI: I would request  
21 that the Board vote on the pending  
22 application that we have made, we have  
23 made the application for the payment in  
24 lieu.

25 I do recall your position on it  
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2 when we were here last October, not  
3 this past one, the one before 2015, and  
4 I would ask that the Board -- we have  
5 made the application this time, we have  
6 an application for variances. I can't  
7 tell you tonight whether we would make  
8 a subsequent application to request a  
9 payment in lieu of parking no matter  
10 what the Zoning Board decides on the  
11 6th. It's not meant to be an  
12 ultimatum. It's not meant to be a  
13 threat. I'm just telling you I don't  
14 know whether we are prepared or not to  
15 make a subsequent application to  
16 request a payment in lieu of parking.

17 CHAIRMAN McMAHON: I would like to  
18 note that, it's actually just, there  
19 isn't -- I don't know how we got to  
20 this point. As far as I understand it,  
21 there isn't a separate application for  
22 payment in lieu. It would be one  
23 aspect of the total site plan  
24 application. It would be as it stands.  
25 It's an application, for a total

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2 requirement for 30 spaces, 10 provided,  
3 right now. It's before the ZBA. ZBA  
4 can grant those 20 spaces if they want,  
5 or they can deny them and grant the  
6 other variances; and the project could  
7 still come back before this Board, and  
8 this Board would have the ability to  
9 make it a viable plan by giving the  
10 option of offering payment in lieu.

11 MR. PALLAS: Mr. Chairman, perhaps

12 --

13 ATTORNEY PROKOP: I think the  
14 Board -- as Counsel to the Board, I  
15 think there is a point now that in  
16 order for the Board to proceed, you  
17 need to get advice from counsel; and I  
18 think the advice would be confidential.  
19 For that reason, I'm asking that we go  
20 into a confidential session with  
21 counsel for that reason.

22 CHAIRMAN McMAHON: Sure. I make a  
23 motion that we --

24 MR. SALADINO: Devin, before you  
25 do that tonight, can I just ask a  
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2 question that would be discussed by you  
3 guys?

4 CHAIRMAN McMAHON: Sure. Please  
5 take the podium.

6 MR. SALADINO: John Saladino. In  
7 the interest of full disclosure, I'm a  
8 member of the ZBA; but I don't believe  
9 I'm speaking for the ZBA, just for  
10 myself.

11 The question I would ask is: I've  
12 heard here now that if the variance is  
13 granted, if the requested variance to  
14 the ZBA is granted for the applicant, I  
15 thought I heard that the payment in  
16 lieu of parking could still be  
17 collected; did I -- so that was our  
18 understanding; that was my  
19 understanding, if the variance is  
20 granted, the Village doesn't get the  
21 payment in lieu of parking.

22 What I also thought I heard was  
23 that if the variance is denied, it  
24 comes to the Planning Board anyway.

25 I'm confused as to how the Planning

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2 Board can grant the parking if the  
3 parking variance is denied.

4 CHAIRMAN McMAHON: I think I can  
5 answer your question.

6 ATTORNEY PROKOP: Well, one of the  
7 things about this is, what's happening  
8 here is, we don't know what the project  
9 is going to look like when it comes  
10 back from the ZBA. We're talking about  
11 parking tonight, but there's other  
12 elements of the project that are going  
13 to change.

14 We had tried several times to  
15 motivate the concept of having a joint  
16 meeting. We have done that in the past  
17 in the Village, but we're almost having  
18 that tonight, so now we are bouncing  
19 back and forth, and we're at the point  
20 where a decision, one of the Boards is  
21 going to make a discission about  
22 parking at some point, and this Board  
23 is --

24 The problem is we don't know, as I  
25 said, just to finish up, we don't know,  
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2 the concept right now is what we have  
3 on paper, we don't know what it's gonna  
4 look like when the concept comes back  
5 from the ZBA.

6 MR. SALADINO: What's confusing me  
7 is, Mr. Pennessi came before the ZBA  
8 October, November, if the ZBA rejects  
9 his variance requests, according to  
10 this Board tonight, he has the option  
11 to go to the Planning Board to get his  
12 application approved.

13 My question is: What were they  
14 doing for the last 14 months in front  
15 of the ZBA?

16 ATTORNEY PROKOP: That was already  
17 addressed tonight. We were working on  
18 interpretations; we had nine months of  
19 hearings on interpretations.

20 MR. SALADINO: That's incorrect.  
21 I don't want to get into a  
22 back-and-forth about if that's  
23 incorrect. The interpretations were  
24 voted on in June, so from June until  
25 now, it's about variances; but aside  
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2 from that, you know, I don't want to  
3 look at my watch and say, well, we were  
4 doing it from 8 o'clock and you say  
5 it's 9 o'clock.

6 Why go to the ZBA for variances at  
7 all if they don't need ZBA approval?  
8 If the variances don't need approval  
9 from the ZBA and they can just venture,  
10 morph to the Planning Board, I'm not  
11 sure why our time is being taken up and  
12 the applicant's time in front of the  
13 ZBA is being taken up.

14 Glenys, I'm sorry.

15 MS. BERRY: Can I try to say what  
16 I think I'm hearing?

17 MR. SALADINO: Do you need me to  
18 be here?

19 MS. BERRY: No.

20 I'm not a lawyer so, you know,  
21 hopefully if I get something wrong,  
22 somebody will -- but from hearing what  
23 I have been hearing, my understanding  
24 is that you are reviewing any  
25 variances, any question for parking

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2 over 20, you know, over not provided on  
3 the site or over the 20 is one issue;  
4 but the Planning Board does have the  
5 right to approve up to 20 as part of  
6 the code.

7 MR. SALADINO: No. The ZBA is  
8 fully aware of that. We understand  
9 that; and that was our request that it  
10 would come here.

11 The ZBA is prepared to vote on any  
12 variance in front of it, vote it up or  
13 down. The request right now, perhaps I  
14 should just for the members of the  
15 public, for the members of the Board,  
16 the ZBA had a consensus vote approving  
17 all the variances tentatively approving  
18 all the variances except for parking.  
19 A revised application came in front of  
20 the ZBA that provided for ten  
21 off-street-parking spaces and a loading  
22 zone that conformed to code.

23 If the Planning Board so chooses,  
24 they can grant 20 spaces and the  
25 variance request becomes moot in front

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2 of the ZBA; but unless the ZBA has that  
3 information for its meeting on December  
4 6th, the only thing that the ZBA can  
5 vote on is what is in front of it at  
6 the time, so the option is the Planning  
7 Board's to give a consensus that it --  
8 if the consensus is it's not gonna vote  
9 this evening, the ZBA votes on what's  
10 in front of them, and we're prepared to  
11 do that.

12 CHAIRMAN McMAHON: If the ZBA --  
13 my understanding is: If the ZBA grants  
14 a variance for 20 spaces, we no long  
15 have the ability to request payment in  
16 lieu.

17 MR. SALADINO: Exactly. That's  
18 our understanding also.

19 CHAIRMAN McMAHON: So if the ZBA  
20 wants this to Board --

21 MR. SALADINO: It's also our  
22 understanding that if we deny the  
23 request, and I'm not giving any  
24 indication how the vote's gonna go  
25 because I don't know, if we deny the  
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2 request, it was always our  
3 understanding that it would stop, the  
4 project would stop there. We were  
5 never told that the project could go on  
6 anyway so.

7 CHAIRMAN McMAHON: If there are  
8 other variances that need to be  
9 granted, those would have to move  
10 forward, but if the project were  
11 granted, I don't know if there is a  
12 setback or other variances that are --

13 MR. SALADINO: There was a small  
14 variance for lot coverage, for building  
15 height and third story and then some,  
16 the building height, it was partitioned  
17 for different elements of the height  
18 for trellis, for --

19 MS. WINGATE: Elevator bulkhead.

20 MR. SALADINO: For elevator  
21 bulkhead. All the variances except for  
22 parking and the loading zone, the  
23 consensus from the -- and this is part  
24 of the public record, I don't want  
25 anybody to think that we're divulging

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2 any information. All the variances  
3 except for the parking and for the  
4 loading zone, the consensus was they  
5 would be granted.

6 CHAIRMAN McMAHON: Here is the  
7 thing, if the ZBA denies the variance  
8 for parking --

9 MR. SALADINO: To deny the  
10 variance for parking would also deny  
11 the variance for the loading zone.

12 ATTORNEY PROKOP: No.

13 CHAIRMAN McMAHON: I don't know  
14 why --

15 Here's the thing, if I understand  
16 why the ZBA wants our input on this at  
17 this stage, the mechanism by which we  
18 would accept payment in lieu would be  
19 when we're voting up or down on the  
20 application as a whole. If the ZBA --  
21 my understanding is that if the ZBA  
22 grants a variance for 20 spaces, a  
23 variance has been granted and this  
24 Board no longer has the authority to  
25 request payment in lieu.

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2 MR. SALADINO: That's our  
3 understanding as well.

4 ATTORNEY PROKOP: That's right.

5 CHAIRMAN McMAHON: If the ZBA  
6 denies the variance, this Board can  
7 request payment in lieu when the  
8 application comes before the Board  
9 again. That's my understanding.

10 MR. COTUNGO: That's my  
11 understanding.

12 The applicant said he does have  
13 now a legal loading zone space, so he  
14 wouldn't have to --

15 MR. SALADINO: The Building  
16 Department is satisfied with the plan  
17 that's in front of us now with ten  
18 spaces and the loading zone, if they're  
19 satisfied that it conforms, I believe  
20 the Zoning Board would be satisfied.

21 But again, we thought this was a  
22 viable compromise, the Planning Board  
23 is here to do their job, the ZBA is  
24 more than willing to do their job, so  
25 we would, I guess, find out on the 6th,

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and we'll do our job.

Thank you for listening.

CHAIRMAN McMAHON: I'm going to make a motion that we break for a moment so we can get advise from counsel.

Do I have a second for that?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Be right back.

(Whereupon, the Board members adjourned into confidential session to get advise from counsel.)

CHAIRMAN McMAHON: I believe that the parking requirements, the payment in lieu is a part of the total application that will be before this Board; I do not believe that it can be considered separately for a number of reasons. I think that requesting payment in lieu separate of a completed Flynn Stenography & Transcription Service (631) 727-1107

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2 fully fleshed out application sets a  
3 bad precedent where if there was  
4 another applicant to come before use  
5 and this project were to go forward, it  
6 would essentially be saying that we're  
7 going to just grant payment in lieu of  
8 up to 20 spaces for future projects  
9 here. I don't think that's  
10 appropriate.

11 I don't feel it's appropriate for  
12 us to vote on this at this point  
13 because it would then essentially lock  
14 us in one way or another. It would not  
15 give us the opportunity to fully and  
16 thoroughly evaluate the project as a  
17 whole when it comes back before us.

18 There has been a lot of talk about  
19 the money and whether or not the Board  
20 will have the opportunity to request  
21 payment in lieu. If the ZBA chooses to  
22 grant a variance for 20 spaces, we  
23 would lose that ability to request  
24 that. I hope that doesn't happen.

25 That is not our decision to make. I  
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2 don't think we can pre-judge that or  
3 make a determination at this point.

4 My feeling is that we should table  
5 the discussion. The ZBA will act as  
6 they will one way or another, and then  
7 we can review a full application if it  
8 comes before us, if the parking  
9 requirement is denied by the ZBA, we  
10 would still have the ability to accept  
11 payment in lieu. We would have that  
12 ability if we had an application. I  
13 certainly would want to take advantage  
14 of that. If the ZBA chooses to grant  
15 the variance for 20 spaces, we no  
16 longer have the ability.

17 I don't feel it's appropriate for  
18 us to vote on it before we have the  
19 entire application before us.

20 I'm going to make a motion that we  
21 table the discussion.

22 Do I have a second for that?

23 MS. CLARK: Second.

24 CHAIRMAN McMAHON: All in favor?

25 MS. CLARK: Aye.

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2 MR. BURNS: Aye.

3 MR. COTUNGO: Aye.

4 CHAIRMAN McMAHON: Motion carries.

5 MR. PENNESSI: May I just make one  
6 comment?

7 CHAIRMAN McMAHON: Sure.

8 MR. PENNESSI: I just want to  
9 bring this to the Board's attention and  
10 I think the timeline is important: It  
11 was the October 29, 2015 Planning Board  
12 Work Session that this project first,  
13 was first on an agenda at any Board of  
14 this Village; and at that time, there  
15 was discussion of a payment in lieu of  
16 parking because we agreed that it  
17 wasn't clear to which Board this issue  
18 should be presented; and it appears  
19 that we are in a bit of a  
20 horse-and-cart issue and as counsel  
21 mentioned, we had discussed perhaps  
22 joint meetings to determine the full  
23 applications or even just this issue.

24 I just want to point out that on  
25 March 3rd of this year, we had  
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2 submitted a site plan application, I  
3 don't know if that changes your mind,  
4 but I just want to point out that we  
5 have submitted site plan application,  
6 it was amended on March 8th, it will be  
7 amended once we get through the process  
8 with the ZBA. I wanted everyone to be  
9 aware that the application has been  
10 submitted.

11 CHAIRMAN McMAHON: I understand.

12 When I say a completed application,  
13 it's not complete so far as it was  
14 denied before on nonconformance, and  
15 it's still in the process of being  
16 granted or denied variances. It would  
17 be a completed application to us if any  
18 necessary variances were granted and  
19 they accepted the application then it  
20 came before us. Parking may or may not  
21 be a part of that. If an application  
22 came before us that had the need for 30  
23 spaces, provided ten, it wouldn't  
24 necessarily be a deficient application  
25 because we would still have the

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2 mechanism available to us to grant  
3 relief for those 20 spaces by  
4 requesting payment in lieu, so we would  
5 still have the ability to move forward  
6 with the application.

7 Again it just seems to me that we  
8 can't -- it seem inappropriate to vote  
9 on it without, to vote on it before  
10 it's actually before us, you know, at  
11 this stage, in its entirety.

12 And I can't imagine how  
13 frustrating that is to hear and to go  
14 back and forth, but I believe that is  
15 our view that it seems inappropriate to  
16 vote on this at this point because it  
17 locks us in in ways that don't seem to  
18 be advantageous to the Village or  
19 anyone.

20 MR. PENNESSI: I don't know that I  
21 agree that at this stage the Planning  
22 Board would be unable to make this  
23 determination considering the maturity  
24 of the application, and it is  
25 incredibly frustrating to be here at  
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2 this point, and to have the vote  
3 adjourn when the request was made over  
4 a year ago to discuss it.

5 That being said, depending on what  
6 the ZBA decides on Tuesday, if this  
7 project does proceed, I look forward to  
8 working with the Planning Board during  
9 the site plan submission.

10 CHAIRMAN McMAHON: Thank you.

11 Item Number 2, 625 First Street.

12 Pre-submission conference for Jim  
13 Olinkiewicz as representative for the  
14 Methodist Church located at 625 First  
15 Street.

16 Mr. Olinkiewicz has proposed to  
17 subdivide the existing parcel into four  
18 conforming residential lots.

19 The applicant has also proposed to  
20 convert the Church Sanctuary into a  
21 single-family residence and demolish  
22 the rear addition.

23 I have some notes here from  
24 Glenys; I will read them briefly; and  
25 Mr. Olinkiewicz, if you would like to  
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2 share your thoughts.

3 So this reads -- this was a brief  
4 review that was written by Glenys our  
5 planner, and I will briefly read  
6 through it; and then we can discuss any  
7 items in here and any other merits of  
8 the application.

9 The existing property is  
10 33,826-square feet or .777 acres with  
11 101 feet of frontage on Main Street,  
12 128-and-a-half feet of Frontage on  
13 First Street post subdivision  
14 incorporates four lots, one in which is  
15 a flag lot.

16 There is a breakdown of the area  
17 and the width, the depth of setback lot  
18 coverage of each of the proposed new  
19 lots, the existing and the new lots;  
20 I'm not going to read off those numbers  
21 because it wouldn't be helpful to  
22 anyone.

23 The flag lot creates difficulties  
24 in terms of orientation opposite to the  
25 other properties on the block. There  
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2 are no flag logs on the block, just  
3 generously-sized house. The plans  
4 mentioned for lot four with regard to  
5 demolition of much of the church  
6 structure.

7 Flag lots are not ideal situations  
8 and should only be approved for a clear  
9 benefit which does not exist here. An  
10 11-foot right-of-way for access also is  
11 not ideal for emergency access. Also  
12 uses on the flag lot would be hidden  
13 from public view.

14 If three lots were developed  
15 incorporating lots one and two,  
16 (inaudible) combined there would be no  
17 need for any off the lot configurations  
18 and lot four would comply with the lot  
19 coverage for a two-family residence  
20 without any demolition needed. This  
21 parcel is in the Historic District. A  
22 three parcel subdivision would retain  
23 more of the existing character of the  
24 line with only one additional  
25 residential structure without the need  
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2 for substantial changes to the building  
3 allowing it to meet code.

4 Those are, that's the advise or  
5 the initial interpretation that was  
6 provided by Glenys, but that's not  
7 necessarily the opinion of any member  
8 of the Board, though we do respect your  
9 opinions.

10 Mr. Olinkiewicz, do you have any  
11 comments or anything you want to  
12 preface this project with?

13 MR. OLINKIEWICZ: James  
14 Olinkiewicz, contract vendee for 625  
15 First Street.

16 You know, I have -- This has been  
17 an interesting project for me to decide  
18 to go ahead with and get involved with.

19 The existing front building that  
20 faces Main Street which used to be a  
21 Methodist Church has to my knowledge  
22 been desanctified or deconsecrated by  
23 the church, so it no longer has the  
24 classification of a church on it. It  
25 is now considered a one-family



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2 residence, as well as the second  
3 one-family residence that is on the  
4 property. The Village, well I don't  
5 know if that's the Village, but because  
6 it's been desanctified and  
7 deconsecrated, it no longer has church  
8 status. The building --

9 That being said, I love the  
10 building, okay, I love the existing  
11 sanctuary.

12 I have paperwork that the church  
13 had given me based on when it was  
14 constructed and what was done and when  
15 additions were done to it, so my  
16 thought process is to keep the main  
17 sanctuary that's there, restore that so  
18 it's back to its beauty. We would have  
19 to remove the back additions that were  
20 put on in the 20s and 50s; and I have  
21 that paperwork which I made a couple  
22 copies which I'll pass out.

23 The way that I designed the  
24 subdivision was to allow that the  
25 church, the old church or the

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2 one-family residence would have the  
3 biggest lot possible to help support  
4 its grandeur and the look of it with  
5 the neighborhood and how it was  
6 originally built.

7 The other two lots on First  
8 Street, they speak for themselves. The  
9 manse was purchased by the church later  
10 on. The second lot that has the  
11 asphalt parking lot was purchased by, I  
12 believe it was from the Lopez family.  
13 I have that in here in the, in my  
14 records for everybody. I'm sorry, the  
15 Angel family. The Angel property  
16 adjoining parsonage was purchased for  
17 \$7,500 in 1970. The house was  
18 demolished and an extensive parking  
19 area was provided.

20 So the issue that comes to effect  
21 is the flag lot. I understand Glenys's  
22 point that the 11-foot right-of-way  
23 actually isn't wide enough, I didn't  
24 catch that and that would have to be  
25 made wider for public, for emergency  
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2 vehicles.

3 There is no stipulation in the  
4 Village Code for not allowing flag  
5 lots. There have been flag lots that  
6 have been -- in fact, up 'til two years  
7 ago, before I would have had, where now  
8 I have to come to the Planning Board,  
9 if I had gone for the subdivision  
10 before this new subdivision law was  
11 written, I could have just filed with  
12 the Building Department and the  
13 subdivision would have been approved.  
14 I would probably have had to go to the  
15 Historic Board, but now I have to come  
16 here because that's the new  
17 stipulation.

18 Back about three years ago, David  
19 Kapell created a flag lot at 748 Main  
20 Street without having to come to the  
21 Planning Board because it wasn't  
22 involved. There was also a Michelle  
23 Meyers, which I believe is on Fifth --

24 MS. WINGATE: Sixth.

25 MR. OLINKIEWICZ: -- Sixth Street

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2 created a flag lot; and right over here  
3 on Fourth, number 299, Mr. Tuthil  
4 created a flag lot setback right behind  
5 the other house; so we have, actually,  
6 I can bring a Village map at some point  
7 if you would like to see that; but it's  
8 299 Fourth, so there is a flag lot that  
9 goes back and I know this because one  
10 of the reasons I have an application in  
11 front of the ZBA now to possibly  
12 subdivide a piece of property I have  
13 over at 238 Fifth Avenue and the lot  
14 that I have back there which would be a  
15 flag lot adjoins the flag lot that was  
16 granted or approved or didn't even need  
17 to come in front of the Board because  
18 it was of the proper size.

19 I mean, everything that has been  
20 designed in this project is in your  
21 code. The properties have, you know,  
22 the code that the Village has property  
23 owners have to abide by. Everything  
24 that I have on the subdivision abides  
25 by your code. I am in total compliance  
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2 within this application and with  
3 everything that I have asked for.

4 Now, I understand that maybe some  
5 people don't like flag lots. Well,  
6 there already is precedence set and  
7 done. There is no restriction of it in  
8 the Village Code at all; and I meet all  
9 the lot widths and depths; so maybe we  
10 can talk about buffers of trees or  
11 other aspects to ease the flag lot in  
12 the back, but since there is no  
13 restrictions at all in the Village Code  
14 for flag lots and I'm in total  
15 compliance with lot sizes, I don't  
16 understand why that would even be an  
17 issue, so I would need a little  
18 guidance on that.

19 As for the existing, what was the  
20 church building, we would keep the  
21 whole main structure, main meeting area  
22 and then the rear would be removed. We  
23 would put the driveway, the existing  
24 driveway actually down the side  
25 property line which is 11 feet and now

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2 is the driveway that goes back to the  
3 asphalt parking lot that's existing, so  
4 there is one that sneaks just by the  
5 side of the church, so that would  
6 become the parking, the driveway to go  
7 back to the flag lot.

8 So my intention is to keep the  
9 church building, the old church  
10 building as a one-family residence and  
11 the lot three flag lot as a one-family  
12 residence. The other two, what I would  
13 like to have the ability to do  
14 two-family on, but I think that with  
15 putting two-families and the flag lot  
16 would cause too much, maybe a little  
17 too much, so to make it a one-family in  
18 the back, I think is more than  
19 acceptable considering that you have  
20 three or four of them already in the  
21 Village and it meets all the code  
22 requirements; so unless we're gonna  
23 write new code, I don't know where I'm  
24 wrong here.

25 MS. BERRY: Can I comment on that?

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MR. OLINKIEWICZ: Sure.

MS. BERRY: Normally when we have a flag lot, the front yard has the same orientation as the street. What you're doing is, you're saying you're complying but you're not because you're putting it at right angles to all the other buildings on the block.

MR. OLINKIEWICZ: Go right to 229

--

MS. BERRY: I don't care. I don't care.

MR. OLINKIEWICZ: I'm not getting that.

MS. BERRY: Because normally --

MR. OLINKIEWICZ: Could you show me in the code where it says that? Could you show me in the Village Code where it says that the house has to be in the same direction or that the flag lot has to be exactly behind because I have not been able to find that?

MS. BERRY: No. It's just common practice.

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2 MR. OLINKIEWICZ: Where though?

3 If it's not in the Code, it can't be  
4 considered common practice.

5 MS. BERRY: Also just because it's  
6 in the Code doesn't mean they have to  
7 grant it because it may not fit this  
8 block, you know. It's not --

9 MR. OLINKIEWICZ: So I --

10 MS. BERRY: -- and also, you know,  
11 you're saying it will only be a  
12 one-family residence. Well, if you  
13 kept it connected with the other lot,  
14 you can have the two-family, so it just  
15 doesn't make sense to me.

16 MR. OLINKIEWICZ: A  
17 7,000-square-foot building makes  
18 absolutely no sense to have. The save  
19 the whole back of the church and have a  
20 7,000-square-foot building and to break  
21 it into two apartments makes absolutely  
22 no sense. To me you disrespect the  
23 church and what was there. That's just  
24 how I feel personally. A one-family  
25 house in the church is fine. I would  
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2 never think about converting it to  
3 condos or multi-family; to me, that's  
4 just against my core.

5 MS. BERRY: You couldn't, you  
6 don't have the space.

7 MR. OLINKIEWICZ: I just -- I need  
8 to know, maybe Mr. Prokop can jump in  
9 on this, how if everything that I'm  
10 doing that's written in the Village  
11 Code and I'm in total compliance, just  
12 how can somebody arbitrarily say I  
13 don't want it and I'm going to turn it  
14 down?

15 MS. BERRY: One thing, you don't  
16 have a clear code on the flag lots,  
17 most codes do, where they have specific  
18 requirements for flag lots and this  
19 code is lacking that.

20 MR. OLINKIEWICZ: That's not my  
21 fault. Are we gonna write --

22 MS. BERRY: That doesn't --

23 MR. OLINKIEWICZ: So are we gonna  
24 write a new code before we can vote on  
25 this; is that what's gonna wind up

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2 happening?

3 MS. BERRY: No. That doesn't mean  
4 they have to automatically as of right  
5 approve it either.

6 ATTORNEY PROKOP: I think that  
7 there is couple other issues, you know,  
8 seeing the plan for the first time I'd  
9 mention to you.

10 One is that the one-story garage  
11 that you're going to move, where is  
12 that going to be?

13 MR. OLINKIEWICZ: It's going to  
14 move behind the two-story-frame house  
15 on the same block on First, it's gonna  
16 slide right over into that new  
17 subdivided piece of property.

18 ATTORNEY PROKOP: Somebody has to  
19 figure out where it's going to be  
20 located because it may or not meet  
21 zoning.

22 The other thing is that with  
23 regard to the flag lot, I think that  
24 the width of the lot is measured from  
25 where, isn't it the midpoint of the

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2 lot?

3 MS. WINGATE: I'll get it for you.

4 MR. OLINKIEWICZ: That midpoint of  
5 that lot is 61-and-a-half feet wide,  
6 the width of it is 101, which is the  
7 biggest each direction than has to be  
8 with the Village Code.

9 ATTORNEY PROKOP: I don't think  
10 it's measured from the widest point of  
11 the lot; I think it's measured from the  
12 --

13 MS. WINGATE: The average distance  
14 between side lots measured at front  
15 yard or setback line at right angles to  
16 the side lots along a line parallel to  
17 the street.

18 ATTORNEY PROKOP: Right.

19 So I don't think that the flag  
20 lot, the flag lot may not make the  
21 width requirement, it has to be looked  
22 at unless it was already looked at.

23 I'm just reacting to it, I don't  
24 know if it was.

25 MR. OLINKIEWICZ: It's 101 feet by  
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61 feet which meets the Village  
perimeters.

MS. BERRY: Okay. I got 98.67.

ATTORNEY PROKOP: It has to be  
measured in a certain place.

MS. BERRY: Right.

MS. WINGATE: At the setback line  
at right angles to the side lots.

ATTORNEY PROKOP: So where is the  
setback line?

MS. WINGATE: Thirty-feet in.

ATTORNEY PROKOP: So at  
thirty-feet in, it's only eleven-feet  
wide.

MS. WINGATE: That's a  
right-of-way, that's not the lot.

ATTORNEY PROKOP: That's the  
right-of-way.

MR. OLINKIEWICZ: Again, I could  
make that lot bigger if I wanted to,  
but I wanted to maximize the amount of  
space for the grandeur of the old  
church building so that it's not just,  
has a real tight quarters to it.

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2 CHAIRMAN McMAHON: All right.

3 So, we'll have to do some double  
4 checking on measurements and where  
5 everything --

6 MR. OLINKIEWICZ: We can move a  
7 line or two if we have to.

8 CHAIRMAN McMAHON: I mean it does  
9 appear --

10 MR. OLINKIEWICZ: I mean, I  
11 could --

12 CHAIRMAN McMAHON: Are you  
13 considering -- let me see, if this  
14 is -- Main Street runs roughly north  
15 and south, so are you saying lot three,  
16 are you considering the width the  
17 north-south dimension or the east-west?

18 MR. OLINKIEWICZ: Well, again that  
19 doesn't stipulate that in the Village  
20 code of where you have to measure that.

21 CHAIRMAN McMAHON: I'm asking  
22 where you were --

23 MR. OLINKIEWICZ: I have that the  
24 width of the lot is east, well  
25 east-west and the depth is north-south.

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2 Now, I can easily take  
3 1,000-square feet off of the lot that's  
4 gonna be the old, the old sanctuary and  
5 add it to the flag lot and make that  
6 9,000-square feet and 9,500-square  
7 feet, and I can easily do that and have  
8 more than enough room. Again, I mean  
9 this was well-studied before I came  
10 before the Board.

11 Again, there are three other flag  
12 lots that were done recently since 2000  
13 in the Village that, again, didn't have  
14 to come to the Planning Board years ago  
15 because there wasn't any subdivision  
16 law that required it, so in the past  
17 two years that has been implemented and  
18 that's why I'm here; otherwise this  
19 would have been just --

20 MS. CLARK: Which piece of  
21 property are you talking about on  
22 Fourth Street?

23 MR. OLINKIEWICZ: 429 --

24 MS. CLARK: Yeah, I know, can you  
25 give a --

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2 MR. OLINKIEWICZ: I'm sorry, 200;  
3 so if you make, come on Fourth past  
4 ex-Mayor Kapell's, three more lots  
5 down. I actually have a picture.

6 MR. SWISKEY: Next to Toppo's  
7 (phonetic) house, you go in and back,  
8 the house in the back, Lucy.

9 MS. CLARK: Fourth Avenue.

10 MR. SWISKEY: Yeah, Fourth Avenue.

11 MR. OLINKIEWICZ: Yeah, Fourth  
12 Avenue. I'm sorry, Fourth Avenue.

13 MS. CLARK: That's why I'm  
14 confused.

15 Now I know exactly where it is.  
16 Thank you for that clarification.

17 CHAIRMAN McMAHON: I don't have  
18 any questions or comments here. I  
19 think we do need some clarification as  
20 to if there is any mechanism in the  
21 Code where the width and depth should  
22 be measured from. I mean, my  
23 assumption is always that the width  
24 would run along the street that you  
25 gain access to the property and depth

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2 would be from the street heading  
3 directly back. I would just want to  
4 check the code to see if there is any,  
5 just to be certain about that.

6 MR. OLINKIEWICZ: The way that the  
7 house on the --

8 Next to whose house?

9 MS. CLARK: Topy Figorelli  
10 (phonetic).

11 MR. OLINKIEWICZ: Next to Topy's  
12 house that again is, I think it's  
13 55-feet wide, 55-feet deep if you go  
14 from the road and 130-feet wide or  
15 something like that. Might be 65 and  
16 130, but I can get that information,  
17 but it's set up the exact same way that  
18 this flag lot is set up.

19 Actually, you know what, I can  
20 give you pictures. I gonna get the  
21 pictures out, I took the time to do it  
22 (handing).

23 The back page is, so this is the  
24 house going in the opposite direction.

25 That's the front of the house and



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2 here's the flag lot driveway.

3 The page before is the, the second  
4 to last page, if you want to look at  
5 that, it has the small building, that  
6 is the extra living quarters on the  
7 property that's adjacent to the church,  
8 so that would be, I guess now formally  
9 of Anthony and Margaret McDonald, so  
10 there is a two-story framed house set  
11 back from their house already, so this  
12 one would almost, the flag lot would  
13 almost abut it. If you go behind the  
14 back of the church area, you can  
15 actually see, if you go two pages back  
16 from there, two more photos back, you  
17 can just catch a glimpse, so there is  
18 already a structured building with  
19 living quarters back in that area.

20 CHAIRMAN McMAHON: Does anyone  
21 have any thoughts or comments on the  
22 subdivision property as a whole as far  
23 as the property being subdivided?

24 I don't have any issues with that.  
25 It's an unused building now, it's a  
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2 church, it's no longer a church, so  
3 something needs to be done. It's a  
4 large piece of property there.

5 I do have a couple questions that  
6 have been raised about lot three and  
7 where it's appropriate to take those  
8 measurements from, so we can get some  
9 clarification on that.

10 MR. OLINKIEWICZ: Like I said --

11 CHAIRMAN McMAHON: -- general  
12 sense, I don't really have any, I do  
13 have a question as to whether or not,  
14 again I want to go back and take a look  
15 and see if there is anything with  
16 regard to whether or not a flag lot is  
17 introducing nonconformance or not  
18 because if it is, if that's the  
19 determination, than it would need ZBA  
20 approval for that because we can't  
21 introduce nonconformance where there is  
22 none; so I just want to check on that  
23 as Glenys mentioned, as it stands now,  
24 the access to lot three would need to  
25 be wider to insure that emergency

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2 vehicles can get back there.

3 MR. OLINKIEWICZ: If you wanted  
4 lot three to be a little larger, I can  
5 take a little bit of the, like I said,  
6 the land away from the back of the  
7 sanctuary, the old sanctuary which  
8 would be the one-family house, so that,  
9 you know, depending, so there may be  
10 some tweaks that you ask for that we  
11 can take care of. I'm also willing to,  
12 you know, put in your findings to be  
13 able to plant vegetative buffers  
14 between the backs of the properties so  
15 that there's privacy for all neighbors  
16 and that people aren't feeling  
17 overwhelmed at the house. Also, like I  
18 said, on lot three, the flag lot, I'm  
19 willing to put a covenant on that that  
20 it's a one-family residence and it's  
21 not a two-family residence so that it  
22 keeps with the Main Street neighborhood  
23 of the beautiful and large houses on  
24 nice lots.

25 So that's where my intentions are

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2 in the matter.

3 CHAIRMAN McMAHON: Okay.

4 MR. BURNS: Just for the record,  
5 if anyone should ask, I was part of  
6 this church, not a member of it because  
7 being a clergyman, I'm a member of  
8 their organization United Methodist  
9 Church; but I attended worship here on  
10 and off for 30 years, and I was a part  
11 of the committee that voted to approve  
12 the sale to Mr. Olinkiewicz, but I have  
13 no connection to him or its current  
14 status. It not a church, it's not the  
15 church that it was.

16 MS. WINGATE: Devin.

17 CHAIRMAN McMAHON: Yes.

18 MS. WINGATE: I just want to  
19 remind you that moving forward,  
20 procedure calls for public notice for  
21 the next round of sketch plan; so you  
22 could vote this application be noticed  
23 by placard and in the newspaper, then  
24 we could move forward with it.

25 CHAIRMAN McMAHON: Again, this is  
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2 a pre-submission conference.

3 ATTORNEY PROKOP: Excuse me.

4 CHAIRMAN McMAHON: Yes.

5 ATTORNEY PROKOP: I was going to  
6 ask, so demolishing a structure inside  
7 the Historic District, doesn't that --

8 MR. PALLAS: That section of the  
9 building I think is not part of the  
10 original structure. It's my  
11 understanding that that would not be  
12 part of the Historic, that's my  
13 understanding.

14 ATTORNEY PROKOP: No, but it's in  
15 the Historic District?

16 MS. WINGATE: It's still in the  
17 Historic District, yes. So it will be  
18 going to -- there's two additions to  
19 the original structure, there's a 1920s  
20 addition and there is -- I thought it  
21 was a '60s, a '50s addition, it's a  
22 '60s addition, so yes it has to go to  
23 to Historic but --

24 ATTORNEY PROKOP: The thing that's  
25 unique about this application is that  
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2 one of the proposed subdivision lines  
3 goes right through the building that's  
4 going to be demolished; so the  
5 subdivision is sort of conditional on  
6 that building being demolished; so I  
7 think that the Historic Board, it might  
8 have to pass through Historic Board  
9 first --

10 MS. WINGATE: First --

11 ATTORNEY PROKOP: -- because we  
12 are not talking about subdividing  
13 property and then demolishing a  
14 structure on one of the lots. If you  
15 create a subdivision, it's subject to  
16 the demolition.

17 MS. WINGATE: So the next  
18 available Historic meeting would be  
19 January.

20 MR. OLINKIEWICZ: So do they --  
21 does the Planning Board send me to the  
22 Historic District; is that a vote they  
23 make that this has to go to the  
24 Historic District and that pushes me in  
25 front or I just show up at the Historic  
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2 Board?

3 MS. WINGATE: You fill out an  
4 application.

5 MR. OLINKIEWICZ: I understand  
6 that, but I didn't know if the Planning  
7 Board makes the stipulation to go in  
8 front of them.

9 ATTORNEY PROKOP: No.

10 You would need that to come here  
11 because it's sort of the other way  
12 around.

13 MR. OLINKIEWICZ: Right but the  
14 Historic District, I was informed that  
15 I couldn't go in front of the Historic  
16 Committee until I first showed up to  
17 the Planning Board, so that's why I'm  
18 just making sure.

19 MS. WINGATE: This is a  
20 pre-submission conference, so we're  
21 gonna get all the pieces in order  
22 tonight.

23 MR. OLINKIEWICZ: So I go from  
24 here to the Historic, to the Historic  
25 then come back here?

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2 MR. PALLAS: Correct.

3 Then you would follow Chapter 118  
4 with the notice requirements and  
5 placards.

6 MR. OLINKIEWICZ: Okay.

7 MS. WINGATE: I would like to know  
8 when the Planning Board would like to  
9 see -- do you want to see Jim late in  
10 January at your January Work Session  
11 because he can't get before Historic  
12 until January, probably 9th.

13 ATTORNEY PROKOP: We had a  
14 pre-submission conference and the  
15 question is about the alignment of the  
16 lots and things like that; does that  
17 have to be resolved? How can he get to  
18 a sketch plan if we're still checking.

19 MS. WINGATE: That's what the  
20 sketch plan is for, isn't it?

21 MR. PALLAS: This, as a  
22 pre-submission, there's a couple  
23 questions that need to be responded to  
24 and we'll do that quickly; and once  
25 those have been vetted out and



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2 Finalized, he would submit that  
3 revision here as part of the sketch  
4 plan. Demolition would be a separate  
5 matter but needs to be done before the  
6 sketch plan. I think I got that right.

7 ATTORNEY PROKOP: I think the  
8 Historic approval needs to be done  
9 because the way it's laid out.

10 MR. PALLAS: Yes, I agree.

11 MS. WINGATE: Now the question  
12 goes back to, you'll go to Historic  
13 January 9th and then we'll have a  
14 public hearing for the Planning Board  
15 on January 26th.

16 Is that the way you would like it  
17 to go, Devin?

18 CHAIRMAN McMAHON: If that is the  
19 proper order of things, that's fine  
20 with me.

21 Do I need to make a motion to  
22 schedule that at this point?

23 MS. WINGATE: Please.

24 CHAIRMAN McMAHON: So we're still  
25 pre-submission, so we have not -- I  
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2 don't know how we would --

3 ATTORNEY PROKOP: We need to come  
4 up with comments to the plans.

5 CHAIRMAN McMAHON: I don't think  
6 we can do that.

7 MR. PALLAS: You have asked for  
8 clarifications on a couple of things,  
9 and as I understood the discussion, the  
10 responses to those clarifications would  
11 change the layout, so potentially  
12 depending on the answer, if the answer  
13 is this is the setback, than that would  
14 be --

15 MR. OLINKIEWICZ: So we go to  
16 Historic then we come back here for  
17 another pre-submission with the new  
18 changes that everybody goes and then we  
19 go in January, and then February go --

20 MS. WINGATE: It's also possible  
21 to use the late-December meeting.

22 CHAIRMAN McMAHON: I was just  
23 saying, we do have another meeting.

24 MS. WINGATE: To further discuss  
25 the application and then go to

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2 Historic.

3 MR. OLINKIEWICZ: Widening of the  
4 driveway and making the changes if I  
5 have to to the lot and then -- so what  
6 would that be, the date?

7 CHAIRMAN McMAHON: That would  
8 actually not change to timeline at all  
9 because you would still be going to the  
10 Historic Board in the beginning of  
11 January, the 9th roughly. We have  
12 another meeting before that, so there's  
13 a pre-submission conference, you could  
14 take our comments, we could receive  
15 comments from Village Administrator and  
16 Building Inspector, you can receive  
17 those same comments if you then wanted  
18 to submit an application for review at  
19 that point, then we would, I believe we  
20 have the option to accept it at the end  
21 of the December meeting, and then it  
22 would go to Historic; is that correct?

23 MS. WINGATE: That sounds like a  
24 good path.

25 CHAIRMAN McMAHON: So we would --  
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2 Does anyone else have any questions,  
3 additional questions?

4 MR. COTUNGO: When you come back,  
5 if you can have your surveyor put right  
6 on this part of the paper here  
7 (indicating) a whole zoning chart with  
8 the setbacks, the lot coverage, like  
9 the Village Planner was nice enough to  
10 --

11 MR. OLINKIEWICZ: I think it's on  
12 there, the lot coverage for each piece  
13 of property, parcel.

14 MR. COTUNGO: Usually they make  
15 like a chart.

16 MR. OLINKIEWICZ: It's there.

17 MR. COTUNGO: I see the areas of  
18 the lot here.

19 MR. OLINKIEWICZ: And then the lot  
20 coverage for the two that have coverage  
21 on them. The other two are empty  
22 pieces of property, so they wouldn't  
23 have any lot coverage.

24 MR. PALLAS: Are you asking for  
25 the setback lines to be superimposed?

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2 MR. COTUNGO: Yeah, usually the  
3 subdivisions I've been involved with  
4 show like an envelope of where the  
5 buildings are gonna go. Especially  
6 with the flag lot, that would be  
7 helpful to put setbacks right on there.

8 CHAIRMAN McMAHON: I don't think  
9 there is a proposed building at this  
10 point.

11 MR. COTUNGO: But there is a  
12 zoning that will tell you where the  
13 building is gonna fit.

14 MR. OLINKIEWICZ: So you want that  
15 on both of the empty lots?

16 MS. WINGATE: The buildable lots.

17 MR. OLINKIEWICZ: The buildable  
18 areas on the empty lot based on  
19 setbacks.

20 MR. COTUNGO: Right, and where the  
21 garage is gonna be moved to.

22 MS. WINGATE: Potential  
23 footprints.

24 MR. OLINKIEWICZ: Is that 12 feet  
25 or 15 feet, the width for emergency

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2 vehicles?

3 MS. WINGATE: Fifteen.

4 No, you know, residential, we've  
5 done this a million times, residential  
6 doesn't have a requirement.

7 MR. OLINKIEWICZ: Right. That's  
8 why we went with 11 feet because it  
9 didn't have a requirement.

10 MS. WINGATE: There is no  
11 requirement anyplace that I could find.

12 Right, John?

13 MR. OLINKIEWICZ: So would I  
14 change that line then or not because I  
15 don't have to.

16 MR. COTUNGO: I would like to see  
17 15 feet since there is no clarification  
18 because that's what I think is needed.  
19 In most flag lots I've seen, they're 25  
20 feet.

21 MR. OLINKIEWICZ: Is that the  
22 consensus of the Board?

23 CHAIRMAN McMAHON: I would have to  
24 differ to the Building Department to  
25 what's appropriate. I mean, my major  
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2 concern is, can a fire truck or an  
3 ambulance get back there if needed.  
4 I'm sure that's what you would want as  
5 well.

6 MR. OLINKIEWICZ: Sure.

7 CHAIRMAN McMAHON: That's my  
8 concern. I don't know what the  
9 appropriate opening should be, what's  
10 necessary for that, but I would  
11 certainly want that to be the minimum,  
12 that's what's most important to me.

13 MR. COTUNGO: I would think 15.

14 CHAIRMAN McMAHON: Maintaining the  
15 safety of the neighborhood, that's my  
16 priority and concern. I didn't know if  
17 there is a mechanism to require it or  
18 not but that's my concern.

19 Does anyone else have any comments  
20 or questions?

21 MR. BURNS: Thank you for your  
22 sensitivity to the historicity of the  
23 building.

24 MR. OLINKIEWICZ: Potential  
25 footprints on the two blank lots, the  
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new garage location where it's gonna  
get moved behind --

MS. WINGATE: Not potential  
footprints, setbacks.

MR. OLINKIEWICZ: Oh, potential  
setbacks for lots, then new garage  
location with the emergency vehicle to  
15 feet for driveway access.

Is there anything else that would  
be needed on the survey?

ATTORNEY PROKOP: I think you  
should show where you're going to move  
the garage.

MR. OLINKIEWICZ: Yes, I have  
that.

The later December meeting is what  
date?

ATTORNEY PROKOP: December 29th.

MR. OLINKIEWICZ: Thank you so  
much for your time.

CHAIRMAN McMAHON: Thank you.

I'm going to make a motion to move  
on to the next item on the agenda.

Do I have a second for that?



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2 MS. CLARK: Second.

3 CHAIRMAN McMAHON: All in favor?

4 MR. BURNS: Aye.

5 MS. CLARK: Aye.

6 MR. COTUNGO: Aye.

7 CHAIRMAN McMAHON: Motion carries.

8 Item Number 3. 117 Main Street.

9 Site plan review for Evan

10 Gappelberg. The applicant has proposed

11 a retail chocolate shop to be located

12 at 117 Main Street.

13 The property is located in the WC,  
14 Waterfront Commercial District and is a  
15 conditional use.

16 The property is also located  
17 within the Historic District. The HPC  
18 will be reviewing the signage.

19 Suffolk County Tax Map number  
20 1001-5-4-35.2.

21 This is not a full site plan  
22 review, this is an --

23 MS. WINGATE: The site plan review  
24 in that it's the WC District, so it  
25 can't be a use evaluation; although,  
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2 because it's retail-to-retail, it's not  
3 a full-blown site plan review, but it  
4 is WC.

5 CHAIRMAN McMAHON: Generally, when  
6 we have a use evaluation application,  
7 it's a little bit more straightforward.  
8 In the past, we have had site plan  
9 review for conditional uses in  
10 Commercial and we have required public  
11 hearings for that. What I'm hearing is  
12 we do not need that for this  
13 application; is that correct?

14 MS. WINGATE: That's correct.

15 CHAIRMAN McMAHON: Do you have  
16 anything to preface you application  
17 with?

18 MR. GAPPELBERG: No. I'm just  
19 excited to bring the Hampton Chocolate  
20 Factory Artisan Dessert Shop to  
21 Greenport. It's going to be fun and  
22 exciting.

23 MR. COTUNGO: On your photo of the  
24 front, you're showing two signs but  
25 then on the drawing, there is three  
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2 signs; so where is one five-by-four  
3 feet?

4 MR. GAPPELBERG: So there is a  
5 hanging sign and then there is a sign  
6 that goes across the top of the window,  
7 the front window sign and that's it  
8 actually.

9 MS. WINGATE: I think that one on  
10 the top was a logo.

11 MR. COTUNGO: Five point five feet  
12 by four feet, that's the one that I  
13 don't know where that is.

14 MS. WINGATE: It doesn't belong;  
15 it's just random.

16 MR. COTUNGO: Doesn't belong?

17 MS. WINGATE: It's the big one on  
18 the bottom.

19 MR. COTUNGO: This shouldn't be  
20 here (indicating)?

21 MR. GAPPELBERG: Yes, just one  
22 strip across the top of the window.

23 MR. COTUNGO: That's this one  
24 (indicating)?

25 MR. GAPPELBERG: Exactly. That  
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2 was just my graphic designer put that  
3 on there, but you could ignore it.  
4 It's the same thing, he was just trying  
5 to make a template. You can put an X  
6 on it.

7 CHAIRMAN McMAHON: We essentially  
8 have two, one is the use evaluation  
9 application and the signage is  
10 separate.

11 MS. WINGATE: It will go before  
12 HPC.

13 CHAIRMAN McMAHON: It would go  
14 before HPC and then we would get that.  
15 So we can bifurcate this to two  
16 separate questions; is that correct?

17 Is the site plan review  
18 application taking the place of the use  
19 evaluation?

20 MS. WINGATE: I don't use use  
21 evaluation in WC unless it, you know,  
22 unless it's -- use evaluation is  
23 permitted use in a permitted zone, this  
24 is a conditional use but because it's  
25 retail-to-retail it's a buy, it's

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2 considered permitted. I just generally  
3 stay away from use evaluations when it  
4 gets gray like that.

5 CHAIRMAN McMAHON: So it's  
6 essentially taking the place of that.

7 Does anyone have any questions  
8 about the use of application itself?

9 (No response.)

10 It seems pretty straight forward  
11 to me, it's retail replacing retail. I  
12 don't see any issues here really.

13 MS. WINGATE: I like to use the  
14 site plan and not the use evaluation  
15 just to be consistent.

16 ATTORNEY PROKOP: The first motion  
17 would be for the Board to adopt lead  
18 agency status and determine that  
19 because it's a use evaluation, it's a  
20 Type 2 Action for purposes of SEQRA and  
21 therefore no further SEQRA reviews is  
22 required.

23 CHAIRMAN McMAHON: I will so  
24 motion.

25 Do I have a second?

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MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Now, with regards to the actual application for the use of the space, I'm going to make a motion to approve it as submitted with the understanding that the signage is still before HPC.

Do I have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: Do you have a question?

MR. PALLAS: It would be approved separately by HPC?

CHAIRMAN McMAHON: Yes.

ATTORNEY PROKOP: Is the seating inside or outside?

MR. GAPPELBERG: What's that?

ATTORNEY PROKOP: Are you going to have seating inside or outside?

MR. GAPPELBERG: No.

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ATTORNEY PROKOP: Thank you.

MR. GAPPELBERG: I have a question about HPC; I don't know what that means.

MS. CLARK: Historic Preservation Commission.

MR. GAPPELBERG: Is that --

MS. CLARK: It's in the Historic District.

CHAIRMAN McMAHON: Your building is the Historic District, so the signage that you're putting out front needs to be approved by HPC, it's a separate Board. If they are okay with -- my personal perspective, if they're okay with the signage, I have no issue with it.

MR. GAPPELBERG: Is that a separate --

CHAIRMAN McMAHON: It would be, so right now I'm going to make a motion that we approve the application as submitted with the understanding that the signage still needs to go before

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2 HPC for approval.

3 Do I have a second?

4 MS. CLARK: Second.

5 CHAIRMAN McMAHON: All in favor?

6 MS. CLARK: Aye.

7 MR. BURNS: Aye.

8 MR. COTUNGO: Aye.

9 CHAIRMAN McMAHON: Motion carries.

10 Thank you very much.

11 MR. GAPPENBERG: Thank you.

12 Item Number 4, 120-122 Front  
13 Street.

14 Use evaluation for Michelle  
15 Alptekin. The applicant has proposed  
16 combining two vacant retail shops for  
17 use as a restaurant.

18 The Olive Branch Restaurant has  
19 proposed 32 indoor seats and 16 patio  
20 seats and will be located at 120-122  
21 Front Street.

22 The property is located in the CR,  
23 Commercial Retail District and is a  
24 permitted use.

25 Suffolk County Tax Map number  
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2 1001-4-9-28.3.

3 MS. ALPTEKIN: I'm Michelle  
4 Alptekin.

5 CHAIRMAN McMAHON: Glenys, is this  
6 the one you mentioned earlier, you  
7 didn't have a chance to prepare a  
8 letter, but there are a couple issues  
9 you wanted to address?

10 MS. BERRY: There were three  
11 things I noticed. I assume you're  
12 putting a grease trap in.

13 MS. ALPTEKIN: Yes.

14 MS. BERRY: If you could show  
15 that.

16 MS. ALPTEKIN: It's not on the  
17 plan?

18 MS. BERRY: I don't see it.

19 MS. ALPTEKIN: Okay.

20 MR. COTUNGO: Where it says notes,  
21 "A new grease trap will be provided and  
22 installed in crawl space for all  
23 sinks."

24 MS. BERRY: Okay.

25 MS. ALPTEKIN: We already have  
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2 that purchases. I thought that was on  
3 the plan.

4 MS. BERRY: I believe you need two  
5 bathrooms, one for each sex; and they  
6 both need to be ADA.

7 MS. ALPTEKIN: Two bathrooms?

8 MS. BERRY: Um-hmm, one for each  
9 sex because you're over an occupancy of  
10 15.

11 MS. ALPTEKIN: Okay.

12 MS. BERRY: And then the other  
13 question is how are you handling your  
14 trash?

15 MS. ALPTEKIN: We were approved  
16 prior to this for a dumpster, and we  
17 had permission from the landlord to put  
18 it behind the Japanese restaurant. We  
19 were approved for the cafe.

20 MS. BERRY: But this the more, so  
21 we're --

22 MS. ALPTEKIN: It will accommodate  
23 both facilities.

24 MS. WINGATE: Can we get a letter  
25 from Mr. Ali (phonetic) stating that  
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2 this works for him?

3 MS. ALPTEKIN: Yes. I have a  
4 letter with the prior approval, but I  
5 will certainly get another one.

6 MS. WINGATE: That would be great.

7 ATTORNEY PROKOP: You mean the  
8 dumpster?

9 MS. WINGATE: The dumpster.

10 ATTORNEY PROKOP: We would need a  
11 dumpster, some kind of dumpster sign  
12 off.

13 MS. ALPTEKIN: Okay, great. I  
14 will get that.

15 On the bathrooms, could I just ask  
16 you a question?

17 MS. BERRY: Um-hmm.

18 MS. ALPTEKIN: So we rented two  
19 retail spots, and the back unit is  
20 going to be the, just the kitchen and  
21 the seating will be in the front unit,  
22 so you're saying that requires two  
23 handicap?

24 MS. BERRY: Right.

25 The code says if you have an  
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2 occupancy over 15, you need separate  
3 toilet facilities for the sexes.

4 MS. ALPTEKIN: Oh, men and women?

5 MS. BERRY: Right.

6 MS. ALPTEKIN: Okay.

7 MS. BERRY: And you have to have  
8 handicap accessibility, meaning at  
9 least one, so that means they both need  
10 to be handicap accessible.

11 MS. ALPTEKIN: Is that determined  
12 by the number of seating, so you're  
13 saying up to 15.

14 MS. BERRY: Yes.

15 MS. ALPTEKIN: Thank you.

16 MS. BERRY: Actually, it says  
17 occupancy, so that includes the  
18 workers.

19 MS. ALPTEKIN: Okay, great. Thank  
20 you.

21 MR. COTUNGO: You have to submit  
22 to Board of Health.

23 MS. ALPTEKIN: That's correct.

24 MR. COTUNGO: I think your  
25 architect should show more details,

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2 such as with the two ADA bathrooms,  
3 you're gonna have to show grab bars,  
4 the height of things, usually the  
5 architect has elevations showing the  
6 height of the grab bars, the length of  
7 the grab bars.

8 MS. ALPTEKIN: And it's not on the  
9 plan?

10 MR. COTUNGO: No.

11 MR. PALLAS: You get those for the  
12 Building Permit.

13 MR. COTUNGO: Safety features  
14 would have to be on that, emergency  
15 lighting, you know, smoke and carbon  
16 monoxide detectors.

17 MS. BERRY: And the floor is flush  
18 with the sidewalk outside?

19 MS. ALPTEKIN: Yes.

20 MS. BERRY: Dimensions would help  
21 too.

22 MS. ALPTEKIN: Dimensions on?

23 MR. PALLAS: Everything, there's  
24 no dimensions anywhere.

25 MS. ALPTEKIN: Okay.

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2 Do you want me to re-submit it to  
3 the architect?

4 MR. PALLAS: You can have your  
5 architect contact us and we can go over  
6 what we need from him.

7 MS. ALPTEKIN: Okay.

8 CHAIRMAN McMAHON: Does anyone  
9 have any questions or comments as to  
10 the actual use of the space?

11 I do not.

12 MR. COTUNGO: No.

13 MS. CLARK: No.

14 CHAIRMAN McMAHON: Do you have  
15 more building-related issues or ADA  
16 compliance issues that they should be  
17 aware of?

18 MS. BERRY: No.

19 CHAIRMAN McMAHON: I guess that  
20 would maybe be a pre-submission  
21 conference then because it's not -- if  
22 we're requiring the addition of an  
23 entire other bathroom, it's a  
24 significant change to the plan?

25 MR. PALLAS: Correct.

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2 You have to resubmit with the  
3 changes, and we haven't had a full  
4 opportunity -- if there are any other  
5 comments, if the Board is okay, we'll  
6 communicate those directly to the  
7 applicant and if any changes are a  
8 result of that, we will alert the Board  
9 of that at the next meeting, changes  
10 over and above what we've already  
11 discussed.

12 CHAIRMAN McMAHON: Okay.

13 I mean ADA compliance and grease  
14 traps, which apparently is going to be  
15 dealt with, safety concerns are my only  
16 issue, so if those are items up to  
17 Building Code standards, I don't have  
18 any other real issues with the project.  
19 Also, of course, the dumpster, getting  
20 approval for that.

21 ATTORNEY PROKOP: We just approved  
22 the cafe in the back, right?

23 CHAIRMAN McMAHON: Yes.

24 ATTORNEY PROKOP: The sign to be  
25 approved is going to be more or less  
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2 where the word outdoor mall is?

3 Doesn't the sign go across the middle  
4 on this plan?

5 MS. WINGATE: See where it says  
6 outdoor mall?

7 ATTORNEY PROKOP: The sign is going  
8 to be right there?

9 MS. WINGATE: Yes.

10 CHAIRMAN McMAHON: There was no  
11 additional signage included in this  
12 application.

13 MS. WINGATE: Nothing has been  
14 submitted yet for any additional  
15 signage for this restaurant.

16 CHAIRMAN McMAHON: All right.

17 So you will communicate to the  
18 applicant what the necessary changes  
19 that we discussed already will be?

20 MR. PALLAS: Yes.

21 CHAIRMAN McMAHON: So the Village  
22 will be in touch with you to go over  
23 some of the details and specifics they  
24 need from the architect and the changes  
25 that are required with regard to the  
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ADA approved bathrooms.

MS. ALPTEKIN: Okay.

CHAIRMAN McMAHON: And you would be, I guess, coming back to us at our next meeting, hopefully with all those changes addressed, and we would be able to move forward from there.

MS. ALPTEKIN: Okay.

Will you have a meeting in December?

CHAIRMAN McMAHON: Yes, December 29th.

MS. ALPTEKIN: Great.

So I'll get in touch with you, Eileen, regarding those changes?

MS. WINGATE: Yes.

CHAIRMAN McMAHON: Thank you very much.

MR. ALPTEKIN: I'm Michelle husband.

We have other building, we have three buildings and one is a kitchen, already they have a restroom, little restroom; but we didn't use it. Other  
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2 building have a restroom, handicap  
3 restroom, we have, this plan is a  
4 handicap restroom, but we have a place,  
5 we have enough room to make another  
6 restroom too easy.

7 And then I just let you know  
8 grease trap is already ordered, so  
9 everything's ready.

10 Thank you very much.

11 CHAIRMAN McMAHON: Thank you.

12 I make a motion to move on to Item  
13 Number 5.

14 Do I have a second for that?

15 MS. CLARK: Second.

16 CHAIRMAN McMAHON: All in favor?

17 MS. CLARK: Aye.

18 MR. COTUNGO: Aye.

19 MR. BURNS: Aye.

20 CHAIRMAN McMAHON: Motion carries.

21 Item Number 5, 120 Front Street.

22 Use evaluation for Britney Calvert  
23 and Kenneth Deeg.

24 The applicant has proposed a  
25 retail clothing shop to be located at  
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120 Front Street.

The property is located in the CR,  
Commercial Retail District and is a  
permitted use.

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

Is this the current location of  
East of the Moon?

MS. WINGATE: Yes.

CHAIRMAN McMAHON: We're going  
from retail to retail.

MS. WINGATE: This is CR, so it's  
approved.

CHAIRMAN McMAHON: Yes.

Does anyone have any questions or  
comments with regard to this?

MR. COTUNGO: With regard to the  
plans, I believe part of the countertop  
in the dressing has to be handicap  
accessible.

MR. DEEG: It's a bench seat in  
the dressing room; it's not a  
countertop in the dressing room.

MR. COTUNGO: Two separate issues.  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Work/Regular - 12-1-16

2 People in wheelchairs have to have  
3 access to the countertop, so it has to  
4 be at the right height, at least a  
5 30-inch section.

6 MR. DEEG: Okay.

7 MR. COTUNGO: And I think the  
8 dressing room has to bigger. You're  
9 building that new, right; it's not  
10 there now?

11 MR. DEEG: The countertop and the  
12 dressing room are not there now; it's  
13 just an empty space.

14 MR. COTUNGO: Anything that's new  
15 has to be compliant.

16 MR. DEEG: This is all subject to  
17 change; we can change that.

18 MR. COTUNGO: Toilets, you're not  
19 touching the --

20 MR. DEEG: No, we are not changing  
21 any of that.

22 MS. BERRY: Relative to that,  
23 right now the dressing room door looks  
24 quite small based on the plan.

25 Is there an elevation change

1 Work/Regular - 12-1-16

2 between outside and inside?

3 MR. DEEG: No, there is not.

4 The whole countertop can go  
5 further toward Front Street and the  
6 dressing room can be bigger, it's just  
7 a layout, it's for layout purposes.

8 CHAIRMAN McMAHON: If there are  
9 items that need to be adjusted for ADA  
10 compliance obviously that would need to  
11 be addressed; otherwise, I don't have  
12 any issues.

13 Can ADA compliance be something  
14 that the Building Department can  
15 determine before issuing a C of O?

16 MR. PALLAS: Yes.

17 CHAIRMAN McMAHON: If the other  
18 members of the Board are okay with  
19 that, I'm fine differing to them to  
20 make sure it's ADA compliant.

21 Otherwise, I don't have any issues  
22 with this application.

23 ATTORNEY PROKOP: Do you want to  
24 put that as a condition?

25 CHAIRMAN McMAHON: Yes.

1 Work/Regular - 12-1-16

2 ATTORNEY PROKOP: So the first  
3 motion would be to determine that the  
4 application is the Board is adopting  
5 lead agency status in determining that  
6 the application is a Type 2 Action for  
7 purposes of SEQRA; and, therefore, no  
8 further SEQRA review is required.

9 CHAIRMAN McMAHON: I will so  
10 motion.

11 MR. BURNS: Second.

12 CHAIRMAN McMAHON: All in favor?

13 MS. CLARK: Aye.

14 MR. BURNS: Aye.

15 MR. COTUNGO: Aye.

16 CHAIRMAN McMAHON: Motion carries.

17 MR. DEEG: Is that approved for  
18 the signage also?

19 CHAIRMAN McMAHON: No, that is a  
20 totally separate thing. That's a SEQRA  
21 review which is State Environmental  
22 Quality Review --

23 MS. WINGATE: The signage is part  
24 of this.

25 CHAIRMAN McMAHON: I'm just saying  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Work/Regular - 12-1-16

2 the vote we took was --

3 MR. DEEG: Okay.

4 CHAIRMAN McMAHON: -- it's not an  
5 environmental issue, it's nothing in  
6 that regard.

7 ATTORNEY PROKOP: The second  
8 motion, if it's okay --

9 CHAIRMAN McMAHON: Sure.

10 ATTORNEY PROKOP: To approve the  
11 use evaluation application conditioned  
12 on the applicant getting conformation  
13 of ADA compliance with the Building  
14 Department.

15 CHAIRMAN McMAHON: I will so  
16 motion.

17 Do I have a second for that?

18 MR. COTUNGO: Second.

19 CHAIRMAN McMAHON: All in favor?

20 MS. CLARK: Aye.

21 MR. BURNS: Aye.

22 MR. COTUNGO: Aye.

23 CHAIRMAN McMAHON: Motion carries.

24 Third issue is the signage. We  
25 have -- Eileen, is this a completed and  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Work/Regular - 12-1-16

2 conforming sign application?

3 MS. WINGATE: Yes, it conforms.

4 CHAIRMAN McMAHON: Did they submit  
5 a sign application; I don't have a copy  
6 of the actual sign application? We  
7 have pictures of the sign.

8 MS. CLARK: The design.

9 MR. DEEG: The sign is the same  
10 size as the ones that are there, the  
11 round sign would be on the hanging sign  
12 on the road and the long sign is where  
13 the East of the Moon sign would be  
14 currently.

15 MS. WINGATE: My mistake. They  
16 sent it to me after the fact, and I  
17 didn't put it in the package, so it's  
18 on my desk, but I do have a sign permit  
19 application.

20 MS. CLARK: It's within code?

21 MS. WINGATE: Everything is good.

22 CHAIRMAN McMAHON: The mockup of  
23 what the signage would be looks fine to  
24 me. If it's conforming with the  
25 Village Code and the application meets  
Flynn Stenography & Transcription Service  
(631) 727-1107



1 Work/Regular - 12-1-16

2 the requirements of the Village, I have  
3 no issue with that.

4 ATTORNEY PROKOP: It shows the  
5 size and is this the color of the sign?

6 MR. DEEG: The dimensions are on  
7 the paperwork.

8 ATTORNEY PROKOP: No. Is this  
9 actually the color?

10 MR. DEEG: Yes.

11 That would be white with black  
12 lettering.

13 ATTORNEY PROKOP: I don't see a  
14 problem as long as -- what district is  
15 this in?

16 MS. WINGATE: CR.

17 MR. DEEG: It's actually the same  
18 size as the one that's there now. I  
19 measured the one that was there, 72  
20 inches by 10 and a half.

21 CHAIRMAN McMAHON: I'm going make  
22 a motion we approve the sign  
23 application as submitted granted that  
24 everything is in adherence with the  
25 Village Code, Village Regulations and  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Work/Regular - 12-1-16

2 these mock ups are accurate  
3 representations of what will be there.

4 Do I have a second for that?

5 MR. COTUNGO: Second.

6 CHAIRMAN McMAHON: All in favor?

7 MS. CLARK: Aye.

8 MR. BURNS: Aye.

9 MR. COTUNGO: Aye.

10 CHAIRMAN McMAHON: Motion carries.

11 MR. DEEG: Thank you very much.

12 CHAIRMAN McMAHON: Item Number 6  
13 Motion to accept the Planning Board  
14 calendar for 2017.

15 I have not received a copy of  
16 that.

17 I believe it's the same format as  
18 first and last Thursday of every month.  
19 I do not see any issue with that, we'll  
20 reserve the right with proper notice to  
21 adjust the schedule as needed.

22 I make a motion to accept the  
23 schedule as prepared.

24 Do I have a second for that?

25 MS. CLARK: Second.

1 Work/Regular - 12-1-16

2 CHAIRMAN McMAHON: All in favor?

3 MS. CLARK: Aye.

4 MR. BURNS: Aye.

5 MR. COTUNGO: Aye.

6 CHAIRMAN McMAHON: Motion carries.

7 Item Number 7 motion to adopt  
8 resolutions deciding applications.

9 We have no resolutions, I don't  
10 believe, so we're going to move on from  
11 that item.

12 Item Number 8 motion to accept the  
13 minutes from the meetings held on  
14 September 1, 2016; September 29, 2016;  
15 October 6, 2016; October 27, 2016 and  
16 November 3, 2016.

17 Do I have a second for that?

18 MR. BURNS: Second.

19 CHAIRMAN McMAHON: All in favor?

20 MS. CLARK: Aye.

21 MR. BURNS: Aye.

22 MR. COTUNGO: Aye.

23 CHAIRMAN McMAHON: Motion carries.

24 Item Number 9 motion to adjourn.

25 Do I have a second for that?

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MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

(Time noted: 7:27 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 December 1, 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 1st day of December, 2016.

---

STEPHANIE O'KEEFFE

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