VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

PLANNING BOARD
COMBINED
WORK and REGULAR SESSION

Third Street Firehouse
Greenport, New York
December 1, 2016
5:17 p.m.

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

Item Number 1, corner of Front and Third Street.

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

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

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

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

This is Suffolk County Tax Map number 1001-5-4-5.
I believe this application came before us, and it was denied because of nonconformance, parking, setbacks and some other issues, I believe, and it went before the ZBA.

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

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

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

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

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

Wasn't it originally 24?

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

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

MR. PALLAS: Yes.

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

Does anyone have any thoughts on that?

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

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

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

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

John, do you have any thoughts?

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

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

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

MR. COTUNGO: Yes, I understand.

CHAIRMAN McMAHON: Lucy, do you
have any thoughts?

MS. CLARK: (Nods head.)

CHAIRMAN McMAHON: No.
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.
ADA-accessible space and have allowed for ten spaces on spot. Two of those spaces would be restricted for timing in order to access the loading zone. To some of the comments that were made the last time I was here, those were essentially the changes to the plan, and plans were sent to the Zoning Board for its special meeting on the 6th of this month.

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

CHAIRMAN McMAHON: Okay.

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

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

MS. CLARK: Well, we wouldn't need to accept money in lieu of parking spaces if there aren't any parking spaces for us to accept money in lieu of.
CHAIRMAN McMAHON: I understand.

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

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

Go ahead.

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

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

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

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

CHAIRMAN McMAHON: I don't know.

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

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

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

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

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

CHAIRMAN McMAHON: Yeah, up to 20 is what's allowed, so we -- I mean I think for any viable project, you would need to accept payment in lieu. If there was any building, it's really the only truly empty lot I can think of on Main there, but if there were some other new construction, something was demolished and replaced with something else, there is no parking; and I think the parking, looking at the way the code was written, I wasn't there, I didn't write it, I wasn't part of it; but it seem to me there was a parking requirement added to be restrictive and to limit construction and development otherwise it would become overdeveloped. There was also a
mechanism put in place so that a
potential developer could make a viable
project and could have payment in lieu
of up to 20 space and make it workable.

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

My personal feeling is yes. We
can have a consensus among us yes or
no, but either way, I think that would
be helpful for the ZBA to move forward
with this project. That's ultimately
what I think they're trying do is to
move forward here. I do understand
your concerns, I have similar ones; it
just, it doesn't take away John's
concerns about the loading zone, or
similar ones I share and those are
still things that can be flushed out
and discussed further, but I'm not sure
how to move forward otherwise.

Thought. Comments. Questions.

ATTORNEY PROKOP: You would, so
there was a reason why this came back.
It was because it was not, you know, it
was realized at the Zoning Board
meeting that there was relief requested
from the Zoning Board that would not
result in any consideration to the
Village if the Zoning Board gave that
relief; so we just wanted to pass
through this Board, not with any
preconceived notion that the relief
would be granted, but just to give this
Board the opportunity, if you wanted to
grant some of the relief or all the
relief that there would be
consideration paid so we wouldn't lose
that opportunity if the Zoning Board
did the same thing.

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

If you grant the waiver, that's not a granting of the site plan or any portion of the site plan. The site plan still has to work; so if the application would go back to the ZBA and they would look at the other -- whatever you do tonight or if you do nothing tonight, it's still going to be at the ZBA on the 6th; and depending on what happens with the ZBA, it would then come back to the Planning Board if the applicant wants to proceed and go over the site plan. If you think at that point the site plan is not going to work or it is going to work, you'll have a completely independent
review at that time, so the things like
the loading dock and all of these other
things will come back and, you know,
the impacts of traffic, the impacts on
the site, you know, will all come back
before this Board.

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

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

MS. WINGATE: Parking is
determined by occupancy.

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

MS. WINGATE: Correct.

ATTORNEY PROKOP: So that's
another component.

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

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

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

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

ATTORNEY PROKOP: Yes, it could.

MR. COTUNGO: I would prefer that.

MS. CLARK: Agreed.

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

MR. COTUNGO: Yes.

MS. CLARK: Yes.

CHAIRMAN McMAHON: Okay.

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

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

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

That's just my feeling.

MR. PENNESSI: That being said, we have made application to the Planning Board, we have the pending variance application; and, you know, we'll have to see what happens when the Planning Board makes its decision tonight or doesn't make a decision tonight and when the Zoning Board makes its
decision on the 6th.

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

I don't think that the project should move forward without payment in lieu; I think that that's important. I think the code was written to be intentionally restrictive and yet it allowed this mechanism to allow development and to accept that there is a parking issue in the Village, and the money should be spent to alleviate those concerns. I think that it's
important for the project to be viable
to go forward that it should have that
component, without it, you know, than I
think it's, I wouldn't be -- That would
cause a problem for me if it were to go
forward without the payment in lieu; so
if it were to go to the ZBA and the ZBA
granted --

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

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

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

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

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

CHAIRMAN McMAHON: Okay.

Does anyone else have any
questions or comments?

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

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

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

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

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

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

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

Thank you again, and thank you for

listening.

MR. SWISKEY: I guess we can

speak, right?

William Swiskey, 184 Fifth Street.

I understand that most of the

people in this room probably wasn't

around when that provision was written

into the law about payment in lieu of

parking. Well, that was to collect

money, which the Village did; and then

we went out and we bought land. We

created parking places like next to the

IGA, behind, you know, where the --

Anyway. Well, now there is no

more land. If you take $50,000 which

is peanuts because it's not gonna build

a parking garage; it won't even build

one space in a parking garage because

that's $150,000 a pop, put that in your

head. You're gonna give this man

permission, he's gonna bring 20 people

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

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

Thank you.

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

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

When he first brought this project in, I said no way am I ever gonna vote for that. That's what I said to myself and than two months ago somebody said, "well, you know, I see people carrying these bags with wheels on them up and down Fifth Street and Sixth Street
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every weekend;" and I thought to myself, I see the same thing on First Street, so you certainly can make the argument that people that don't have cars and are going to come use the place.

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

I've been thinking about this and thinking about this, I mean, literally I spend a lot of time thinking about this; and one thing I don't like about the project is the restaurant. We have peak restaurants now; they're starting to fail; we've got more than enough. And what really irks me about these restaurants is I went down to see the Spanish Galley there early in the
morning, Claudio's Clam Bar takes their slop from cleaning his floor and they throw it in the bay. What the heck?

Then I go behind American Beach, ride my bicycle down there and every morning there is a puddle where they took their slop and threw it out on the street; so I'm not enamored of restaurants.

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

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

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

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

Thank you.

CHAIRMAN McMAHON: Okay.

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

I've said many times on the record at previous meetings from the first time this came before us, I think if the project is going to go forward, I think we should take advantage of the payment in lieu for 20 spaces. That has been my position all along. I have said many times previously I don't think the project should go forward.
without that. I think that that's important, an important piece of this. I think the code is written in a way that it was intentionally restrictive, it will allow relief in the form of payment in lieu. I think that we should be taking advantage of that.

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

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

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

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

MR. BURNS: As mine is.

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

Mr. Pennessi.

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

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

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

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

MR. PALLAS: Mr. Chairman, perhaps --

ATTORNEY PROKOP: I think the Board -- as Counsel to the Board, I think there is a point now that in order for the Board the proceed, you need to get advise from counsel; and I think the advise would be confidential. For that reason, I'm asking that we go into a confidential session with counsel for that reason.

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

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

CHAIRMAN McMAHON: Sure. Please take the podium.

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

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

What I also thought I heard was that if the variance is denied, it comes to the Planning Board anyway. I'm confused as to how the Planning
Board can grant the parking if the parking variance is denied.

CHAIRMAN McMAHON: I think I can answer your question.

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

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

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

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

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

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

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

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

Glenys, I'm sorry.

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

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

MS. BERRY: No.

I'm not a lawyer so, you know, hopefully if I get something wrong, somebody will -- but from hearing what I have been hearing, my understanding is that you are reviewing any variances, any question for parking.
over 20, you know, over not provided on
the site or over the 20 is one issue;
but the Planning Board does have the
right to approve up to 20 as part of
the code.

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

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

If the Planning Board so chooses,
they can grant 20 spaces and the
variance request becomes moot in front
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of the ZBA; but unless the ZBA has that information for its meeting on December 6th, the only thing that the ZBA can vote on is what is in front of it at the time, so the option is the Planning Board's to give a consensus that it -- if the consensus is it's not gonna vote this evening, the ZBA votes on what's in front of them, and we're prepared to do that.

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

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

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

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

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

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

MS. WINGATE: Elevator bulkhead.

MR. SALADINO: For elevator
bulkhead. All the variances except for
parking and the loading zone, the
consensus from the -- and this is part
of the public record, I don't want
anybody to think that we're divulging
any information. All the variances except for the parking and for the loading zone, the consensus was they would be granted.

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

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

ATTORNEY PROKOP: No.

CHAIRMAN McMAHON: I don't know why --

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

ATTORNEY PROKOP: That's right.

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

MR. COTUNGO: That's my understanding.

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

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

But again, we thought this was a viable compromise, the Planning Board is here to do their job, the ZBA is more than willing to do their job, so we would, I guess, find out on the 6th,
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
fully fleshed out application sets a
bad precedent where if there was
another applicant to come before use
and this project were to go forward, it
would essentially be saying that we're
going to just grant payment in lieu of
up to 20 spaces for future projects
here. I don't think that's
appropriate.

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

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

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

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

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

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

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: Motion carries.

MR. PENNESSI: May I just make one comment?

CHAIRMAN McMAHON: Sure.

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

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

CHAIRMAN McMAHON: I understand. When I say a completed application, it's not complete so far as it was denied before on nonconformance, and it's still in the process of being granted or denied variances. It would be a completed application to us if any necessary variances were granted and they accepted the application then it came before us. Parking may or may not be a part of that. If an application came before us that had the need for 30 spaces, provided ten, it wouldn't necessarily be a deficient application because we would still have the...
mechanism available to us to grant relief for those 20 spaces by requesting payment in lieu, so we would still have the ability to move forward with the application.

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

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

MR. PENNESSI: I don't know that I agree that at this stage the Planning Board would be unable to make this determination considering the maturity of the application, and it is incredibly frustrating to be here at Flynn Stenography & Transcription Service (631) 727-1107
this point, and to have the vote adjourn when the request was made over a year ago to discuss it.

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

CHAIRMAN McMAHON: Thank you.

Item Number 2, 625 First Street.

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

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

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

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

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

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

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

The flag lot creates difficulties in terms of orientation opposite to the other properties on the block. There
are no flag lots on the block, just generously-sized house. The plans mentioned for lot four with regard to demolition of much of the church structure.

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

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

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

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

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

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

The existing front building that faces Main Street which used to be a Methodist Church has to my knowledge been desanctified or deconsecrated by the church, so it no longer has the classification of a church on it. It is now considered a one-family
residence, as well as the second one-family residence that is on the property. The Village, well I don't know if that's the Village, but because it's been desanctified and deconsecrated, it no longer has church status. The building --

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

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

The way that I designed the subdivision was to allow that the church, the old church or the
one-family residence would have the biggest lot possible to help support its grandeur and the look of it with the neighborhood and how it was originally built.

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

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

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vehicles.

There is no stipulation in the Village Code for not allowing flag lots. There have been flag lots that have been -- in fact, up 'til two years ago, before I would have had, where now I have to come to the Planning Board, if I had gone for the subdivision before this new subdivision law was written, I could have just filed with the Building Department and the subdivision would have been approved. I would probably have had to go to the Historic Board, but now I have to come here because that's the new stipulation.

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

MS. WINGATE: Sixth.

MR. OLINKIEWICZ: -- Sixth Street
created a flag lot; and right over here on Fourth, number 299, Mr. Tuthil created a flag lot setback right behind the other house; so we have, actually, I can bring a Village map at some point if you would like to see that; but it's 299 Fourth, so there is a flag lot that goes back and I know this because one of the reasons I have an application in front of the ZBA now to possibly subdivide a piece of property I have over at 238 Fifth Avenue and the lot that I have back there which would be a flag lot adjoins the flag lot that was granted or approved or didn't even need to come in front of the Board because it was of the proper size.

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

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

As for the existing, what was the church building, we would keep the whole main structure, main meeting area and then the rear would be removed. We would put the driveway, the existing driveway actually down the side property line which is 11 feet and now
is the driveway that goes back to the asphalt parking lot that's existing, so there is one that sneaks just by the side of the church, so that would become the parking, the driveway to go back to the flag lot.

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

MS. BERRY: Can I comment on that?
MR. OLINKIEWICZ: Sure.

MS. BERRY: Normally when we have a flag log, 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.
MR. OLINKIEWICZ: Where though?

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

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

MR. OLINKIEWICZ: So I --

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

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

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

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

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

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

MS. BERRY: That doesn't --

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

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

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

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

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

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

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

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

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

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

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

ATTORNEY PROKOP: Right.

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

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

MR. OLINKIEWICZ: It's 101 feet by
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.
CHAIRMAN McMAHON: All right. So, we'll have to do some double checking on measurements and where everything --

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

CHAIRMAN McMAHON: I mean it does appear --

MR. OLINKIEWICZ: I mean, I could --

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

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

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

MR. OLINKIEWICZ: I have that the width of the lot is east, well east-west and the depth is north-south.
Now, I can easily take 1,000-square feet off of the lot that's gonna be the old, the old sanctuary and add it to the flag lot and make that 9,000-square feet and 9,500-square feet, and I can easily do that and have more than enough room. Again, I mean this was well-studied before I came before the Board.

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

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

MR. OLINKIEWICZ: 429 --

MS. CLARK: Yeah, I know, can you give a --
MR. OLINKIEWICZ: I'm sorry, 200; so if you make, come on Fourth past ex-Mayor Kapell's, three more lots down. I actually have a picture.

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

MS. CLARK: Fourth Avenue.

MR. SWISKEY: Yeah, Fourth Avenue.

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

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

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

CHAIRMAN McMAHON: I don't have any questions or comments here. I think we do need some clarification as to if there is any mechanism in the Code where the width and depth should be measured from. I mean, my assumption is always that the width would run along the street that you gain access to the property and depth.
would be from the street heading
directly back. I would just want to
check the code to see if there is any,
just to be certain about that.

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

Next to whose house?

MS. CLARK: Toppy Figorelli

(phonetic).

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

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

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

That's the front of the house and
here's the flag lot driveway.

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

CHAIRMAN McMAHON: Does anyone have any thoughts or comments on the subdivision property as a whole as far as the property being subdivided? I don't have any issues with that. It's an unused building now, it's a
church, it's no longer a church, so something needs to be done. It's a large piece of property there.

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

MR. OLINKIEWICZ: Like I said --

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

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

So that's where my intentions are
in the matter.

CHAIRMAN McMAHON: Okay.

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

MS. WINGATE: Devin.

CHAIRMAN McMAHON: Yes.

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

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

ATTORNEY PROKOP: Excuse me.

CHAIRMAN McMAHON: Yes.

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

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

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

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

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

MS. WINGATE: First --

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

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

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

MS. WINGATE: You fill out an application.

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

ATTORNEY PROKOP: No.

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

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

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

MR. OLINKIEWICZ: So I go from here to the Historic, to the Historic then come back here?
MR. PALLAS: Correct.

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

MR. OLINKIEWICZ: Okay.

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

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

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

MR. PALLAS: This, as a pre-submission, there's a couple questions that need to be responded to and we'll do that quickly; and once those have been vetted out and
Finalized, he would submit that revision here as part of the sketch plan. Demolition would be a separate matter but needs to be done before the sketch plan. I think I got that right.

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

MR. PALLAS: Yes, I agree.

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

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

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

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

MS. WINGATE: Please.

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

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

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

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

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

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

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

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

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

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

MS. WINGATE: That sounds like a good path.

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

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

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

MR. COTUNGO: Usually they make like a chart.

MR. OLINKIEWICZ: It's there.

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

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

MR. PALLAS: Are you asking for the setback lines to be superimposed?
MR. COTUNGO: Yeah, usually the subdivisions I've been involved with show like an envelope of where the buildings are gonna go. Especially with the flag lot, that would be helpful to put setbacks right on there.

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

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

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

MS. WINGATE: The buildable lots.

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

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

MS. WINGATE: Potential footprints.

MR. OLINKIEWICZ: Is that 12 feet or 15 feet, the width for emergency
vehicles?

MS. WINGATE: Fifteen.

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

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

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

Right, John?

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

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

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

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

MR. OLINKIEWICZ: Sure.

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

MR. COTUNGO: I would think 15.

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

Does anyone else have any comments or questions?

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

MR. OLINKIEWICZ: Potential footprints on the two blank lots, the
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?
Work/Regular - 12-1-16

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MS. CLARK: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

Item Number 3. 117 Main Street.

Site plan review for Evan Gappelberg. The applicant has proposed a retail chocolate shop to be located at 117 Main Street.

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

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

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

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

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

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

MS. WINGATE: That's correct.

CHAIRMAN McMAHON: Do you have anything to preface your application with?

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

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

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

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

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

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

MR. COTUNGO: Doesn't belong?

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

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

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

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

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

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

MS. WINGATE: It will go before HPC.

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

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

MS. WINGATE: I don't use use evaluation in WC unless it, you know, unless it's -- use evaluation is permitted use in a permitted zone, this is a conditional use but because it's retail-to-retail it's a buy, it's
considered permitted. I just generally stay away from use evaluations when it gets gray like that.

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

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

(No response.)

It seems pretty straightforward to me, it's retail replacing retail. I don't see any issues here really.

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

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

CHAIRMAN McMAHON: I will so motion.

Do I have a second?
Work/Regular - 12-1-16

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.
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
HPC for approval.

Do I have a second?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

Thank you very much.

MR. GAPPELBERG: Thank you.

Item Number 4, 120-122 Front Street.

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

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

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

Suffolk County Tax Map number
Work/Regular - 12-1-16

1001-4-9-28.3.

MS. ALPTEKIN: I'm Michelle Alptekin.

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

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

MS. ALPTEKIN: Yes.

MS. BERRY: If you could show that.

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

MS. BERRY: I don't see it.

MS. ALPTEKIN: Okay.

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

MS. BERRY: Okay.

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

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

MS. ALPTEKIN: Two bathrooms?

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

MS. ALPTEKIN: Okay.

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

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

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

MS. ALPTEKIN: It will accommodate both facilities.

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

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

MS. WINGATE: That would be great.

ATTORNEY PROKOP: You mean the
dumpster?

MS. WINGATE: The dumpster.

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

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

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

MS. BERRY: Um-hmm.

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

MS. BERRY: Right.

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

   MS. ALPTEKIN: Oh, men and women?

   MS. BERRY: Right.

   MS. ALPTEKIN: Okay.

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

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

   MS. BERRY: Yes.

   MS. ALPTEKIN: Thank you.

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

   MS. ALPTEKIN: Okay, great. Thank
you.

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

   MS. ALPTEKIN: That's correct.

   MR. COTUNGO: I think your
architect should show more details,
such as with the two ADA bathrooms, you're gonna have to show grab bars, the height of things, usually the architect has elevations showing the height of the grab bars, the length of the grab bars.

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

MR. COTUNGO: No.

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

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

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

MS. ALPTEKIN: Yes.

MS. BERRY: Dimensions would help too.

MS. ALPTEKIN: Dimensions on?

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

MS. ALPTEKIN: Okay.
Work/Regular - 12-1-16

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

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

MS. ALPTEKIN: Okay.

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

I do not.

MR. COTUNGO: No.

MS. CLARK: No.

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

MS. BERRY: No.

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

MR. PALLAS: Correct.
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You have to resubmit with the changes, and we haven't had a full opportunity -- if there are any other comments, if the Board is okay, we'll communicate those directly to the applicant and if any changes are a result of that, we will alert the Board of that at the next meeting, changes over and above what we've already discussed.

CHAIRMAN McMAHON: Okay.

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

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

CHAIRMAN McMAHON: Yes.

ATTORNEY PROKOP: The sign to be approved is going to be more or less
where the word outdoor mall is?
Doesn't the sign go across the middle
on this plan?

MS. WINGATE: See where it says outdoor mall?

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

MS. WINGATE: Yes.

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

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

CHAIRMAN McMAHON: All right.

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

MR. PALLAS: Yes.

CHAIRMAN McMAHON: So the Village will be in touch with you to go over some of the details and specifics they need from the architect and the changes that are required with regard to the outdoor mall.
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.
building have a restroom, handicap
restroom, we have, this plan is a
handicap restroom, but we have a place,
we have enough room to make another
restroom too easy.

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

Thank you very much.

CHAIRMAN McMAHON: Thank you.

I make a motion to move on to Item

Number 5.

Do I have a second for that?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. COTUNGO: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carries.

Item Number 5, 120 Front Street.

Use evaluation for Britney Calvert
and Kenneth Deeg.

The applicant has proposed a
retail clothing shop to be located at
Flynn Stenography & Transcription Service
(631) 727-1107
Work/Regular - 12-1-16

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

MR. DEEG: Okay.

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

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

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

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

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

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

MS. BERRY: Relative to that, right now the dressing room door looks quite small based on the plan.
between outside and inside?

MR. DEEG: No, there is not.

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

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

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

MR. PALLAS: Yes.

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

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

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

CHAIRMAN McMAHON: Yes.

Flynn Stenography & Transcription Service
(631) 727-1107
ATTORNEY PROKOP: So the first motion would be to determine that the application is the Board is adopting lead agency status in determining that the application is a Type 2 Action for purposes of SEQRA; and, therefore, no further SEQRA review is required.

CHAIRMAN McMAHON: I will so motion.

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

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

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

MS. WINGATE: The signage is part of this.

CHAIRMAN McMAHON: I'm just saying...
the vote we took was --

MR. DEEG:  Okay.

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

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

CHAIRMAN McMAHON: Sure.

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

CHAIRMAN McMAHON: I will so
motion.

Do I have a second for that?

MR. COTUNGO: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

Third issue is the signage. We
have -- Eileen, is this a completed and
conforming sign application?

    MS. WINGATE: Yes, it conforms.

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

    MS. CLARK: The design.

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

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

    MS. CLARK: It's within code?

    MS. WINGATE: Everything is good.

    CHAIRMAN McMAHON: The mockup of what the signage would be looks fine to me. If it's conforming with the Village Code and the application meets
the requirements of the Village, I have no issue with that.

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

MR. DEEG: The dimensions are on the paperwork.

ATTORNEY PROKOP: No. Is this actually the color?

MR. DEEG: Yes.

That would be white with black lettering.

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

MS. WINGATE: CR.

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

CHAIRMAN McMAHON: I'm going make a motion we approve the sign application as submitted granted that everything is in adherence with the Village Code, Village Regulations and...
these mock ups are accurate representations of what will be there.

Do I have a second for that?

MR. COTUNGO: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

MR. DEEG: Thank you very much.

CHAIRMAN McMAHON: Item Number 6

Motion to accept the Planning Board calendar for 2017.

I have not received a copy of that.

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

I make a motion to accept the schedule as prepared.

Do I have a second for that?

MS. CLARK: Second.
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CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

Item Number 7 motion to adopt resolutions deciding applications.

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

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

Do I have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MS. CLARK: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN McMAHON: Motion carries.

Item Number 9 motion to adjourn.

Do I have a second for that?
Work/Regular - 12-1-16

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.)
CERTIFICATE

I, STEPHANIE O'KEEFFE, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on 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
W
WINGATE [1] 1/21
winter [1] 28/4
WITNESS [1] 117/12
women [1] 100/4
won't [1] 27/20
wonder [1] 15/4
word [1] 104/2
work [13] 1/6 18/13 18/24 18/24 24/15 18/24 20/11 20/16 20/17 20/19 77/4 77/7
workable [1] 16/5
workers [1] 100/18
working [2] 40/17 53/8
works [1] 99/2
worried [1] 8/3
worship [1] 76/9
would [152] 11/21 13/14 13/16 17/21 22/13 22/14 23/5 23/14 34/12 46/14 51/23 54/21 84/22
writer [1] 26/17
written [8] 11/12 15/19 22/19 27/10 34/4 54/4 59/11 65/10
Y
yard [2] 63/4 67/15
Yeah [5] 15/8 70/24 71/10 71/11 85/2
year [3] 29/18 50/25 53/4
years [34] 24/21 31/19 59/6 59/18 70/14 70/17 76/10 66/11 88/23 90/24 95/13 97/11 98/9 99/22 100/12 101/3 108/8 108/18
yet [3] 20/8 22/20 104/14
yield [1] 19/19
yields [1] 19/11
YORK [4] 1/2 1/8 31/12 117/5
you [205] 1/18 31/12 117/5
you'll [2] 18/25 81/12
you're [25] 24/19 25/3 27/23 28/5 28/13 28/16 29/3 34/21 63/5 63/6 63/6 63/7 63/7 64/11 66/11 88/13 90/24 95/13 97/11 98/9 99/22 100/12 101/3 108/8 108/18
young [1] 6/19
your [26] 14/25 16/22 17/24 24/14 24/15 24/15 26/24 27/22 32/2 35/25 39/5 51/3 54/2 56/8 60/20 60/25 75/12 80/10 84/5 87/21 88/21 90/23 95/11 98/13 100/24 102/4
yourself [1] 29/4
Z
ZBA [62] 4/6 4/7 6/4 11/15 11/20 12/8 13/8 14/23 16/11 16/18 18/14 18/18 18/19 19/25 21/5 23/8 23/8 23/20 25/7 33/7 34/13 34/21 35/18 37/3 37/3 38/8 38/9 38/14 39/10 40/5 40/7 40/8 40/15 41/6 41/7 41/9 41/13 427 42/11 42/16 42/20 43/2 43/2 43/3 43/9 43/12 43/13 43/19 45/7 45/16 45/20 45/21 46/5 46/23 48/21 49/5 49/9 49/14 51/8 53/6 60/11 74/19
zero [2] 25/9 25/15
zone [10] 9/22 10/5 16/24 42/22 44/22 45/4 45/11 46/13 46/18 92/23