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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD

WORK SESSION

-----x

Third Street Firehouse
Greenport, New York

October 27, 2016
5:07 p.m.

B E F O R E :

- DEVIN McMAHON - CHAIRMAN - Absent
- BRADLEY BURNS - MEMBER
- PETER JAUQUET - MEMBER
- LUCY CLARK -- MEMBER - Acting Chair
- JOHN COTUNGO -- MEMBER

- PAUL PALLAS - VILLAGE ADMINISTRATOR
- JOSEPH PROKOP - VILLAGE ATTORNEY
- GLYNIS BERRY - PLANNING BOARD CONSULTANT
- EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

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1
2 MR. JAUQUET: So I'm going to make
3 a motion to have Lucy chair the
4 meeting.

5 Do I have a second?

6 MR. COTUNGO: Second.

7 MR. JAUQUET: All in favor?

8 CHAIRMAN CLARK: Aye.

9 MR. BURNS: Aye.

10 MR. JAUQUET: Aye.

11 MR. COTUNGO: Aye.

12 CHAIRMAN CLARK: I'm going to
13 start the meeting. This is the Village
14 of Greenport Planning Board Work
15 Session.

16 Item Number 1, 120-122 Front
17 Street.

18 Discussion and possible action on
19 the sign application for Olive Branch
20 Cafe.

21 The Cafe use was approved at the
22 September 29, 2016 meeting of the
23 Planning Board, but questions remained
24 about the signs.

25 The Cafe is located at 120 Front
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2 Street. This is a permitted use in the
3 CR, Commercial Retail District.

4 This property is not located
5 within the Village of Greenport
6 Historic District.

7 Suffolk County Tax Map number is
8 1001-4-9-28.3.

9 Okay.

10 ATTORNEY PROKOP: Is the applicant
11 here?

12 MS. ALPTEKIN: Hello. Michelle
13 Alptekin.

14 CHAIRMAN CLARK: At our last
15 meeting she wasn't prepared, Michelle
16 wasn't prepared. She did bring her
17 sign that would be in the directory,
18 that is right here, and then there was
19 another sign that was hanging on the
20 post which was an issue, for myself
21 anyway; and in our paperwork, it looks
22 like they changed it and it's not
23 hanging, it's now a bench.

24 MS. ALPTEKIN: It's a bench, yeah,
25 it's an actual black wrought-iron bench

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1
2 and the sign Olive Branch is the back
3 of the bench and then the Cafe is, it's
4 all part of the bench, which will be
5 sitting in the dirt in the garden.

6 CHAIRMAN CLARK: Okay.

7 Now, do I read Glynis' comments?

8 ATTORNEY PROKOP: Yes.

9 Have you seen Glynis' comments?

10 We have a consultant.

11 MS. ALPTEKIN: No, I haven't.

12 ATTORNEY PROKOP: Okay. We'll get
13 a copy to you.

14 MS. ALPTEKIN: Who is that?

15 ATTORNEY PROKOP: Our consultant.

16 MS. BERRY: I think really the
17 section that would apply would be
18 further down.

19 CHAIRMAN CLARK: The history?

20 MS. BERRY: No, forget about that
21 part, just about the sign.

22 CHAIRMAN CLARK: The sign permit
23 application?

24 MS. BERRY: Right.

25 CHAIRMAN CLARK: Okay.

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2 The sign permit application
3 includes two signs, size 17 inches by 7
4 inches to be placed in two existing
5 directory signs and would be acceptable
6 as per code 15-15K. There is also a
7 proposal for a sign to be incorporated
8 into the back of the bench sited the
9 front of the garden.

10 The proposed sign is in two
11 sections, size 74 inches by 11 inches
12 and 24 inches by 11 inches. The sign,
13 therefore, is 7.49 square feet. This
14 size would be compliant with the
15 24-square-foot maximum listed in code
16 150-15-1.

17 Since this sign is part of a bench
18 which could conceivably be moved,
19 consideration might be given to
20 requiring that the bench be anchored to
21 the location proposed at the front of
22 the garden as this location does not
23 impact pedestrian flow.

24 Is there any discussion on this?

25 MR. COTUNGO: It's fine.

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1
2 You probably want to maybe attach
3 it to the railroad tie on the inside so
4 you won't see it. Just make a little
5 bracket and screw it in, and you'll be
6 all set.

7 MS. ALPTEKIN: Okay, sure. No
8 problem.

9 Thank you.

10 CHAIRMAN CLARK: Ben, Peter.

11 MR. BURNS: Looks good to me.

12 MR. JAUQUET: I think this is --
13 the sign considerations look fine with
14 the anchor recommendation.

15 What were the other comments,
16 Glynis, on the uses, the number of --

17 MR. PALLAS: If I may, I'm sorry
18 to interrupt, but if I may, these
19 comments were prepared subsequent to,
20 this Board had already approved the
21 use, our consultant was unaware that it
22 had already been approved when these
23 comments were prepared and most, if not
24 all of the comments in here were
25 discussed at the meeting as part of the
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1
2 use evaluation discussion.

3 I think we are all, it's all --

4 MR. JAUQUET: Can we approve this?

5 CHAIRMAN CLARK: I think we need a
6 motion to accept the application as
7 submitted with the condition that it be
8 anchored as per John's suggestion.

9 Do I have a motion or do I make
10 the motion?

11 MR. JAUQUET: You make the motion
12 and ask for a second.

13 CHAIRMAN CLARK: Okay. I make a
14 motion that we approve the Olive Branch
15 Cafe's application for a sign as
16 submitted with the anchorage issue that
17 John has raised.

18 Do I have a second?

19 MR. COTUNGO: Second.

20 CHAIRMAN CLARK: All in favor?

21 MR. BURNS: Aye.

22 MR. JAUQUET: Aye.

23 MR. COTUNGO: Aye.

24 CHAIRMAN CLARK: Thank you.

25 MS. ALPTEKIN: Thank you very

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1
2 much.

3 CHAIRMAN CLARK: Item Number 2,
4 211 Front Street.

5 Discussion and possible action on
6 the use evaluation for Marie Eiffel
7 LLC.

8 The Cafe opened over the summer
9 and is located at 211 Front Street.

10 Included in the application is a
11 sign permit application.

12 The property is located in the
13 Waterfront Commercial District and is
14 not located within the Village of
15 Greenport Historic District.

16 Suffolk County Tax Map number
17 1001-5-4-6.

18 MR. PENNEY: Jayson Penney,
19 P-E-N-N-E-Y.

20 ATTORNEY PROKOP: What are you to
21 the applicant? I'm sorry.

22 MR. PENNEY: Marie is my
23 girlfriend, I'm not --

24 ATTORNEY PROKOP: You're here on
25 her behalf.

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1
2 MR. PENNEY: I'm here on her
3 behalf, I'm not an equity partner. I'm
4 functioning and running the Greenport
5 office.

6 ATTORNEY PROKOP: So normally we
7 have -- for just speaking it's probably
8 okay, but normally we have an
9 authorization.

10 MS. WINGATE: We have an
11 authorization.

12 ATTORNEY PROKOP: For this
13 gentleman.

14 MS. WINGATE: Yes.

15 ATTORNEY PROKOP: Okay. Good.

16 CHAIRMAN CLARK: Does it have his
17 name on there because it doesn't have a
18 name on mine.

19 MS. WINGATE: It has no name in
20 there, but I have talked to the owner
21 and property manager and Marie and
22 everybody and Jason was the only one
23 who had the time to come tonight.

24 ATTORNEY PROKOP: When I just
25 asked the question, you said we have an
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1 authorization. Do we have an
2 authorization?
3

4 MS. WINGATE: For Marie.

5 CHAIRMAN CLARK: I don't have
6 anyone's name in here, I just have an
7 authorization from Josh, but nobody has
8 signed the authorization.

9 MR. PALLAS: It's not there?

10 CHAIRMAN CLARK: No.

11 So how do we proceed?

12 ATTORNEY PROKOP: So somebody has
13 to clean this up. It has the applicant
14 as Marie Eiffel LLC and it has the
15 owner Josh Saben (phonetic).

16 CHAIRMAN CLARK: Yeah, but the
17 Planning Board authorization doesn't
18 have anyone's name.

19 MS. WINGATE: There might have
20 been a second one because we were
21 e-mailing back and forth.

22 CHAIRMAN CLARK: Okay.

23 ATTORNEY PROKOP: So he is the
24 owner of the building.

25 MR. PALLAS: Correct.

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2 ATTORNEY PROKOP: In his own name?

3 CHAIRMAN CLARK: Josh is the owner
4 of the building.

5 ATTORNEY PROKOP: And he's
6 authorizing Jayson Penney and it looks
7 like he signed it, but the applicant --
8 he really should have authorized Marie
9 Eiffel and Jayson because --

10 MS. WINGATE: He didn't know who
11 was going to show up.

12 ATTORNEY PROKOP: He knew that the
13 applicant was making the application,
14 so the owner normally would authorize
15 the applicant to make the application,
16 but we can clean that up later on.

17 CHAIRMAN CLARK: So I'll proceed
18 with Jayson.

19 ATTORNEY PROKOP: Yes.

20 CHAIRMAN CLARK: Should I read
21 Glynis' comments?

22 ATTORNEY PROKOP: Yes.

23 CHAIRMAN CLARK: Thank you.

24 So Glynis says that an eating or
25 drinking establishment and retail sales
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1
2 are conditional uses for Waterfront
3 Commercial zoning. Here the uses are
4 associated with a pre-existing,
5 non-permitted use movie theater;
6 however, the code 150-11C, section 2
7 applies that the parcel is not adjacent
8 to the water, conditional uses then
9 become permitted uses if views are not
10 impacted.

11 The plan mentions that ten seats
12 are provided, but up to 30 are allowed,
13 the ladder would not apply as a display
14 and serving areas would need to be
15 subtracted before the calculation. The
16 use evaluation can either limit the
17 number of seats to ten or to the
18 maximum allowed after recalculation and
19 determination by the Building
20 Department.

21 The sign permit application
22 includes one sign size 18 inches by 72
23 inches or 9 square feet. The size is
24 compliant with code 150-15-B and C.

25 So we have two applications, an
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1 application for a sign permit as well
2 as a use evaluation application.
3

4 ATTORNEY PROKOP: This is use
5 evaluation also.

6 MR. JAUQUET: This is running all
7 summer with ten seats.

8 MR. PENNEY: Actually six seats.

9 MR. JAUQUET: Why is it up now?

10 MS. WINGATE: It took me all
11 summer to get them here.

12 MR. PENNEY: When Josh approached
13 us to take on this space, he had asked
14 us to do it, at that -- I don't know if
15 he was aware, we weren't aware that the
16 whole process had to occur.

17 It wasn't until Eileen came in, so
18 I think it was just a misunderstanding
19 with Josh and with us because we
20 weren't notified about the application
21 and we have businesses in Sag Harbor,
22 we had them in Shelter Island, we had
23 never had that, in Sag Harbor, we had a
24 sign committee that we had to go
25 before, we never had a use

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1
2 appropriateness.

3 MR. JAUQUET: So the Building
4 Department approached you to take care
5 of the formalities involved?

6 MR. PENNEY: Correct.

7 MR. JAUQUET: So the other
8 applications we have had more, had a
9 formalized sketch as to where tables
10 and chairs were going to go and serving
11 areas are, trash, and that kind of
12 thing.

13 Is that something -- we're on the
14 right track, Joe, right?

15 So you can just explain what they
16 need and what we have usually --

17 THE CLERK: Well, I remember in
18 the past with the Lathem girl, we
19 needed stamped, we were very detailed
20 about, we weren't accepting a
21 hand-drawn.

22 MR. PALLAS: That application had
23 some structural elements involved. I
24 mean, I don't know that you would
25 require a stamped drawing for this, but
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2 it certainly --

3 CHAIRMAN CLARK: But certainly not
4 a hand-drawn sketch.

5 MR. PALLAS: It certainly should
6 be to scale.

7 MR. JAUQUET: If you're going to
8 do the recalc, and if that recalc is
9 going to change the number of seats
10 from 10 to 12 or 15, you should give us
11 a diagram that shows the seating
12 calculation, if it's going to be, you
13 know, four tables with, you know, three
14 chairs makes 12, show that on a diagram
15 and show that in relation to the
16 serving area as well.

17 That's what we have had for other
18 restaurants, some are formally drawn on
19 a computer generated, you know, we have
20 got a couple, we've got one here from
21 another application, I think; but then
22 show, you know, we need to know where
23 the garbage is going to be handled just
24 so we know, so that's on paper, if it's
25 a garbage can, you need to describe how

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1 the refuse is going to be handled at
2 the end of the day, you know, storage
3 on the inside and gets taken out.
4

5 MR. PENNEY: Are you asking more
6 in the prep area or in the front area?

7 MR. JAUQUET: In the prep area.
8 Well, in the front as well.

9 MR. PENNEY: That was all --

10 MR. JAUQUET: It's all --

11 MR. PENNEY: It's all -- I mean,
12 we're just going to the space, we
13 didn't change anything. We are just,
14 we're using existing space, following
15 the existing system that was
16 established. We weren't going in to --
17 we actually took away some chairs and
18 tables because that space doesn't
19 really lend itself to, as you
20 mentioned, 30 seats, it's impossible,
21 so we brought in some retail things to
22 sort of offset the daily ticket
23 average.

24 MR. JAUQUET: In any event, we
25 should have a more detailed schematic
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1 of tables and chairs and refuse
2 containers in the customer area.
3

4 I don't know if there is anything
5 else that they should set forward. I
6 mean, you know, there is open doors,
7 swinging, you know, the space has
8 already been used and is already
9 approved for that use, so maybe you
10 could guide us as to what would be
11 needed to complete the application, the
12 use application.

13 MS. BERRY: If things are exactly
14 the same, maybe we take the old permit
15 and then that's the same consideration;
16 but it seems they are making changes in
17 both the number of seats and by selling
18 retail; so I think it would be better
19 for them to explain exactly what
20 they're doing.

21 MR. JAUQUET: How should that be
22 documented if it should be documented?

23 MS. BERRY: They should just give
24 the dimensions and clearances and show
25 door swings and, so that people can

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1
2 calculate.

3 The other thing is, I believe
4 you're using an existing dumpster on
5 the site?

6 MR. PENNEY: With the theater,
7 correct.

8 MS. BERRY: You should just
9 mention that, and the other hours.
10 Normally hours are specified.

11 MR. JAUQUET: Are you going to be
12 open this fall?

13 MR. PENNEY: No. He doesn't turn
14 the heat on, so actually we are closed.
15 The doors open, the doors slide all the
16 way open, and during the warm weather
17 that makes the space inviting, with
18 doors closed, it's not a functioning
19 space with the windows closed, and on
20 top of that, the heat doesn't go on so
21 the minute it's too cold --

22 MR. JAUQUET: This is really in
23 preparation for next year?

24 MR. PENNEY: For sure we're
25 closed, he's draining the pipes next
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1
2 week.

3 MR. JAUQUET: That's why I asked,
4 I don't get a sense of urgency.

5 MR. PENNEY: No. They're draining
6 the pipes and it wouldn't be until he
7 deems it possible to -- as you know,
8 the heat is the whole building, so
9 that's cost prohibitive.

10 ATTORNEY PROKOP: Do you know what
11 food preparation is done on the
12 premises?

13 MR. PENNEY: The only, everything
14 that we're doing is, I'm bringing it
15 over from Shelter Island, everything is
16 prepared in our commissary kitchen
17 there.

18 The only thing that I was doing is
19 we prepared sandwiches, four different
20 sandwiches, and I was microwaving and
21 heat pressing, but all the production
22 is done on the island.

23 CHAIRMAN CLARK: So how do I move
24 forward with this because we're not
25 going to do anything until we

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1
2 receive --

3 ATTORNEY PROKOP: I think what you
4 should do, excuse me, my recommendation
5 is that we adjourn it to the next
6 meeting, and we'll try to get some more
7 of this information.

8 I think we need a more detailed
9 plan for the property.

10 It doesn't have to be -- I think
11 maybe get the details from the Building
12 Department.

13 MR. PENNEY: Okay.

14 CHAIRMAN CLARK: There you go,
15 speak to Eileen as to what --

16 MR. PALLAS: We will work with the
17 applicant to provide the details as you
18 all have requested.

19 MR. JAUQUET: And then when those
20 details come in, you know, maybe with a
21 schematic showing what we've asked for,
22 that would be the -- and then, you
23 know, with another discussion and the
24 motion would be set forth to accept and
25 grant the use.

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2 ATTORNEY PROKOP: My concerns
3 are -- or my comments are that I just,
4 I've seen your business sort of move
5 out into the street, and I'm just
6 concerned, I don't know what that --

7 MR. PENNEY: The only thing, all I
8 did is I had grasses that were within
9 the property line. It never went
10 beyond the building, when I open the
11 doors, the doors stick out from the
12 building, my sea grasses were inside of
13 that property, so it was never, it was
14 never encroaching outside of the facade
15 of the building.

16 ATTORNEY PROKOP: Maybe I'm mixing
17 you up with somebody else, but I was
18 pretty sure I saw like a small bar out
19 toward the sidewalk and people sitting
20 at or people sitting out on the
21 sidewalk, but if I'm wrong --

22 MR. PENNEY: No, maybe early on, I
23 had a table out there, but I put that
24 inside, and I put sea grass, and I put
25 sea grasses, I never planned on having
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1
2 seats out there.

3 ATTORNEY PROKOP: I'm not saying
4 you can or you can't, but it just
5 should be indicated.

6 MR. PENNEY: When I was able to
7 get the doors open, I feel the inside
8 of the space is where we focus.

9 ATTORNEY PROKOP: Glynis, does
10 this have anything to do with the exits
11 from the movie theater or the fire
12 walls?

13 MS. BERRY: No. It doesn't affect
14 it.

15 ATTORNEY PROKOP: It doesn't.

16 MR. JAUQUET: What were the hours
17 and the food options?

18 MR. PENNEY: So it's prepared
19 foods, so you had prepared salads,
20 special and organic, you had four
21 different organic salads and we brought
22 over everything in to-go containers. I
23 had -- so we also do chicken salads and
24 all prepackaged in a container that's
25 handled and sold in the container by

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1
2 weight.

3 MR. JAUQUET: What were your
4 hours; is it lunch crowd mainly?

5 MR. PENNEY: Mostly lunch. I
6 felt, again it was a learning
7 experiment and we didn't really know
8 what was going to work, what didn't
9 work. What I found is because,
10 especially on the island is fresh baked
11 goods, so we're totally morning there,
12 but that doesn't work here. I can't
13 bring those over, so I found lunch to
14 be 9:30, 10 o'clock 'til 4:00 or 5:00.
15 Once it became a dinner mentality, then
16 it wasn't an option, so really, couple
17 said try staying open later; I tried
18 staying open later, and it just, I
19 think once people get into the dinner
20 mindset, they're going to a restaurant.
21 What we were focusing on, going to the
22 beach, taking picnics, and going to the
23 beach, so it's a very small niche.

24 MR. JAUQUET: What time did you
25 close in the afternoon?

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2 MR. PENNEY: 6:00.

3 MR. JAUQUET: That's when you shut
4 the doors.

5 MR. PENNEY: Yes.

6 MR. JAUQUET: Was it a success?
7 I'm just curious.

8 MR. PENNEY: I would say we broke
9 even. A lot of that is based on, my
10 food costs are very low because I'm
11 taking things back and forth every day,
12 so I have very little loss. Honestly,
13 some of the, when you mentioned some of
14 the retail, every once in a while
15 having, you know, home goods place and
16 things like that, that helped too,
17 every once in a while a certain
18 customer would come in and that would
19 bring up that day's total sales, so in
20 the end, all said and done, I believe
21 we broke even which isn't terrible.

22 MR. JAUQUET: And that is what
23 you're planning on opening next year?

24 MR. PENNEY: Yes.

25 ATTORNEY PROKOP: Because in a
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1 conditional use, you might ask if the
2 public wants to say anything, if there
3 is any public comments.
4

5 CHAIRMAN CLARK: Okay. On the use
6 evaluation?

7 ATTORNEY PROKOP: Yes.

8 CHAIRMAN CLARK: Are there any
9 public comments on the use evaluation
10 application in this matter?

11 (No response.)

12 No.

13 So can we move forward with the
14 application for the sign, for sign
15 permit and table the use evaluation
16 application, or do I have to table both
17 of these?

18 ATTORNEY PROKOP: My
19 recommendation would be to table both.

20 CHAIRMAN CLARK: Okay.

21 We're going to table the
22 application for a sign permit and a use
23 evaluation application for Marie Eiffel
24 LLC until the next week.

25 ATTORNEY PROKOP: November. I
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1
2 apologize, next week.

3 MS. WINGATE: Jayson, do you think
4 you could pull together all this
5 information for next week's meeting or
6 would you rather be at the work session
7 which won't be until December 1st?

8 MR. PENNEY: December.

9 CHAIRMAN CLARK: So we're going to
10 adjourn this until the December 1, 2016
11 Planning Board meeting.

12 MR. JAUQUET: Do we have to have a
13 motion on that?

14 ATTORNEY PROKOP: Yes.

15 CHAIRMAN CLARK: I'm sorry.

16 I make a motion that we adjourn
17 Marie Eiffel's LLC application until
18 the December 1, 2016 Planning Board
19 meeting.

20 Do I have a second?

21 MR. COTUNGO: Second.

22 CHAIRMAN CLARK: All in favor?

23 MR. COTUNGO: Aye.

24 MR. BURNS: Aye.

25 MR. JAUQUET: Aye.

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CHAIRMAN CLARK: Thank you.

Item Number 3 is the Corner of
Front and Third.

Pre-submission conference 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 pre-submission package
contains a revised site plan of the
proposed building. The revised project
has been favorably considered in the
request for variances by the Zoning
Board of Appeals, with the exception of
the parking requirement and the loading
space.

The Zoning Board is requesting the
Planning Board review the parking
requirements.

The applicant has requested an
additional work session meeting before
submission of the final Site Plan
review application is filed to review
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1
2 the updated plans.

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

6 Suffolk County Tax Map number
7 1001-5-4-5.

8 Hello.

9 MR. PENNESSI: Good evening,
10 Chairperson and members of the Planning
11 Board.

12 My name is Dan Pennessi on behalf
13 of SAKD Holdings LLC which is the
14 applicant. Mayland Shannon LLC is the
15 owner of the property.

16 I sent in a letter dated October
17 20th that I hoped to summarize the path
18 we've taken to get where we are today;
19 and perhaps it's worth taking a few
20 minutes to go through that.

21 We had made application to the
22 Planning Board in October of 2015 to
23 discuss with the Planning Board the
24 prospect of having this project at the
25 corner of Third Street, and it was
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1
2 apparent clearly that we needed to
3 obtain several variances from the
4 Zoning Board.

5 At that time, I believe we
6 received some favorable comments from
7 the Planning Board indicating that the
8 conditional uses would be approved, and
9 we raised at the time that parking, the
10 site is constrained from parking. One
11 of the variances we were seeking would
12 be a parking variance.

13 Since then, we submitted the
14 application on December 31, 2015 to the
15 Zoning Board and have appeared at a
16 few, more than a few Zoning Board
17 meetings and public hearings throughout
18 the SEQRA process. We received some
19 comments from the New York State DOT,
20 in particular required some alterations
21 to the site plan from that which was
22 initially submitted both to the
23 Planning Board and to the ZBA. It
24 resulted in an amendment in, I believe
25 June that we submitted the amended

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1 plans to the Zoning Board.

2
3 We also, while the Zoning Board
4 was proceeding, had submitted a site
5 plan application in March 2016 to the
6 Planning Board, but because the process
7 with Zoning Board remained ongoing, we
8 didn't pursue that application.

9 We are here now because we took,
10 kind of, the Zoning Board took an
11 informal vote at its last meeting on
12 the variances that we were seeking; and
13 with one exception which was the
14 rooftop trellis, the Zoning Board
15 appeared to be willing to issue several
16 of the variances.

17 So right now the project is
18 proposed to have ground-level retail,
19 approximately 450 square feet, a
20 restaurant having approximately 60
21 seats, and then having two levels of
22 hotel rooms above it. Each floor would
23 include eight hotel rooms, and on the
24 roof of the structure, there would be a
25 roof deck for use by the hotel

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1
2 occupants.

3 We're here tonight as set forth in
4 that October 20, 2016 letter, to
5 discuss with the Planning Board the
6 prospect of whether the Planning Board
7 would be willing to accept a payment in
8 lieu of parking.

9 Essentially, the original plan
10 included 12 parking spaces on site and
11 through the alterations to the
12 building, we ended up dropping a couple
13 of the variance requests, including
14 setback. We've pulled in some of the
15 setback encroachments, reduced the
16 number of seats in the restaurant, so
17 where we are right now is that in
18 accordance with the Zoning requirements
19 we would need 32 parking spaces to
20 service the building.

21 We originally submitted plans for
22 12 onsite. The Zoning Board and the
23 public comments seems to want a loading
24 zone onsite. We fit an, albeit
25 nonconforming, loading zone leaving 11
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1 parking spaces onsite. The Zoning
2 Board didn't seem willing to accept a
3 nonconforming loading zone and asked us
4 to go back and take a look at the plans
5 to see if we could fit a full-size
6 loading zone onsite, and determine how
7 many parking spaces would be impacted.
8

9 Exhibit B to that October 20th
10 letter currently shows a full-sized
11 loading zone which is 12 feet wide by
12 33 feet long, and 10 parking spaces.
13 There was some question as to whether
14 the originally planned loading zone
15 could be accessed, we believe this one
16 could. We would be willing to talk
17 with both the Planning Board and the
18 Zoning Board if additional parking
19 spaces would need to be used for
20 concern about turning radius. We can
21 talk about it, we would perhaps seek to
22 limit loading times, so we could have
23 access to more than, you know, say
24 eight or ten spaces onsite at any given
25 time.

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2 But really the reason we're here
3 is if the Planning Board is willing to
4 accept the payment in lieu of parking,
5 which it's entitled to do under the
6 Zoning code, it's entitled to accept
7 \$2,500 per space up to 20 spaces. It
8 would reduce the variance that we are
9 seeking from the Zoning Board.

10 Depending on the number of spaces that
11 would be left over with the loading
12 load, it would result in a variance
13 request of anywhere from two to four
14 spaces instead of 22 or 24 spaces.

15 CHAIRMAN CLARK: Any comments,
16 anyone?

17 MR. COTUNGO: Did you submit any
18 plans with this preliminary
19 application, because I didn't get a
20 plan?

21 MR. PENNESSI: The plan we
22 submitted in October 2015 remains the
23 plan subject to the changes between
24 then and March, so the March 2016
25 submission is complete subject to the
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2 changes in this October 20th letter.

3 We haven't formally submitted site plan
4 approval. It was suggested that we
5 come to the work session as a
6 pre-submission conference to discuss
7 this payment in lieu and thereafter we
8 would make a formal submission to the
9 Planning Board.

10 ATTORNEY PROKOP: So the Zoning
11 Board meeting, what they realize is
12 that if they get relief from the Zoning
13 Board as far as parking, it's a
14 variance with no consideration for the
15 Village; but if the relief comes
16 through the Planning Board, then we get
17 paid for each parking, the Village gets
18 paid for each parking space, so in
19 other words --

20 MR. JAUQUET: Why is that?

21 ATTORNEY PROKOP: Because it's in
22 our code.

23 MR. JAUQUET: Where does the money
24 go if it goes to the Zoning?

25 ATTORNEY PROKOP: In what's called
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1
2 a parking fund, the Village is supposed
3 to have a parking fund to help
4 alleviate parking issues, or it could
5 be used for, you know, it could be used
6 for expenditures around the Village
7 that we think benefit parking.

8 MR. PENNESSI: Section 150-16 G
9 specifies it's for the purpose of
10 construction acquisition and
11 maintenance of parking facilities.

12 MR. JAUQUET: So the idea is it
13 goes into the general fund?

14 ATTORNEY PROKOP: Not exactly a
15 general fund, but it's supposed to go
16 toward parking. I think Mr. Pennessi
17 just read it, but the idea is, so if
18 the Zoning Board gave a -- I don't know
19 that they were going to do this, they
20 might not even do it, but we got to the
21 point where they started to talk about
22 it and we pointed out that if a
23 variance comes from the Zoning Board,
24 that there is no consideration for the
25 Village, but if there is a waiver from
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1
2 this Board then there would be money at
3 least coming into this parking fund.

4 MR. BURNS: Is a hearing on this
5 necessary?

6 ATTORNEY PROKOP: I don't think
7 so. No, I think it would just be on
8 our agenda. There will be a hearing on
9 this on the site plan. Eventually
10 we're going to come back and have a
11 hearing on the site plan once the ZBA
12 is done.

13 CHAIRMAN CLARK: Glynis.

14 MS. BERRY: I'd just like to say
15 that also most likely, the parking lots
16 that would be used by the hotel
17 actually do need some work, so it could
18 be a good --

19 MR. JAUQUET: Which ones are
20 those?

21 MS. BERRY: Near the railroad.

22 MR. JAUQUET: The railroad.

23 MS. BERRY: Yes. We walked there
24 last week and there are some pretty big
25 potholes and things.

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1
2 MR. JAUQUET: With this project in
3 mind?

4 MS. BERRY: No. It seems like
5 that fit together quite well.

6 MR. PENNESSI: We had submitted
7 both to the ZBA and then again to the
8 Planning Board in March a parking and
9 traffic study prepared by Dunn
10 Engineering. In that study, they
11 addressed the proximate public parking
12 areas that are available for use, not
13 only by this property and any project
14 built here, but others in the Village
15 that do not have onsite parking.

16 CHAIRMAN CLARK: So we're here
17 discussing this on only an informal
18 determination by the ZBA; is that
19 normal procedure; don't they normally
20 vote --

21 MR. JAUQUET: This is a
22 discussion.

23 CHAIRMAN CLARK: -- doesn't it --

24 MR. JAUQUET: It's just a
25 discussion, pre-submission conference.

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CHAIRMAN CLARK: Uh-hmm, but we've had other -- okay.

ATTORNEY PROKOP: I think they'd like our input about the parking if I'm not mistaken.

MR. JAUQUET: My opinion is that so far it sounds like that's a reasonable way to proceed.

CHAIRMAN CLARK: I don't agree with you.

MR. JAUQUET: And that like ten, that's ten spaces with the loading dock and the payment in lieu.

MR. PENNESSI: Correct.

MR. JAUQUET: For a total of how many spaces, 12; is that correct?

MR. PENNESSI: There are going to be -- what's currently proposed is ten off-street parking spaces on the property. In addition, if the Village Planning Board accepted it, they would accept a payment in lieu of 20 spaces. There would be a remaining

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1
2 approximately two spaces if this layout
3 is accepted, and that would require a
4 variance.

5 ATTORNEY PROKOP: The customers
6 that you are going to have, the inn
7 customers, so somebody arrives from
8 Massachusetts and they come down and
9 they stay at your inn, what do you do,
10 just turn them away as far as parking;
11 or the restaurant, they're supposed to
12 keep driving in circles around the
13 Village trying to find a --

14 MR. PENNESSI: Well --

15 ATTORNEY PROKOP: I don't mean to
16 say that sarcastically, I just --

17 CHAIRMAN CLARK: It's reality.

18 ATTORNEY PROKOP: I don't think
19 I've ever been to a hotel where, you
20 know, you drive up with your luggage
21 and then you have to spend an hour
22 trying to park.

23 CHAIRMAN CLARK: Right.

24 MR. PENNESSI: As part of the
25 traffic and parking study, we asked the
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1
2 engineer to analyze public transit.
3 They have determined that in the last
4 year even, there has been an increase
5 in the use of public transit to get to
6 the Village. That's not to say that
7 practically speaking, it would be
8 better to have more parking spaces
9 onsite to serve customers; but that
10 being said, there are plenty of other
11 businesses in the Village that
12 currently operate with little or no
13 parking onsite, and we're interested in
14 making this investment and continuing
15 on with the project, notwithstanding
16 those obstacles, but those are
17 practical obstacles that we would need
18 to address.

19 MR. BURNS: But there aren't any
20 in the Village with the density that
21 you're planning.

22 MR. JAUQUET: What's the total
23 number of rooms?

24 MR. BURNS: Sixteen.

25 CHAIRMAN CLARK: And a retail

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2 space and a restaurant and the people
3 that work there.

4 MR. JAUQUET: What about, have you
5 considered a space like some hotels
6 have porticos where you drive up and
7 it's five-minute parking, so you can
8 unload your bags, is there something --

9 MR. PENNESSI: I think it's a
10 great question. I think that we would
11 use the loading zone for that purpose.

12 MR. JAUQUET: Oh, I see.

13 ATTORNEY PROKOP: That's right. I
14 was talking about driving, this hotel
15 you can't even drive up to, you can
16 just watch it as it goes by.

17 MR. JAUQUET: It's obviously going
18 to make some sort of accommodation in
19 your, at the front desk for the problem
20 of parking and unloading and directing
21 people to the railroad lot, if it comes
22 to pass.

23 CHAIRMAN CLARK: That's saying
24 that the railroad lot is not already
25 used. I mean that's a gamble. You
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1
2 can't guarantee that those spaces are
3 going to be available for guests of
4 your hotel.

5 MR. BURNS: You can guarantee that
6 the railroad and our parking lot are
7 going to be filled.

8 CHAIRMAN CLARK: That's correct,
9 and not available, so to state that
10 that's an option, I think it's
11 inaccurate, truly, it's not ever empty.
12 It's just a reality.

13 MR. COTUNGO: I have some real
14 concerns about this parking plan, which
15 I've just looked at, it shows 11
16 spaces, one handicap, but that's not a
17 handicap space at all. Not even close,
18 you just can't call a regular space a
19 handicap space; and I think your
20 architect should look at the New York
21 State Building Code because for every,
22 there is a ratio for the number of
23 rooms in your hotel and for the number
24 of seats in your restaurant, and you
25 have to have a certain percentage of
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1 handicap parking spaces, and they have
2 to be 16 feet wide, not the width that
3 you show here as 10 feet; and your
4 aisle width doesn't make it at all 20
5 feet, nobody, not even Mario Andretti
6 can back out of a 20-foot no parking
7 spot with aisle --

8
9 MR. PENNESSI: I'd just like to
10 make sure we're looking at the same
11 plan. You referenced 11 spaces; are
12 you looking at the Exhibit B to the
13 October 20, 2016 letter? It's dated in
14 the bottom right-hand corner 10/20/16
15 A100.

16 MR. COTUNGO: No. This is an
17 older one, it says 5/24/16.

18 MS. WINGATE: That's what you
19 dropped off.

20 MR. JAUQUET: 5/24 is what we're
21 looking at.

22 MS. WINGATE: Are you sure you --

23 MR. PENNESSI: That's Exhibit A,
24 so if you go to the next page.

25 CHAIRMAN CLARK: After that, there
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1
2 is one date, 10/20/16.

3 MR. PENNESSI: This is the plan
4 that is being proposed to be submitted
5 including a full-size loading area; and
6 the spaces do comply with the Village
7 Code requirements. I can have the
8 dimensions for the handicap space
9 included on the plan if you would like,
10 but I can do that.

11 MR. COTUNGO: I believe you're
12 going to need more than one.

13 MR. PENNESSI: All right. I will
14 look at that again, but I do believe
15 that we require only one based on our
16 calculations.

17 MR. JAUQUET: So there's 16 rooms
18 total?

19 MR. PENNESSI: Yes.

20 MR. JAUQUET: And ten parking
21 spaces?

22 MR. PENNESSI: Yes.

23 MR. JAUQUET: I don't know, again,
24 to me, my whole feeling on this is that
25 it's one of the prime locations in the
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1 Village; and I'm willing to look at
2 the -- and go along with the Zoning
3 Board if they're giving sort of a
4 preliminary on the ten space only
5 because if you start taking away from
6 the grade-level footprint, it's gonna
7 make it not a viable operation on the
8 interior, and, you know, American Beech
9 doesn't have designated parking, I know
10 they don't need it, but they have got
11 plenty of rooms that apparently, I know
12 people are finding places to park,
13 finding ways to get here and to use the
14 space. I don't know if that's an
15 argument, you know, a thing to bring up
16 in this, but I sort of look at that,
17 and the restaurant, none of the
18 restaurants have --

20 MR. BURNS: That makes sense
21 because American Beech's location, but
22 if you put --

23 CHAIRMAN CLARK: You have no
24 parking in the front, you have no
25 parking on the side, very little, in
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2 front of the Blue Canoe. You have
3 parking at the American Beech.

4 MR. BURNS: Not in the location.

5 CHAIRMAN CLARK: On the side.

6 MR. JAUQUET: It's all street
7 parking; these guys have it too.

8 CHAIRMAN CLARK: Uh-hmm, but --
9 where?

10 MR. JAUQUET: Well, you wouldn't
11 have it --

12 CHAIRMAN CLARK: Where?

13 MR. JAUQUET: They have it on
14 Front and the thing is located on Front
15 and Third.

16 CHAIRMAN CLARK: Where would your
17 Front Street parking be?

18 MR. JAUQUET: Right on the
19 sidewalk, I mean right along the
20 sidewalk. There's parking in front
21 of --

22 CHAIRMAN CLARK: There is no
23 parking on that side of the street on
24 Front Street at all.

25 MR. JAUQUET: I'm saying on Front
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1 Street the --

2 CHAIRMAN CLARK: In the bank.

3 MR. JAUQUET: In front of the
4 bank, in front of the ice cream, in
5 front of the antique store.

6 CHAIRMAN CLARK: Uh-hmm.

7 MR. JAUQUET: I didn't -- I wasn't
8 saying which side of Front, Front
9 Street only has parking on one side.

10 CHAIRMAN CLARK: Uh-hmm, right.

11 MR. JAUQUET: If you have
12 energetic customers that can park and
13 walk, like most of the restaurants
14 in --

15 CHAIRMAN CLARK: But there isn't
16 really any available parking now.

17 MR. JAUQUET: Then the project
18 shouldn't happen, and the thing should
19 stay vacant for the rest of its
20 existence, I don't agree with that at
21 all.

22 CHAIRMAN CLARK: I didn't say
23 that, I --

24 MR. JAUQUET: I know.

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2 CHAIRMAN CLARK: I just simply
3 said there is no parking now.

4 MR. JAUQUET: Right.

5 The parking lot at the ferry is
6 not --

7 CHAIRMAN CLARK: It's full all the
8 time.

9 MR. JAUQUET: I walk by there
10 every day and it's not full all the
11 time. It's full during major events
12 like the Maritime Festival, that's the
13 only time I see the Village packed.

14 Anyway, my overriding concern with
15 this is that it looks like a good
16 project and the site needs to be built
17 on to close a gap in the street wall
18 there with something viable; and, you
19 know, the only thing that's built in
20 the Village these days is hotels and
21 restaurants and that's the kind of
22 village it's become.

23 MR. BURNS: Is there a way for you
24 to forecast where those parking spaces
25 are going to be located that you're
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2 going to pay us for?

3 MR. PENNESSI: As the applicant,
4 we don't have control over it, it is
5 under the control of the Village Board,
6 I believe; and as long as it is used
7 for those purposes under the Zoning
8 code, the Village Board can use that
9 money at its leisure to maintain,
10 construct parking.

11 MR. BURNS: There is no question
12 in my mind that you've got a good
13 project, it makes a lot of sense in
14 that location; and to put those parking
15 spaces, I think unless there is some
16 way to forecast how that will work.

17 MR. PENNESSI: One question that
18 comes to mind is, that ferry parking
19 lot is a very large parcel, and I don't
20 know that any, I certainly haven't
21 heard any inquiry has been done as to
22 whether that area is being used to its
23 capacity, whether there is additional
24 portions of that lot that could be used
25 for parking or whether all of that lot

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2 is being used for parking.

3 MR. BURNS: I may be mistaken, but
4 I think there are plans or movement
5 before the Board, the Village Board to
6 reconfigure that area. Now, how that
7 will work out, I don't know. They
8 don't know either, I suspect.

9 MR. JAUQUET: Re-stripe it to
10 maximize?

11 MR. BURNS: Not re-stripe,
12 reorient where the ferry location is;
13 how that whole area is redone.

14 CHAIRMAN CLARK: There is such
15 congestion existing there already, so
16 much, I mean so much, the traffic flow
17 is horrendous at best.

18 MR. JAUQUET: I mean there is all
19 sorts of new restaurants coming in
20 places where they haven't been before,
21 and I know they don't need a parking
22 component, but all of that is being
23 absorbed, you know, the new one in 120
24 Front Street with, you know, 16 tables
25 to start with, you know, even though
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2 our hands are tied, we can't have,
3 there is no, you know, requirement for
4 parking, you know, those things have to
5 go through, you know, who knows what
6 the impact of that is? Maybe some, it
7 may not be so much.

8 MR. BURNS: There are really two
9 parts to this. One is the ground floor
10 with the restaurant --

11 MR. JAUQUET: I know there's
12 traffic generated. What's the number
13 of seats in the restaurant?

14 MR. BURNS: People will park where
15 they need to in order to walk to the
16 restaurant, but the hotel needs parking
17 spaces.

18 CHAIRMAN CLARK: That's right.

19 MR. JAUQUET: What were you
20 thinking, the ten would be for the
21 hotel guests exclusively?

22 MR. PENNESSI: Primarily, I mean,
23 it will be first come first serve, but
24 we expect that during the season
25 there --

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2 MR. JAUQUET: Doesn't the Harbor
3 Front have signs on their spaces for
4 guests only?

5 CHAIRMAN CLARK: Theirs is off the
6 road.

7 MR. JAUQUET: Theirs are onsite.
8 These are onsite, these ten are onsite
9 too.

10 They have signs that say guests
11 only, you'll be towed.

12 MR. BURNS: They have a parking
13 lot.

14 MR. PENNESSI: They don't have a
15 combination of uses onsite, it's just
16 the hotel rooms.

17 CHAIRMAN CLARK: Right, big
18 difference.

19 MR. JAUQUET: I don't know.

20 I still like the project.

21 ATTORNEY PROKOP: One of the
22 issues that came up last time, you
23 know, in the prior life of this
24 application, is that it seems that the
25 spillover is going to go to this

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2 municipal lot to the south, the MTA lot
3 or Village lot that we basically,
4 somebody would be spending public money
5 for private use, so I think at this
6 time, we are looking for some kind of
7 contribution for maintenance so that's
8 probably something down the line.

9 MR. JAUQUET: An annual
10 contribution.

11 ATTORNEY PROKOP: Something, yes.

12 MR. PENNESSI: In addition to the,
13 if the Planning Board accepts it, the
14 payment in lieu.

15 ATTORNEY PROKOP: Right, because
16 it kind of, it seems pretty certain
17 that your spillover would be in that
18 lot.

19 MR. JAUQUET: Would they have the
20 option to try and monitor that to see
21 if, in fact, on an ongoing basis it's
22 making an impact?

23 ATTORNEY PROKOP: That would be
24 after it opens, you know, we would
25 assess condition.

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2 MR. PENNESSI: We would be open to
3 talking about it. I don't know how to
4 judge where the spillover would be, or
5 how you would be able to calculate
6 that, but we can talk about it.

7 CHAIRMAN CLARK: Glynis.

8 MS. BERRY: We looked up how many
9 handicap would be required, and if
10 there are 26 to 50 spaces to be
11 provided, they require two.

12 MR. COTUNGO: Two for what,
13 restaurant or the hotel?

14 MS. BERRY: The whole thing.

15 So two handicap spaces would be
16 required which probably could be
17 handled with the -- they have that
18 little strip there. If they made that
19 accessible, they'd have to look at it,
20 you know, with dimensions but it looks
21 like it could be doable.

22 MR. PENNESSI: Thank you.

23 ATTORNEY PROKOP: Do you want to
24 see if the public has any comments on
25 the project?

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2 CHAIRMAN CLARK: Anyone from the
3 audience, the public wish to comment on
4 this project?

5 Yes, John.

6 ATTORNEY PROKOP: This is a
7 pending application before you.

8 MR. SALADINO: John Saladino.

9 I don't want to comment on the
10 project and I would like to give this
11 Board, so you're on the same page with
12 the Zoning Board, the reasoning for --
13 with the Zoning Board, we thought it
14 would be, and without commenting on the
15 project, we thought for an applicant,
16 any applicant to come to the Zoning
17 Board with a compromise of perhaps two
18 parking spaces or four parking space,
19 variance for two or four parking
20 spaces, it would make the discission
21 between any statutory board and an
22 applicant easier, as opposed to coming
23 to that Board or any Board with a
24 request for a 21-parking space
25 variance.

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2 Some applicants have the
3 opportunity to come to the Planning
4 Board and ask to buy spaces, so the
5 thought of the Zoning Board was that if
6 an applicant could come to the Zoning
7 Board with that in their pocket, the
8 conversation might be, between the
9 Board and the applicant, a little
10 easier to discuss. That I think is
11 kind like the thinking. The Zoning
12 Board granted no variances. I heard
13 Peter say, we're okay with that, we
14 didn't discuss that at all. In front
15 of us right now is a request for 21
16 parking spaces, variance for 21 parking
17 spaces. He got, the consensus of Board
18 was that, and this is all in the
19 minutes, a consensus of the Board was
20 that the height accept for the trellis
21 kind of flew, but no formal resolution,
22 also the lot coverage, but again no
23 formal resolution, and we voted on
24 something else, on the loading zone,
25 the loading zone as it's configured was
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2 rejected, there was no variance given,
3 the consensus was there would be no
4 variance granted. We didn't discuss
5 parking except for what I just told
6 you.

7 So that was the reasoning that it
8 went from there to here.

9 MR. JAUQUET: The Zoning Boards
10 reasoning was more conceptional.

11 MR. SALADINO: Well, I think the
12 Zoning Board's reasoning was that it
13 would make for an easier conversation
14 if it knew exactly how many variances
15 it had to grant. If it's 21, so be it;
16 if it's four, so be it. The discussion
17 will change depending on how many
18 spaces he's asking for.

19 Did I step over the line?

20 ATTORNEY PROKOP: No. That was
21 good. Thanks.

22 MR. BURNS: It seems to me that if
23 we accept the parking in any form and
24 the money for each parking space, what
25 we're doing is tossing it to the Board
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2 of Trustees, saying here, you have to
3 provide this or find a way to do it,
4 right? It's their purview; it isn't
5 our, we don't have the ability to go
6 out and find parking spaces; but if the
7 Village is accepting a certain amount
8 of money for each parking space, then
9 it needs to find that. That's my --

10 CHAIRMAN CLARK: I don't think
11 they do, I think they're getting this
12 money in lieu of having to do anything
13 about the parking problem.

14 MS. WINGATE: The last sentence of
15 section G reads, "said funds will be
16 deposited with the Village Board and
17 maintained by the Village Board in a
18 special fund and used by the Village
19 Board for construction, acquisition,
20 and maintenance of public parking
21 facilities.

22 CHAIRMAN CLARK: Okay. Have they
23 received this fee in the past in lieu
24 of parking space?

25 MS. WINGATE: Yes.

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1
2 CHAIRMAN CLARK: Have they done
3 that?

4 MS. WINGATE: We're always doing
5 maintenance, Lucy, so --

6 CHAIRMAN CLARK: Have they
7 increased parking spaces, have they
8 constructed new parking spaces?

9 ATTORNEY PROKOP: I think we
10 acquired the Adam Street Lot, but that
11 was some number of years ago, but it
12 has happened.

13 I mean so it's not a frequent
14 thing, but it is something that we
15 haven't had a project like this, so
16 it's definitely something that we can
17 plan out, this is the kind of
18 discussion we wanted to have.

19 MR. JAUQUET: So the magnitude of
20 the parking in lieu, the payment in
21 lieu is sort of unprecedented.

22 ATTORNEY PROKOP: It comes in with
23 a new building, you have to have a new
24 building in order for this to be
25 triggered, so that's why and that isn't

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1
2 that often.

3 MR. JAUQUET: Right.

4 What does the Village Board do in
5 a situation like this? What power do
6 they have to approve, not approve,
7 agree to?

8 ATTORNEY PROKOP: They don't have
9 to approve --

10 MR. JAUQUET: It's up to us.

11 ATTORNEY PROKOP: Yes. Except
12 where public money question comes in,
13 they would become involved in that.

14 MS. BERRY: Just to talk about the
15 detail of the lot, the proposal took
16 out two spots for the loading zone, I
17 think there is still an issue of
18 turning so either the truck has to back
19 in the way it is now, or it might be
20 two more spots for them to have the
21 room to come out, so consideration of
22 limiting the times of delivery and then
23 around use especially the two southern
24 ones, would help safety, I think a
25 little bit. I'm try to look at balance

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1
2 so that's just something that bothered
3 me a little bit on that plan.

4 CHAIRMAN CLARK: Should I read
5 this, your comments, Glynis?

6 MS. BERRY: I think we've talked
7 about --

8 CHAIRMAN CLARK: About all of
9 them.

10 MS. BERRY: About the parking
11 issues. There are some other things, I
12 think we need to bring up. If they're
13 going to put a new application
14 together, I think there are a few other
15 things that need to be addressed that,
16 if you want maybe those can be
17 discussed, but with the focus on
18 parking, I think now everything is kind
19 of out there.

20 CHAIRMAN CLARK: I'm sorry. I
21 didn't hear.

22 ATTORNEY PROKOP: Maybe when the
23 entire project comes back.

24 MS. BERRY: I think there are more
25 comments we can make tonight, but I

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1 think the parking we've addressed most
2 of them.
3

4 ATTORNEY PROKOP: Do you want to
5 put this on the agenda for the regular
6 meeting, maybe we can talk to, maybe
7 management can come up with a
8 recommendation for you for the Board.

9 MR. JAUQUET: Management?

10 ATTORNEY PROKOP: I mean Paul and
11 Glynis.

12 MR. PALLAS: This is only a
13 pre-submission. I would suggest that
14 perhaps we provide the applicant with
15 the consultant's comments, and he can,
16 I would suggest continuing the
17 discussion in light of some of these
18 comments, have the applicant have the
19 opportunity to digest some of this
20 information first and then come back
21 and speak to some of the comments and
22 the Board can discuss them further.

23 ATTORNEY PROKOP: Did you want to
24 keep it on the work session?

25 MR. PALLAS: Is there any
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1 prohibition from them continuing
2 discussion on a regular session?
3

4 ATTORNEY PROKOP: What does the
5 applicant want to do?

6 MR. PENNESSI: It would be great
7 to see what other comments there are.
8 We can turn plans pretty quickly.

9 When is the next full session; is
10 it next week?

11 MS. WINGATE: December 1st.

12 MR. PENNESSI: The next full
13 session is December 1st?

14 MR. PALLAS: There is a regular
15 session next week, but you're at the
16 pre-submission stage. I don't know
17 that you're going to resolve to this
18 Board's satisfaction. I mean, I don't
19 want to speak for you, but I don't
20 think that that's, I mean, you need
21 time to think about, and they need time
22 to think about some of these issues.
23 That's why I was suggesting perhaps we
24 continue the discussion next week, if
25 that -- Joe, if that's appropriate to
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1
2 have that discussion.

3 ATTORNEY PROKOP: I think it would
4 be good to discuss it further, at least
5 this part of it, if that's okay with
6 you. We'll try to get something, some
7 kind of thoughts, maybe --

8 CHAIRMAN CLARK: That's next week?

9 ATTORNEY PROKOP: We're not going
10 to have plans, but maybe we can get you
11 a list of considerations or something.

12 MR. PALLAS: We have the current
13 comments from the consultant that the
14 applicant has not seen yet. If you
15 want to read them, just verbalize them.

16 MS. WINGATE: I have a copy.

17 MR. PENNESSI: We can provide
18 hardcopy to the applicant as, and we
19 can discuss it with them next week,
20 some more of the responses, if you
21 will, if there's any clarification that
22 you need from us on some of the issues.

23 ATTORNEY PROKOP: The thing that's
24 going to happen is the Zoning Board is
25 going to meet again in a few weeks and
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1
2 they're going to need some kind of
3 input from us.

4 MR. JAUQUET: So it makes sense to
5 discuss it again.

6 ATTORNEY PROKOP: Yes.

7 MR. PENNESSI: We're prepared to,
8 we understand that there would be
9 additional comments from the
10 consultant, be required to submit full
11 plans in addition to our Planning Board
12 pre-submission, we would need a formal
13 site plan approval. Tonight was really
14 to present the project, represent the
15 project to the Planning Board and get a
16 sense of where they are on the prospect
17 of accepting a payment in lieu of
18 parking, and it would be great if the
19 Planning Board and the Village attorney
20 and the Village administrator, Building
21 Department could perhaps take some
22 time, make some recommendations. We
23 would discuss, the plan was to do this
24 in advance of the next Zoning Board
25 meeting. I believe that's why some of
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1
2 the members are here.

3 MR. COTUNGO: My opinion is, I
4 think it's too ambitious for such a
5 small site. I think the parking plan
6 doesn't work. I think the loading
7 space doesn't work, as they said, at
8 least you need two handicaps, but
9 that's something your architect should
10 figure out to come back with a
11 calculation or formula from the code
12 that says for every number of
13 restaurant seats, you need so many
14 handicap parking, same thing with the
15 retail stores, same thing with hotel.

16 I think you should consider using
17 more of the ground-level space for
18 parking which may mean losing seats and
19 retail space. There's many buildings I
20 was involved with where it's basically
21 up on stilts, and it can be down so it
22 looks nice. So there's elevators on
23 the ground level, on the parking level,
24 stairways coming down, and some
25 entrance, some lobby and then you go

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1
2 up, so you can use all that space for
3 parking; but there's many tight
4 situations, yours isn't the only small
5 lot but that's maybe why the building I
6 think is a little too ambitious. It
7 would be great. I would love to see
8 something there, but I think this is
9 too ambitious.

10 MR. PENNESSI: In response to
11 that, we had analyzed how to get the
12 building to fit on the site as best we
13 could and that included the process of
14 pulling in some of the dining areas and
15 setbacks, we had looked at how best to
16 use the footprint of the building
17 perhaps evening for parking, because of
18 the size and shape of it, the
19 circulation is very difficult, and part
20 of the planning was to continue that
21 street scape to continue to keep both
22 streets alive to keep uses right on the
23 street level, so that's kind of where
24 we started with the planning and that's
25 why we're here tonight.

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2 As for the coverage, again, the
3 Zoning Board hasn't made any
4 determinations yet, but it looks like,
5 as far as I can tell, they were open to
6 it, we have a very small percentage
7 over the required coverage, 40 percent.

8 But thank you.

9 CHAIRMAN CLARK: Anyone else?

10 MR. JAUQUET: I like the project
11 and I would pretty much go along with
12 the way it is. I know that the parking
13 variance request is unprecedented, it's
14 not two spaces, it's not four spaces,
15 it's 20 spaces; and the only reason I
16 believe that I like the project is
17 because it fills in a gap in the street
18 wall and it helps make the Village
19 would again on an important corner, and
20 makes it a better experience walking up
21 Third and over on Front, and I think
22 that's important for the way the
23 Village is being developed and it's a
24 unique site, and there are not very
25 many of them like that in the Village

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1 that are going to start asking for
2 another 20 variances, and if that
3 happens and it's another important
4 site, then the Village may have to, you
5 know, find more parking fields like
6 other villages have done on the South
7 Fork next to their train stations,
8 that's where they put it all up and
9 down the street.
10

11 The project begs for changes in
12 zoning and a change in the way the
13 Village looks at itself, I think.

14 That's my comment.

15 MR. PENNESSI: Thank you.

16 Just to apropos of John's
17 comments, these specific variances that
18 were requested, outside of the parking
19 and loading which no consensus or
20 informal vote was taken, we asked for a
21 lot coverage variance of approximately
22 1.6 percent, on the height variance, I
23 think that's what John's referring to,
24 there were components of the height
25 variance requested. The trellis

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1
2 variance requested did not seem like it
3 would get approved, but other
4 components would, such as mechanicals
5 and the elevator shaft. Again, when we
6 were planning this project, a lot of
7 time was taken by myself and the
8 architect walking through the Village
9 and looking at the heights of the
10 buildings and the fact that there are a
11 lot of buildings here that are three
12 stories even though there's perhaps a
13 foot-height limitation on it in
14 addition to being required to have only
15 two stories.

16 The planning was hand in hand with
17 our architect and certainly with the
18 other interested parties, SEQRA process
19 has been commenced, comments have been
20 received from multiple interested
21 agencies, including DOT, the public,
22 the Zoning Board, and that's what's led
23 up to tonight.

24 So we thank you for your
25 consideration and time tonight.

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2 CHAIRMAN CLARK: How do I proceed?

3 ATTORNEY PROKOP: Just adjourn,
4 vote to adjourn.

5 CHAIRMAN CLARK: Adjourn it until
6 next week?

7 MR. PENNESSI: It's just a
8 pre-submission, but it probably would
9 be helpful to have more.

10 ATTORNEY PROKOP: Let's just keep
11 it on the calendar next week and if we
12 want to do something we can do it and
13 if not, kick it over.

14 CHAIRMAN CLARK: So that's taken
15 care of, do I make a motion that we --

16 ATTORNEY PROKOP: It's a motion --

17 CHAIRMAN CLARK: I make a motion
18 that we keep the application for SAKD
19 Holdings for the Thursday, November 3,
20 2016 meeting.

21 Do I have a second?

22 MR. JAUQUET: Second.

23 CHAIRMAN CLARK: All in favor?

24 MR. JAUQUET: Aye.

25 MR. BURNS: Aye.

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2 MR. COTUNGO: Aye.

3 CHAIRMAN CLARK: Aye.

4 MR. PENNESSI: If I could have a
5 copy of the comments.

6 MS. WINGATE: I have it right here
7 (handing).

8 CHAIRMAN CLARK: Item Number 4 is
9 a motion to approve the minutes for the
10 August 4th and August 25th Planning
11 Board meetings.

12 Do I have a second?

13 MR. COTUNGO: Second.

14 CHAIRMAN CLARK: All in favor?

15 MR. JAUQUET: Aye.

16 MR. BURNS: Aye.

17 MR. COTUNGO: Aye.

18 CHAIRMAN CLARK: Aye.

19 Item Number 5, a motion to accept
20 the minutes of the September 1st,
21 September 29th, and October 6th
22 meetings of the Planning Board.

23 Do I have a second?

24 MR. JAUQUET: Second.

25 CHAIRMAN CLARK: All in favor?

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Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN CLARK: Item Number 6 is a motion to schedule the next Regular meeting for November 3, 2016 and a combined Work Session/Regular meeting for December 1st, and a Work Session for December 29, 2016.

Do I have a second?

MR. BURNS: Second.

CHAIRMAN CLARK: All in favor?

MR. JAUQUET: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN CLARK: Aye.

Item Number 7, motion to adjourn at 6:17.

Do I have a second?

MR. JAUQUET: Second.

CHAIRMAN CLARK: All in favor?

MR. JAUQUET: Aye.

MR. BURNS: Aye.

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MR. COTUNGO: Aye.

CHAIRMAN CLARK: Thank you.

That concludes our meeting.

(Time Noted: 6:17 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 proceedings is a true and accurate record of the stenographic notes taken by me

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

IN WITNESS WHEREOF, I have hereunto set my hand to this 27th day of October, 2015.

Stephanie O'Keefe

STEPHANIE O'KEEFFE

ATTORNEY PROKOP: [63] 4/9 5/7 5/11 5/14 9/19 9/23 10/5 10/11 10/14 10/23 11/11 11/22 11/25 12/4 12/11 12/18 12/21 14/3 20/9 21/2 21/25 22/15 23/2 23/8 23/14 25/24 26/6 26/17 26/24 27/13 35/9 35/20 35/24 36/13 37/5 39/4 40/4 40/14 40/17 42/12 53/20 54/10 54/14 54/22 55/22 56/5 58/19 60/8 60/21 61/7 61/10 62/21 63/3 63/9 63/22 64/3 65/2 65/8 65/22 66/5 72/2 72/9 72/15
CHAIRMAN CLARK: [87]
MR. BURNS: [24] 3/8 7/10 8/20 27/23 37/3 41/18 41/23 43/4 46/19 47/3 49/22 50/10 51/2 51/10 52/7 52/13 53/11 58/21 72/24 73/15 74/3 74/12 74/15 74/24
MR. COTUNGO: [19] 3/5 3/10 6/24 8/18 8/22 27/20 27/22 34/16 43/12 44/15 45/10 55/11 67/2 72/25 73/12 73/16 74/4 74/16 74/25
MR. JAUQUET: [83]
MR. PALLAS: [10] 7/16 11/8 11/24 15/21 16/4 21/15 63/11 63/24 64/13 65/11
MR. PENNESSI: [30] 29/8 34/20 36/7 38/5 39/15 39/18 40/13 40/23 42/8 44/8 44/22 45/2 45/12 45/18 45/21 50/2 50/16 52/21 53/13 54/11 54/25 55/21 64/5 64/11 65/16 66/6 68/9 70/14 72/6 73/3
MR. PENNEY: [25] 9/17 9/21 9/25 14/7 14/11 15/5 17/4 17/8 17/10 19/5 19/12 19/23 20/4 20/12 21/12 22/6 22/21 23/5 23/17 24/4 24/25 25/4 25/7 25/23 27/7
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MS. WINGATE: [16] 10/9 10/13 10/18 11/3 11/18 12/9 14/9 27/2 44/17 44/21 59/13 59/24 60/3 64/10 65/15 73/5
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