VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK
PLANNING BOARD
WORK SESSION
Third Street Firehouse
Greenport, New York
October 27, 2016
5:07 p.m.
BEFORE:
DEVIN McMAHON - CHAIRMAN - Absent
BRADLEY BURNS - MEMBER
PETER JAQUET - 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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MR. JAUQUET: So I'm going to make a motion to have Lucy chair the meeting.

Do I have a second?

MR. COTUNGO: Second.

MR. JAUQUET: All in favor?

CHAIRMAN CLARK: Aye.

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MR. COTUNGO: Aye.

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

Item Number 1, 120-122 Front Street.

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

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

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

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

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

Okay.

ATTORNEY PROKOP: Is the applicant here?

MS. ALPTEKIN: Hello. Michelle Alptekin.

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

MS. ALPTEKIN: It's a bench, yeah, it's an actual black wrought-iron bench
and the sign Olive Branch is the back
of the bench and then the Cafe is, it's
all part of the bench, which will be
sitting in the dirt in the garden.

CHAIRMAN CLARK: Okay.

Now, do I read Glynis' comments?

ATTORNEY PROKOP: Yes.

Have you seen Glynis' comments?

We have a consultant.

MS. ALPTEKIN: No, I haven't.

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

MS. ALPTEKIN: Who is that?

ATTORNEY PROKOP: Our consultant.

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

CHAIRMAN CLARK: The history?

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

CHAIRMAN CLARK: The sign permit
application?

MS. BERRY: Right.

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

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

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

Is there any discussion on this?

MR. COTUNGO: It's fine.
You probably want to maybe attach it to the railroad tie on the inside so you won't see it. Just make a little bracket and screw it in, and you'll be all set.


Thank you.

CHAIRMAN CLARK: Ben, Peter.

MR. BURNS: Looks good to me.

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

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

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

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

MR. JAUQUET: Can we approve this?

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

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

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

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

Do I have a second?

MR. COTUNGO: Second.

CHAIRMAN CLARK: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MR. COTUNGO: Aye.

CHAIRMAN CLARK: Thank you.

MS. ALPTEKIN: Thank you very
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much.

CHAIRMAN CLARK:  Item Number 2, 211 Front Street.

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

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

Included in the application is a sign permit application.

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

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

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

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

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

ATTORNEY PROKOP:  You're here on her behalf.
MR. PENNEY: I'm here on her behalf, I'm not an equity partner. I'm functioning and running the Greenport office.

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

MS. WINGATE: We have an authorization.

ATTORNEY PROKOP: For this gentleman.

MS. WINGATE: Yes.

ATTORNEY PROKOP: Okay. Good.

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

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

ATTORNEY PROKOP: When I just asked the question, you said we have an
authorization. Do we have an
authorization?

MS. WINGATE: For Marie.

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

MR. PALLAS: It's not there?

CHAIRMAN CLARK: No.

So how do we proceed?

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

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

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

CHAIRMAN CLARK: Okay.

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

MR. PALLAS: Correct.
ATTORNEY PROKOP: In his own name?

CHAIRMAN CLARK: Josh is the owner of the building.

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

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

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

CHAIRMAN CLARK: So I'll proceed with Jayson.

ATTORNEY PROKOP: Yes.

CHAIRMAN CLARK: Should I read Glynis' comments?

ATTORNEY PROKOP: Yes.

CHAIRMAN CLARK: Thank you.

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

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

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

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

ATTORNEY PROKOP: This is use evaluation also.

MR. JAQUET: This is running all summer with ten seats.

MR. PENNEY: Actually six seats.

MR. JAQUET: Why is it up now?

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

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

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

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

MR. PENNEY: Correct.

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

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

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

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

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

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

MR. PALLAS: It certainly should be to scale.

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

That's what we have had for other restaurants, some are formally drawn on a computer generated, you know, we have got a couple, we've got one here from another application, I think; but then show, you know, we need to know where the garbage is going to be handled just so we know, so that's on paper, if it's a garbage can, you need to describe how
the refuse is going to be handled at
the end of the day, you know, storage
on the inside and gets taken out.

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

MR. JAUQUET: In the prep area.

Well, in the front as well.

MR. PENNEY: That was all --

MR. JAUQUET: It's all --

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

MR. JAUQUET: In any event, we
should have a more detailed schematic

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of tables and chairs and refuse containers in the customer area.

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

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

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

MS. BERRY: They should just give the dimensions and clearances and show door swings and, so that people can...
The other thing is, I believe you're using an existing dumpster on the site?

MR. PENNEY: With the theater, correct.

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

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

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

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

MR. PENNEY: For sure we're closed, he's draining the pipes next.
MR. JAUQUET: That's why I asked, I don't get a sense of urgency.

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

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

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

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

CHAIRMAN CLARK: So how do I move forward with this because we're not going to do anything until we...
ATTORNEY PROKOP: I think what you should do, excuse me, my recommendation is that we adjourn it to the next meeting, and we'll try to get some more of this information.

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

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

MR. PENNEY: Okay.

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

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

MR. JAUQUET: And then when those details come in, you know, maybe with a schematic showing what we've asked for, that would be the -- and then, you know, with another discussion and the motion would be set forth to accept and grant the use.
ATTORNEY PROKOP: My concerns are -- or my comments are that I just, I've seen your business sort of move out into the street, and I'm just concerned, I don't know what that --

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

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

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

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

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

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

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

ATTORNEY PROKOP: It doesn't.

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

MR. PENNEY: So it's prepared foods, so you had prepared salads, special and organic, you had four different organic salads and we brought over everything in to-go containers. I had -- so we also do chicken salads and all prepackaged in a container that's handled and sold in the container by Flynn Stenography & Transcription Service (631) 727-1107
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weight.

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

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

MR. JAUQUET: What time did you
close in the afternoon?
MR. PENNEY: 6:00.

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

MR. PENNEY: Yes.

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

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

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

MR. PENNEY: Yes.

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

CHAIRMAN CLARK: Okay. On the use evaluation?

ATTORNEY PROKOP: Yes.

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

(No response.)

No.

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

ATTORNEY PROKOP: My recommendation would be to table both.

CHAIRMAN CLARK: Okay.

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

ATTORNEY PROKOP: November. I
apologize, next week.

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

MR. PENNEY: December.

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

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

ATTORNEY PROKOP: Yes.

CHAIRMAN CLARK: I'm sorry.

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

Do I have a second?

MR. COTUNGO: Second.

CHAIRMAN CLARK: All in favor?

MR. COTUNGO: Aye.

MR. BURNS: Aye.

MR. JAUQUET: Aye.
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.
the updated plans.

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

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

Hello.

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit B to that October 20th letter currently shows a full-sized loading zone which is 12 feet wide by 33 feet long, and 10 parking spaces.

There was some question as to whether the originally planned loading zone could be accessed, we believe this one could. We would be willing to talk with both the Planning Board and the Zoning Board if additional parking spaces would need to be used for concern about turning radius. We can talk about it, we would perhaps seek to limit loading times, so we could have access to more than, you know, say eight or ten spaces onsite at any given time.
But really the reason we're here is if the Planning Board is willing to accept the payment in lieu of parking, which it's entitled to do under the Zoning code, it's entitled to accept $2,500 per space up to 20 spaces. It would reduce the variance that we are seeking from the Zoning Board. Depending on the number of spaces that would be left over with the loading load, it would result in a variance request of anywhere from two to four spaces instead of 22 or 24 spaces.

CHAIRMAN CLARK: Any comments, anyone?

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

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

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

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

MR. JAUQUET: Why is that?

ATTORNEY PROKOP: Because it's in
our code.

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

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

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

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

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

MR. BURNS: Is a hearing on this
necessary?

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

CHAIRMAN CLARK: Glynis.

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

MR. JAUQUET: Which ones are
those?

MS. BERRY: Near the railroad.

MR. JAUQUET: The railroad.

MS. BERRY: Yes. We walked there
last week and there are some pretty big
potholes and things.
MR. JAQUET: With this project in mind?

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

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

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

MR. JAQUET: This is a discussion.

CHAIRMAN CLARK: -- doesn't it --

MR. JAQUET: It's just a discussion, pre-submission conference.
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
approximately two spaces if this layout is accepted, and that would require a variance.

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

MR. PENNESSI: Well --

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

CHAIRMAN CLARK: It's reality.

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

CHAIRMAN CLARK: Right.

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

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

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

MR. BURNS: Sixteen.

CHAIRMAN CLARK: And a retail
space and a restaurant and the people
that work there.

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

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

MR. JAUQUET: Oh, I see.

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

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

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

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

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

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

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

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

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

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

MS. WINGATE: Are you sure you --

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

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

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

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

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

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

MR. PENNESSI: Yes.

MR. JAUQUET: And ten parking spaces?

MR. PENNESSI: Yes.

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

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

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

MR. BURNS: Not in the location.

CHAIRMAN CLARK: On the side.

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

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

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

CHAIRMAN CLARK: Where?

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

CHAIRMAN CLARK: Where would your Front Street parking be?

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

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

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

CHAIRMAN CLARK: In the bank.

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

CHAIRMAN CLARK: Uh-hmm.

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

CHAIRMAN CLARK: Uh-hmm, right.

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

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

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

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

MR. JAUQUET: I know.
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CHAIRMAN CLARK: I just simply said there is no parking now.

MR. JAUQUET: Right.

The parking lot at the ferry is not --

CHAIRMAN CLARK: It's full all the time.

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

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

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

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

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

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

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

MR. JAUQUET: Re-stripe it to maximize?

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

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

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

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

MR. JAQUET: I know there's
traffic generated. What's the number
of seats in the restaurant?

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

CHAIRMAN CLARK: That's right.

MR. JAQUET: What were you
thinking, the ten would be for the
hotel guests exclusively?

MR. PENNESSI: Primarily, I mean,
it will be first come first serve, but
we expect that during the season
there --
MR. JAUQUET: Doesn't the Harbor Front have signs on their spaces for guests only?

CHAIRMAN CLARK: Theirs is off the road.

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

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

MR. BURNS: They have a parking lot.

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

CHAIRMAN CLARK: Right, big difference.

MR. JAUQUET: I don't know. I still like the project.

ATTORNEY PROKOP: One of the issues that came up last time, you know, in the prior life of this application, is that it seems that the spillover is going to go to this.
municipal lot to the south, the MTA lot
or Village lot that we basically,
somebody would be spending public money
for private use, so I think at this
time, we are looking for some kind of
contribution for maintenance so that's
probably something down the line.

MR. JAUQUET: An annual
contribution.

ATTORNEY PROKOP: Something, yes.

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

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

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

ATTORNEY PROKOP: That would be
after it opens, you know, we would
assess condition.
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MR. PENNESSI: We would be open to talking about it. I don't know how to judge where the spillover would be, or how you would be able to calculate that, but we can talk about it.

CHAIRMAN CLARK: Glynis.

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

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

MS. BERRY: The whole thing.

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

MR. PENNESSI: Thank you.

ATTORNEY PROKOP: Do you want to see if the public has any comments on the project?
CHAIRMAN CLARK: Anyone from the audience, the public wish to comment on this project?

Yes, John.

ATTORNEY PROKOP: This is a pending application before you.

MR. SALADINO: John Saladino.

I don't want to comment on the project and I would like to give this Board, so you're on the same page with the Zoning Board, the reasoning for -- with the Zoning Board, we thought it would be, and without commenting on the project, we thought for an applicant, any applicant to come to the Zoning Board with a compromise of perhaps two parking spaces or four parking space, variance for two or four parking spaces, it would make the discussion between any statutory board and an applicant easier, as opposed to coming to that Board or any Board with a request for a 21-parking space variance.
Some applicants have the opportunity to come to the Planning Board and ask to buy spaces, so the thought of the Zoning Board was that if an applicant could come to the Zoning Board with that in their pocket, the conversation might be, between the Board and the applicant, a little easier to discuss. That I think is kind like the thinking. The Zoning Board granted no variances. I heard Peter say, we're okay with that, we didn't discuss that at all. In front of us right now is a request for 21 parking spaces, variance for 21 parking spaces. He got, the consensus of Board was that, and this is all in the minutes, a consensus of the Board was that the height accept for the trellis kind of flew, but no formal resolution, also the lot coverage, but again no formal resolution, and we voted on something else, on the loading zone, the loading zone as it's configured was
rejected, there was no variance given, 
the consensus was there would be no 
variance granted. We didn't discuss 
parking except for what I just told 
you.

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

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

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

Did I step over the line?

ATTORNEY PROKOP: No. That was 
good. Thanks.

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

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

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

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

MS. WINGATE: Yes.
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CHAIRMAN CLARK: Have they done that?

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

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

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

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

MR. JAQUET: So the magnitude of the parking in lieu, the payment in lieu is sort of unprecedented.

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

MR. JAUQUET: Right.

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

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

MR. JAUQUET: It's up to us.

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

MS. BERRY: Just to talk about the
detail of the lot, the proposal took
out two spots for the loading zone, I
think there is still an issue of
turning so either the truck has to back
in the way it is now, or it might be
two more spots for them to have the
room to come out, so consideration of
limiting the times of delivery and then
around use especially the two southern
ones, would help safety, I think a
little bit. I'm try to look at balance
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so that's just something that bothered
me a little bit on that plan.

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

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

CHAIRMAN CLARK: About all of
them.

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

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

ATTORNEY PROKOP: Maybe when the
entire project comes back.

MS. BERRY: I think there are more
comments we can make tonight, but I
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think the parking we've addressed most of them.

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

MR. JAUQUET: Management?

ATTORNEY PROKOP: I mean Paul and Glynis.

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

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

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

ATTORNEY PROKOP: What does the
applicant want to do?

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

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

MS. WINGATE: December 1st.

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

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

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

CHAIRMAN CLARK: That's next week?

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

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

MS. WINGATE: I have a copy.

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

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

MR. JAQUET: So it makes sense to discuss it again.

ATTORNEY PROKOP: Yes.

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

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

I think you should consider using more of the ground-level space for parking which may mean losing seats and retail space. There's many buildings I was involved with where it's basically up on stilts, and it can be down so it looks nice. So there's elevators on the ground level, on the parking level, stairways coming down, and some entrance, some lobby and then you go.
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up, so you can use all that space for parking; but there's many tight situations, yours isn't the only small lot but that's maybe why the building I think is a little too ambitious. It would be great. I would love to see something there, but I think this is too ambitious.

MR. PENNESSI: In response to that, we had analyzed how to get the building to fit on the site as best we could and that included the process of pulling in some of the dining areas and setbacks, we had looked at how best to use the footprint of the building perhaps evening for parking, because of the size and shape of it, the circulation is very difficult, and part of the planning was to continue that street scape to continue to keep both streets alive to keep uses right on the street level, so that's kind of where we started with the planning and that's why we're here tonight.
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As for the coverage, again, the Zoning Board hasn't made any determinations yet, but it looks like, as far as I can tell, they were open to it, we have a very small percentage over the required coverage, 40 percent. But thank you.

CHAIRMAN CLARK: Anyone else?

MR. JAUQUET: I like the project and I would pretty much go along with the way it is. I know that the parking variance request is unprecedented, it's not two spaces, it's not four spaces, it's 20 spaces; and the only reason I believe that I like the project is because it fills in a gap in the street wall and it helps make the Village would again on an important corner, and makes it a better experience walking up Third and over on Front, and I think that's important for the way the Village is being developed and it's a unique site, and there are not very many of them like that in the Village.
that are going to start asking for another 20 variances, and if that happens and it's another important site, then the Village may have to, you know, find more parking fields like other villages have done on the South Fork next to their train stations, that's where they put it all up and down the street.

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

That's my comment.

MR. PENNESSI: Thank you.

Just to apropos of John's comments, these specific variances that were requested, outside of the parking and loading which no consensus or informal vote was taken, we asked for a lot coverage variance of approximately 1.6 percent, on the height variance, I think that's what John's referring to, there were components of the height variance requested. The trellis
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variance requested did not seem like it
would get approved, but other
components would, such as mechanicals
and the elevator shaft. Again, when we
were planning this project, a lot of
time was taken by myself and the
architect walking through the Village
and looking at the heights of the
buildings and the fact that there are a
lot of buildings here that are three
stories even though there's perhaps a
foot-height limitation on it in
addition to being required to have only
two stories.

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

So we thank you for your
consideration and time tonight.
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CHAIRMAN CLARK: How do I proceed?

ATTORNEY PROKOP: Just adjourn, vote to adjourn.

CHAIRMAN CLARK: Adjourn it until next week?

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

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

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

ATTORNEY PROKOP: It's a motion --

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

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: Aye.

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

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

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

Do I have a second?

MR. COTUNGO: Second.

CHAIRMAN CLARK: All in favor?

MR. JAUQUET: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

CHAIRMAN CLARK: Aye.

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

Do I have a second?

MR. JAUQUET: Second.

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.)
CERTIFICATE

I, STEPHANIE O'KEEFFE, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That the within proceedings is a true and accurate record of the stenographic notes taken by me.

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

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

____________________________
STEPHANIE O'KEEFFE

Flynn Stenography & Transcription Service
(631) 727-1107
