

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

VILLAGE OF GREENPORT COUNTY OF SUFFOLK  
STATE OF NEW YORK

-----X

PLANNING BOARD  
WORK SESSION

-----X

Third Street Firehouse  
Greenport, New York

May 25, 2017  
4:12 p.m.

- B E F O R E :
- DEVIN McMAHON – CHAIRMAN
  - BRADLEY BURNS – MEMBER
  - NOAH THOMAS – MEMBER
  - MARY GIVEN – MEMBER
  - JOHN COTUNGO – MEMBER
  - ROBERT CONNOLLY – VILLAGE ATTORNEY
  - GLYNIS BERRY – PLANNING BOARD CONSULTANT
  - KRISTINA LINGG – BUILDING CLERK

24

25

Flynn Stenography & Transcription Service  
(631) 727-1107

1

2

INDEX

3

ITEM

DESCRIPTION

PAGE

4

1

102 South Street

3

5

2

211 Carpenter Street

9

6

3

48 Front Street

16

7

4

314 Main Street

22

8

5

621 Main Street and 624 First Street

37

9

10

11

12

13

14

15

16

17

18

19

20  
21  
22  
23  
24  
25

Flynn Stenography & Transcription Service  
(631) 727-1107

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

Proceedings - 5-25-2017

CHAIRMAN McMAHON: We're waiting for Paul, but we're going to get started. This is the Village of Greenport Planning Board Work Session for May 25, 2017.

First item on the agenda is 102 South Street. Motion to accept the use evaluation application submitted by Albertson Realty North Fork, LLC, represented by owner, Thomas Scalia.

The applicant is proposing to relocate and open his real estate office at 102 South Street.

The property is located in the

16 Commercial Retail District and is a  
17 permitted use. This property is not  
18 located in the Historic District.

19 Suffolk County Tax Map number  
20 1001-4-6-34.7.

21 I'm going to begin with the notes  
22 from our planning consultant Glynis.

23 Proposed use is office, permitted  
24 use in the CR Commercial Retail  
25 District as per Section 150-9,  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017  
2 Subsection A4 from the Village Zone  
3 Code. Its former use was as an office  
4 for the Hampton Jitney. The present  
5 proposal is for real estate office  
6 relocating from Front Street. Approval  
7 should be conditional upon receiving  
8 authorization for the application from  
9 the property owner.

10 We didn't have that; is that  
11 correct? We don't have the documents?

12 MS. LINGG: It's here.

13 CHAIRMAN McMAHON: So we do have  
14 it now?

15 MS. LINGG: Yes.

16 CHAIRMAN McMAHON: Okay. The  
17 applicant has also applied for a sign  
18 permit, proposed sign is 16 inches high  
19 by inches wide. This conforms with  
20 size restrictions Section 150-15,  
21 Subsection H of the Village Code. The  
22 proposed sign is a hanging sign placed  
23 on the property above the main entry.  
24 We suggest that the approval be  
25 conditional upon the applicant  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017  
2 submitting details acceptable to the  
3 Building Department from a design  
4 professional and as to the fastening  
5 methodology and strength capable of  
6 withstanding wind loads.  
7 Is the sign hanging above public

8 space?

9 MS. BERRY: No.

10 CHAIRMAN McMAHON: So you don't  
11 need the insurance?

12 MS. BERRY: We don't need the  
13 insurance.

14 CHAIRMAN McMAHON: Okay. Straight  
15 forward.

16 Is there anyone from the applicant  
17 who would like to speak? You can if  
18 you would like, you don't have to.

19 It seems pretty straight forward.  
20 I don't have any concerns here really.  
21 I don't have any concerns or questions  
22 here.

23 Does anyone have any?

24 MS. GIVEN: I do not have any.

25 CHAIRMAN McMAHON: Okay. Do we

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 have the completed sign application as

3 well?

4 MS. GIVEN: We do.

5 MS. BERRY: Yes.

6 CHAIRMAN McMAHON: Does anyone  
7 have any issue or concerns with that?

8 MS. GIVEN: No. It just seems  
9 that Glynis is gonna make it contingent  
10 upon --

11 CHAIRMAN McMAHON: Okay.

12 MS. GIVEN: -- acceptable to the  
13 Building Department for the sign.

14 CHAIRMAN McMAHON: With regard to  
15 the fastening, that's a Building  
16 Department, that's their purview.

17 MS. BERRY: I would just make it  
18 conditional upon her approval.

19 CHAIRMAN McMAHON: I'm going to  
20 make a motion that we approve the sign  
21 permit as submitted with the  
22 understanding that it must be approved  
23 by the Building Department with regard  
24 to the fastening of the sign to make  
25 sure it's safe. That's all.

1 Proceedings - 5-25-2017

2 Do I have a second for that  
3 motion?

4 MR. THOMAS: Second.

5 CHAIRMAN McMAHON: All in favor?

6 MS. GIVEN: Aye.

7 MR. THOMAS: Aye.

8 MR. BURNS: Aye.

9 MR. COTUNGO: Aye.

10 CHAIRMAN McMAHON: Excuse me. Do  
11 we have to accept the sign permit  
12 first, accept the sign application  
13 first?

14 Just to make sure we've done  
15 everything properly, I'm going to make  
16 a motion that we accept the sign  
17 application.

18 Do I have a second for that?

19 MR. THOMAS: Second.

20 CHAIRMAN McMAHON: All in favor?

21 MS. GIVEN: Aye.

22 MR. COTUNGO: Aye.

23 MR. BURNS: Aye.

24 MR. THOMAS: Aye.

25

CHAIRMAN McMAHON: Motion carries.

Flynn Stenography & Transcription Service  
(631) 727-1107

1

Proceedings - 5-25-2017

2

I'm going to then make a second

3

motion that we accept the use

4

evaluation application as submitted.

5

Do I have a second for that?

6

MS. GIVEN: Second.

7

CHAIRMAN McMAHON: All in favor?

8

MS. GIVEN: Aye.

9

MR. THOMAS: Aye.

10

MR. COTUNGO: Aye.

11

MR. BURNS: Aye.

12

CHAIRMAN McMAHON: I'm going to

13

make a motion that we approve the sign

14

application as submitted. Do I have a

15

second for that?

16

MS. GIVEN: Second.

17

CHAIRMAN McMAHON: All in favor?

18

MS. GIVEN: Aye.

19

MR. THOMAS: Aye.

20

MR. COTUNGO: Aye.

21 MR. BURNS: Aye.  
22 CHAIRMAN McMAHON: Motion carries.  
23 Generally, we don't approve use  
24 evaluations at work sessions, but I  
25 don't see any reason why we couldn't.  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 So I'm going to make a motion that we  
3 approve the use evaluation application  
4 as submitted.

5 Do I have a second for that?

6 MS. GIVEN: Second.

7 CHAIRMAN McMAHON: All in favor?

8 MS. GIVEN: Aye.

9 MR. THOMAS: Aye.

10 MR. COTUNGO: Aye.

11 MR. BURNS: Aye.

12 CHAIRMAN McMAHON: Motion carries.

13 Item number 2, 211 Carpenter  
14 Street.

15 Motion to accept the modified use  
16 evaluation application submitted by 211

17 Carpenter Street, LLC, represented by  
18 agent, David Kapell.

19 This application was previously  
20 approved on August 4, 2016. The  
21 applicant has since modified the plan  
22 and use of the second floor, which  
23 requires the plans to be reviewed  
24 again.

25 The applicant is proposing to open  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017  
2 a tasting room on the first floor, with  
3 a lounge and office on the second  
4 floor, which was previously approved as  
5 an apartment.

6 The property is located in the  
7 Commercial Retail District and is a  
8 permitted use. This property is  
9 located in the Historic District.

10 Suffolk County Tax Map number  
11 1001-4-10-11.

12 We'll start with our notes from

13 Glynis.

14 This project needs to go to the  
15 Greenport Historic Preservation  
16 Committee for approval of changes to  
17 the exterior.

18 The applicant has addressed former  
19 comments relative to the site plan.

20 I believe the only substantive  
21 change is, I believe going from  
22 resident on the second floor to all  
23 office space; is that correct?

24 MS. BERRY: Yes.

25 And it did go through a couple of  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017  
2 reiterations with ramps and things.

3 CHAIRMAN McMAHON: But that was  
4 all cleared, I remember the  
5 conversations we had, all of that was  
6 addressed to your satisfaction?

7 MS. BERRY: Now it is, yes.

8 CHAIRMAN McMAHON: I don't see any

9 issues here really. Is there anything  
10 you would like to add?

11 MR. KAPPELL: Not unless you have  
12 questions for us.

13 MR. COTUNGO: The only issue I  
14 have is I think the architect should  
15 verify or not verify that the second  
16 floor has to be handicap accessible.  
17 If they were the same use, in my  
18 knowledge, if it was the same use on  
19 the first floor, a tasting room, as the  
20 second floor, then you would not need  
21 handicap, but being that there is an  
22 office there and a lounge, a different  
23 use, I believe that requires handicap  
24 accessibility.

25 It may be possible to get a  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017  
2 variance from the State of New York.

3 MR. MUCOSE: I can address. I'm  
4 the architect.

5                   CHAIRMAN McMAHON: If you can take  
6                   the podium, please.

7                   MR. MUCOSE: I'm Eric Mucose  
8                   (phonetic), I'm the architect with the  
9                   applicant.

10                  I can address that as the code  
11                  allows, unless it's a healthcare  
12                  provider, you're allowed up to 3,000  
13                  square feet that does not need to be  
14                  handicap accessible; and that's in the  
15                  2015 International Building Code, so in  
16                  this case, it doesn't apply in this  
17                  case.

18                  CHAIRMAN McMAHON: Yeah, my  
19                  understanding also would be that an  
20                  existing building has a change of use,  
21                  it wouldn't necessarily, I mean, that's  
22                  my understanding. There should be  
23                  reasonable efforts to, if there is  
24                  renovation going on on the site, a  
25                  certain portion of that would have to

2 be allocated toward handicap  
3 accessibility, but I don't believe  
4 that's the case here. That's my  
5 understanding.

6 If anyone, please feel free, my  
7 understanding is that it wouldn't be  
8 applicable here. Thoughts, questions  
9 anyone?

10 (No response.)

11 John, my understanding is that  
12 they wouldn't need to. Does our  
13 Village Attorney have an opinion on  
14 that?

15 ATTORNEY CONNOLLY: No. I would  
16 have to look into it.

17 MR. COTUNGO: If you have that  
18 portion in the code, maybe --

19 MR. MUCOSE: Yeah, it's in Chapter  
20 11 of accessibility and it clearly  
21 states that. I have been through that  
22 with a number of different projects.  
23 It's only a healthcare, like a doctor  
24 couldn't have anything on the second  
25 floor without access, but you're

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 allowed up to 3,000 square feet for  
3 business and assembly use.

4 CHAIRMAN McMAHON: All right.

5 Other than that, does anyone have  
6 any questions or concerns with regard  
7 to this?

8 MR. BURNS: I don't see why we  
9 can't go ahead with it.

10 CHAIRMAN McMAHON: That's my  
11 feeling as well. It seems we already  
12 reviewed this property at length the  
13 last time we were here. I think it's a  
14 less intensive, the office space would  
15 be less intensive than a residential  
16 use, I don't see any reason why we  
17 wouldn't go forward.

18 I'm going to make a motion that we  
19 accept the revised application as  
20 submitted.

21 Do I have a second for that?

22 MR. THOMAS: Second.  
23 CHAIRMAN McMAHON: All in favor?  
24 MS. GIVEN: Aye.  
25 MR. THOMAS: Aye.

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017  
2 MR. COTUNGO: Aye.  
3 MR. BURNS: Aye.  
4 CHAIRMAN McMAHON: You are still  
5 waiting for -- do we have to wait for  
6 approval from HPC?  
7 MR. PALLAS: I don't think there  
8 is any requirement to wait.  
9 CHAIRMAN McMAHON: Does anyone  
10 have any issues or questions?  
11 (No response.)  
12 Okay. Then I'm gong to make a  
13 motion that we approve the revised  
14 application as submitted.  
15 Do I have a second for that?  
16 MR. THOMAS: Second.  
17 CHAIRMAN McMAHON: All in favor?

18 MS. GIVEN: Aye.  
19 MR. THOMAS: Aye.  
20 MR. COTUNGO: Aye.  
21 MR. BURNS: Aye.  
22 CHAIRMAN McMAHON: Motion carries.

23 Thank you.

24 MR. KAPPELL: Thank you.

25 MS. BERRY: This is a Type 1.

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 CHAIRMAN McMAHON: Do we have to  
3 do a revised SEQRA determination?

4 MS. BERRY: It's the same SEQRA.

5 CHAIRMAN McMAHON: But do we have  
6 to do a new determination? I mean, we  
7 already did one the last time around.

8 ATTORNEY CONNOLLY: If you already  
9 did one then --

10 CHAIRMAN McMAHON: We did one at  
11 the previous application.

12 MS. BERRY: So it's good.

13 CHAIRMAN McMAHON: Thank you.

14 Item number 3, 48 Front Street.

15 Motion to accept the use  
16 evaluation application submitted by  
17 Crazy Five, Inc., represented by  
18 Timothy Martino, the new lessee.

19 The Harbourfront building has been  
20 sold. The applicant is proposing to  
21 reopen the business under new  
22 ownership.

23 The property is located in the  
24 Commercial Retail District, and is a  
25 permitted use. This property is not  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 located in the Historic District.

3 Suffolk County Tax Map number  
4 1001-4-10-32.

5 Begin the note from Glynis.

6 The proposed use as a restaurant  
7 is a permitted use in the CR Commercial  
8 Retail District as per Section 150-9,  
9 Subsection A3 of the Village Zoning

10 Code.

11 The former use was as the  
12 Harbourfront Deli and Loft Restaurant.  
13 The present proposal is for the  
14 Dockside Deli incorporating both  
15 takeout service and sit-down restaurant  
16 with no changes to occupancy or layout.

17 Authorization by the owner of this  
18 application is dated May 19, 2017.

19 A certificate of occupancy dated  
20 5/15/2002 listing the use as a retail  
21 food business with no further detail.  
22 Current number of seats is 56  
23 downstairs and 110 upstairs. All the  
24 plans showed outside seating in the  
25 rear yard which is currently used for  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 parking.

3 A sign permit was not part of this  
4 application and will be needed before  
5 any new sign will be installed.

6 MS. BRENNAN: I'm Kelly Brennan,  
7 I'm speaking on behalf of my husband  
8 Tim Martino and I.

9 So we're looking to reopen the  
10 Harbourfront Deli just strictly as a  
11 deli.

12 We originally wanted to keep the  
13 name, but for legal issues, we had to  
14 change it, so that's really the reason  
15 why we're changing it; but absolutely  
16 no changes to structure, we're just  
17 gonna go in there, clean everything up,  
18 paint it and try and reopen as soon as  
19 possible.

20 CHAIRMAN McMAHON: Okay.

21 MS. BRENNAN: If you guys would  
22 please vote tonight, that would be  
23 great.

24 CHAIRMAN McMAHON: If you're not  
25 making any changes, I think that makes  
Flynn Stenography & Transcription Service  
(631) 727-1107

2 it fairly simple. It's pretty straight  
3 forward.

4 Anyone?

5 MR. PALLAS: Just to confirm,  
6 you're not changing the name on the  
7 outside?

8 MS. BRENNAN: We have to take the  
9 sign down as part of the agreement with  
10 the purchase of the building.

11 MR. PALLAS: Are you putting new  
12 signs up?

13 MS. BRENNAN: No, not yet. We  
14 haven't made any plans to --

15 CHAIRMAN McMAHON: Any new signs  
16 would have to get approval first.

17 MS. BRENNAN: Absolutely.

18 CHAIRMAN McMAHON: And that would,  
19 if it hasn't been submitted already,  
20 would not be until our next meeting,  
21 that would be the earliest. And by  
22 next meeting, next month's meeting.

23 MS. BRENNAN: Yep.

24 CHAIRMAN McMAHON: Unless, I mean  
25 if there, if you have a sign permit

1 Proceedings - 5-25-2017

2 that you can submit tomorrow, other  
3 than that, it would be --

4 MS. BRENNAN: And that's  
5 completely understandable.

6 MR. PALLAS: What are you planning  
7 to do, no signs, you'll have no signs  
8 at all?

9 MS. BRENNAN: Just maybe like an  
10 open sign in the window.

11 MR. PALLAS: I would ask that you  
12 put a condition to make sure that it's  
13 conditional upon no signs being  
14 installed or something like that.

15 CHAIRMAN McMAHON: I understand  
16 you have to take the other signs down.  
17 You might be operating without a sign  
18 until the sign permit application is  
19 submitted, there's a \$15 fee for the  
20 sign application.

21 MS. BRENNAN: Yeah, I'll try and  
22 submit something as soon as possible.

23 This happened rather quickly.

24 CHAIRMAN McMAHON: Yeah.

25 Understood.

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 Other than that, does anyone have  
3 any questions or concerns?

4 (No response.)

5 This is, again a use evaluation  
6 application, not a full site plan  
7 review, so we don't need to do SEQRA.

8 I'm going to make a motion to  
9 accept the application as submitted.

10 Do I have a second for that?

11 MR. COTUNGO: Second.

12 CHAIRMAN McMAHON: All in favor?

13 MS. GIVEN: Aye.

14 MR. THOMAS: Aye.

15 MR. COTUNGO: Aye.

16 MR. BURNS: Aye.

17 CHAIRMAN McMAHON: Motion carries.

18 I'm going to make a motion that we

19 approve the application as submitted  
20 with an understanding and reminder to  
21 the applicant that no signage can go up  
22 before it's gone through the process,  
23 was approved and the application has  
24 been submitted.

25 Do I have a second for that?

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 MS. GIVEN: Second.

3 CHAIRMAN McMAHON: All in favor?

4 MR. BURNS: Aye.

5 MR. COTUNGO: Aye.

6 MR. THOMAS: Aye.

7 MS. GIVEN: Aye.

8 CHAIRMAN McMAHON: Motion carries.

9 Item number 4, 314 Main Street.

10 Motion to accept the use  
11 evaluation application submitted by  
12 Carolyn Rusin represented by James  
13 Bennett, the agent.

14 The applicant is proposing to open

15 a restaurant. The use of a restaurant  
16 at this location was previously  
17 approved by the Planning Board on  
18 October 30, 2008.

19 The property is located in the  
20 Commercial Retail District, and is a  
21 permitted use. This property is  
22 located in the Historic District.

23 Suffolk County Tax Map number  
24 1001-4-7-27.

25 I'm gonna begin with notes from  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 our planning consultant Glynis.

3 Proposed use as an eating and  
4 drinking place is a permitted use in  
5 the CR Commercial Retail District as  
6 per Section 150-0, Subsection A3 of the  
7 Village Zoning Code.

8 The new restaurant and bar, name  
9 Gallery Bar, proposes 50 seats inside  
10 and 50 seats outside. Fourteen parking

11 spaces, including one accessible spot  
12 and one loading zone are included in  
13 the plans.

14 A certificate of occupancy dated  
15 May 21, 1999 listed uses as a ground  
16 floor cafe-style restaurant with a  
17 maximum occupancy of 50, and the second  
18 floor accessory apartment for use by  
19 the owners only. A resolution dated  
20 11/6/2000 approves a permit for 50  
21 seats inside and 50 seats outside. The  
22 interior occupancy is undercounted.

23 There are 52 seats and standing room at  
24 the bar that has not been calculated  
25 which could be roughly another

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 occupants.

3 While the use of the structure  
4 would normally require 23 spaces for  
5 the restaurant and 2 for the residents,  
6 the exemption to the property is

7 approved as of January 1, 1991 in CR  
8 and WC Districts applies. The parking  
9 plan was previously approved but the  
10 width of the acceptable parking space  
11 is not indicated and should be  
12 accessible.

13 Also the ramp is situated within  
14 the loading zone. The stairs accessing  
15 Main Street need code compliant hand  
16 railings. These stairs are also  
17 depicted on the site plan as being a  
18 ramp.

19 The intention of the application  
20 should be verified.

21 The existing ramps need hand  
22 railings. Dimensions of all ramps and  
23 entrances need to be identified to  
24 ensure compliance with accessibility  
25 codes.

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 The main entrance needs the door

3 swing to be reversed so it swings  
4 outward. This also creates a problem  
5 as there is a step at the door and the  
6 exemption of 1003.5.1.

7 I'm not sure what code that is.

8 MS. BERRY: It's the Building  
9 Code.

10 CHAIRMAN McMAHON: The State  
11 Building Code?

12 MS. BERRY: Yes.

13 CHAIRMAN McMAHON: -- does not  
14 include assembly occupancies.

15 The entry landing with the main  
16 door needs to be raised so it is level  
17 with the first floor elevation.

18 Since the second floor apartment  
19 only has one exit, maximum occupancy of  
20 the apartment should be ten complying  
21 with Table 1006.3.2, Subsection 2 of  
22 the New York State Building Code.

23 There is also a large attic which  
24 should not be occupied as A2  
25 occupancies and tight VE construction

1 Proceedings - 5-25-2017

2 is limited to two stories with  
3 sprinkler and one is not.

4 Any changes to the exterior or  
5 proposed signage needs to be submitted  
6 to the Historic Preservation Commission  
7 for approval.

8 Is there anyone here from the  
9 applicant?

10 MR. BENNETT: James Bennett. I'm  
11 representing Carolyn.

12 CHAIRMAN McMAHON: Okay. Have you  
13 had a chance to review any of these  
14 notes?

15 MR. BENNETT: No, I haven't seen  
16 that at all.

17 CHAIRMAN McMAHON: We will provide  
18 you with a copy of this.

19 Seems there are a few issues with  
20 regard to accessibility. I can see  
21 that you're making some changes to the  
22 entranceway there.

23 MR. BENNETT: We put the railings

24 on the staircases already. I'm  
25 surprised to hear that we have to raise  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 that front stoop up, it's pre-existing,  
3 been there, it was a restaurant before  
4 that.

5 MS. BERRY: One of the reasons is  
6 when you have 50 occupants or more, you  
7 need to open the door with an outswing.

8 MR. BENNETT: The door opens out,  
9 I understand that.

10 MS. BERRY: When you do that, for  
11 that kind of use, you can't have a  
12 step.

13 MR. BENNETT: Understood,  
14 definitely. I appreciate that.

15 MS. BERRY: Also there is a  
16 difference between hand railings and  
17 railings.

18 MR. BENNETT: Yes, we have both as  
19 required -- it has the ornate on the

20 outside, but it also has the inside  
21 railing as per -- as it's supposed to  
22 have.

23 MS. BERRY: I don't believe  
24 they're compliant.

25 MR. BENNETT: I just put them up  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017  
2 two weeks ago, maybe you haven't seen  
3 it yet.

4 MS. BERRY: I went two days okay.

5 MR. BENNETT: Okay. Then you saw  
6 what's there.

7 MS. BERRY: Are you keeping the  
8 stairs on Main Street because it was  
9 shown two different ways?

10 MR. BENNETT: Yeah, we're gonna  
11 keep the stairs there, if it's on the  
12 plans incorrectly, we'll have to  
13 correct that.

14 MS. BERRY: So you need code  
15 compliant railings and also the ramp

16 doesn't have railings everywhere. It  
17 has guardrails, but it doesn't have  
18 handrails.

19 MR. BENNETT: The extra railing,  
20 okay. All right.

21 We have, I saw that you mentioned,  
22 on the back there was some mention of  
23 the handicap accessory in the back  
24 loading zone; is that a problem?

25 CHAIRMAN McMAHON: I haven't seen  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017  
2 it personally, but if the ramp goes  
3 into the loading zone, yes, that would  
4 need to be reconfigured because there  
5 would have to be a separation, the ramp  
6 would have to end prior to the  
7 beginning of the loading zone or the  
8 parking space.

9 MS. BERRY: You can probably  
10 handle that by just shifting the paint  
11 so the handicap isn't by the ramp.

12 MR. BENNETT: All right.

13 CHAIRMAN McMAHON: You have a  
14 little room to play around with that  
15 just to make sure that you have a  
16 separate loading zone as well as a  
17 separate handicap accessibility.

18 MR. BENNETT: The loading zone is  
19 defined by where that back door is and  
20 the ramp for the handicap?

21 CHAIRMAN McMAHON: I think the  
22 loading zone is separate from the  
23 handicap accessibility. Those are two  
24 separate areas back there. You are  
25 exempted from a lot of parking

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017  
2 requirements because the building was  
3 approved prior to the adoption of the  
4 code, but what you have should be --  
5 what you do have needs to be handicap  
6 compliant. If you're going to have  
7 there, it might as well be --

8 MR. BENNETT: Is someone going to  
9 sit down with me and we can go over  
10 everything?

11 CHAIRMAN McMAHON: Yes. If you  
12 have specific issues that are building  
13 code related issues, you can arrange a  
14 time with the Village Administrator and  
15 the Building Department.

16 MR. BENNETT: Great. The other  
17 issue is we went through the trouble  
18 of, because it's historic, I thought  
19 that they got permission to have that  
20 front door open in, you're saying it  
21 should open out.

22 CHAIRMAN McMAHON: That's an  
23 occupancy issue. Whether or not it's,  
24 if the Historic Preservation Commission  
25 approves the look of something, that's  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017  
2 separate from what the requirements are  
3 when you go over a certain occupancy.

4 MR. BENNETT: I realize Eileen was  
5 concerned about it opening in and  
6 somehow they went through a lot of  
7 trouble to find out and get permission  
8 to leave it opening in.

9 MS. BERRY: Well, if you have some  
10 kind of documentation that you're  
11 exempt, then that's an issue, but I  
12 didn't see that.

13 ATTORNEY CONNOLLY: Anytime you  
14 make improvements to a commercial  
15 building, you have to bring it up to  
16 the current code, you don't just get  
17 grandfathered in.

18 MR. BENNETT: Okay. I'm just  
19 asking, I'm just getting information.

20 MS. BERRY: Is the whole building  
21 going to be sprinklered?

22 MR. BENNETT: No, it's not and  
23 that's why she is not allowed to do  
24 anything with that upstairs except for  
25 use it as a family use.

1 Proceedings - 5-25-2017

2 MS. BERRY: I don't think you can  
3 use the second floor.

4 MR. BENNETT: You can't what?

5 MS. BERRY: You can't use the  
6 second floor if it's not sprinklered.

7 MR. BENNETT: We have been over  
8 this with -- we're not using it for  
9 commercial space or anything, it's just  
10 for the family. We've been over it  
11 quite a bit with everybody but, again  
12 we'll have to go over it, that's not  
13 what I was told.

14 CHAIRMAN McMAHON: My  
15 understanding is in apartments above  
16 commercial spaces, you're required  
17 sprinklers.

18 MR. BENNETT: If it were an  
19 apartment, but it's not an apartment.  
20 It's not going to be rented, it's not  
21 gonna be commercial use, it's not gonna  
22 be -- there is no money made from that.

23 MS. BERRY: My interpretation is  
24 it wouldn't be allowed, but we can

25

check with other people with more  
Flynn Stenography & Transcription Service  
(631) 727-1107

1

Proceedings - 5-25-2017

2

experience with the historic buildings.

3

MR. BENNETT: Understood.

4

MS. BERRY: In my estimation, it

5

would not be allowed unless it's

6

sprinklered.

7

MR. BENNETT: So we'll find out.

8

CHAIRMAN McMAHON: Again, that's

9

something, working from these points,

10

you can meet with the Village

11

Administrator and the Building

12

Inspector to go through some specifics

13

of these things and get solid answers.

14

So that is the next step forward.

15

MR. BENNETT: Okay. I'm glad I

16

made it here today.

17

CHAIRMAN McMAHON: At this time, I

18

don't know if you can address those --

19

I don't know if we can accept now or we

20

have to wait until --

21 MR. BENNETT: Too many questions,  
22 right?

23 CHAIRMAN McMAHON: Yeah. I think  
24 we're going to have to -- I think the  
25 best thing for us to do would be to  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017  
2 table the discussion, bring it up at  
3 the meeting next week if we make some  
4 progress, we can re-address it, come  
5 back to the meeting next week.  
6 Otherwise, I think it would be best to  
7 table the discussion for now and give  
8 you a chance to meet with the Village  
9 and talk about specifics.

10 MR. BENNETT: Can I get a copy of  
11 this?

12 CHAIRMAN McMAHON: We'll get you a  
13 copy.

14 MR. BENNETT: And schedule a  
15 meeting with you.

16 MR. PALLAS: You can call.

17 MR. BENNETT: Thank you very much.

18 MR. BURNS: Does previous use have  
19 anything to do with second floor?

20 MS. BERRY: I'm gonna have to  
21 double check.

22 MR. BURNS: It was used for, the  
23 owners used it before for a domicile.

24 MS. BERRY: Right. So maybe there  
25 is a grandfathering in there that

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 superceded it, but we'll need to check.

3 CHAIRMAN McMAHON: I'm going to  
4 make a motion to table this discussion  
5 until next week's meeting.

6 Do I have a second for that?

7 MS. GIVEN: Second.

8 CHAIRMAN McMAHON: All in favor?

9 MR. THOMAS: Aye.

10 MR. COTUNGO: Aye.

11 MR. BURNS: Aye.

12 MS. GIVEN: Aye.

13 CHAIRMAN McMAHON: Motion carries.

14 Thank you very much. Item number

15 5 --

16 MR. PALLAS: Mr. Chair, if I may,  
17 one item before you go to that. At a  
18 prior meeting for the old scrimshaw  
19 building (phonetic), Barbara Bianca  
20 (phonetic), I think was the one, they  
21 were waiting on an issue with the deck  
22 and ownership, we worked with the  
23 owners and the applicant and the  
24 Village Attorney because of the  
25 ownership issue, we got a letter that  
Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 as far as I can tell meets the  
3 requirements, not specifically as you  
4 put in your discussion and motion, but  
5 it will satisfy, have the same net  
6 effect. We're going to incorporate, if  
7 it's okay with you, incorporate this  
8 letter into the resolution, ultimate

9 resolution that you guys will vote on.

10 We don't have a resolution yet for  
11 you tonight, I'm going to try to get it  
12 for next week so you'll have, I'll give  
13 a copy tonight and just to let you see  
14 it, I've reviewed it, the Village  
15 Attorney reviewed it. I'll ask the  
16 Planning Board attorney to review as  
17 well and I think it's fine because we  
18 all know that it's been used that way,  
19 the pier has been there since before  
20 there were requirements in it's present  
21 shape and form, we verified that  
22 through old photos, so we think it's  
23 all fine. We'll let you know about  
24 that.

25 CHAIRMAN McMAHON: Okay.

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 Item number 5, 621 Main Street and  
3 624 First Street.

4 Motion to declare lead agency for

5 purposes of SEQRA, and complete part 2  
6 of the environmental assessment form  
7 for submission to the Suffolk County  
8 Health Department, for completion of  
9 the preliminary plat process.

10 Suffolk County Tax Map number  
11 1001-2-6-49.1.

12 Was this, were we supposed to have  
13 done this at the previous meeting.

14 ATTORNEY CONNOLLY: When I was  
15 looking through the file, it looks like  
16 the Planning Board already declared  
17 themselves the lead agency. At that  
18 time it doesn't look like a negative  
19 declaration was issued, so I prepared  
20 the negative declaration and as well as  
21 the part 2. If the Board wants to  
22 adopt the negative declaration --

23 CHAIRMAN McMAHON: Does anyone  
24 have any questions?

25 (No response.)

1 Proceedings - 5-25-2017

2 I will so motion.

3 Do I have a second for that?

4 MR. COTUNGO: Second.

5 CHAIRMAN McMAHON: All in favor?

6 MS. GIVEN: Aye.

7 MR. THOMAS: Aye.

8 MR. COTUNGO: Aye.

9 MR. BURNS: Aye.

10 CHAIRMAN McMAHON: Motion carries.

11 Item number 6, motion to accept  
12 the minutes of the April 20, 2017 and  
13 April 22, 2017 Planning Board meeting.

14 Do I have a second for that?

15 MR. THOMAS: Second.

16 CHAIRMAN McMAHON: All in favor?

17 MR. COTUNGO: Aye.

18 MR. BURNS: Aye.

19 MR. THOMAS: Aye.

20 MS. GIVEN: Aye.

21 CHAIRMAN McMAHON: Motion carries.

22 Item number 7, motion to approve  
23 the minutes of the April 6, 2017  
24 Planning Board meeting.

25 Do I have a second for that?

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 MS. GIVEN: Second.

3 CHAIRMAN McMAHON: All in favor?

4 MR. BURNS: Aye.

5 MR. COTUNGO: Aye.

6 MR. THOMAS: Aye.

7 MS. GIVEN: Aye.

8 CHAIRMAN McMAHON: Motion carries.

9 Item number 8, motion to schedule  
10 Planning Board Work Session for June  
11 29, 2017.

12 Do I have a second for that?

13 MS. GIVEN: Second.

14 CHAIRMAN McMAHON: All in favor?

15 MS. GIVEN: Aye.

16 MR. THOMAS: Aye.

17 MR. COTUNGO: Aye.

18 MR. BURNS: Aye.

19 CHAIRMAN McMAHON: Motion carries.

20 Item number 9, motion to schedule  
21 a Planning Board Regular Session for

22 July 6, 2017.

23 Do I have a second for that?

24 MS. GIVEN: Second.

25 CHAIRMAN McMAHON: All in favor?

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 MS. GIVEN: Aye.

3 MR. THOMAS: Aye.

4 MR. COTUNGO: Aye.

5 MR. BURNS: Aye.

6 CHAIRMAN McMAHON: Motion carries.

7 ATTORNEY CONNOLLY: One brief

8 thing.

9 At the last meeting there was a  
10 subdivision application that was  
11 creating nonconforming lots.

12 CHAIRMAN McMAHON: Yes.

13 ATTORNEY CONNOLLY: And was  
14 referred to the ZBA. When we were  
15 discussing it, the subdivision was  
16 denied and then referred to the ZBA.

17 CHAIRMAN McMAHON: Which

18 subdivision was that?

19 ATTORNEY CONNOLLY: I can't  
20 remember off the top of my head.

21 MS. BERRY: It was probably the  
22 Sixth Street one.

23 CHAIRMAN McMAHON: Yes.

24 MS. BERRY: With one residential  
25 to two.

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 CHAIRMAN McMAHON: Yeah, because  
3 there were two subdivisions last time,  
4 one of them was not the one we just  
5 were discussing.

6 ATTORNEY CONNOLLY: No.

7 The Board shouldn't have denied  
8 the application and sent it to the ZBA,  
9 it just should have referred the  
10 application to the ZBA so they could  
11 act on it, so we should clear that up  
12 on the record, that the Planning Board  
13 hasn't denied the application, just

14 referred to the Zoning Board.

15 CHAIRMAN McMAHON: Okay.

16 I will make a motion to amend our  
17 previous decision to not deny the  
18 application, instead refer it to the  
19 ZBA for nonconformance.

20 Do I have a second for that?

21 MR. BURNS: Second.

22 CHAIRMAN McMAHON: All in favor?

23 MS. GIVEN: Aye.

24 MR. THOMAS: Aye.

25 MR. COTUNGO: Aye.

Flynn Stenography & Transcription Service  
(631) 727-1107

1 Proceedings - 5-25-2017

2 MR. BURNS: Aye.

3 CHAIRMAN McMAHON: Motion carried.

4 Is that it? Any other business,  
5 questions, concerns?

6 (No response.)

7 Item number 10, motion to adjourn.

8 Do I have a second for that?

9 MS. GIVEN: Second.

10 CHAIRMAN McMAHON: All in favor?  
11 MS. GIVEN: Aye.  
12 MR. THOMAS: Aye.  
13 MR. COTUNGO: Aye.  
14 MR. BURNS: Aye.  
15 CHAIRMAN McMAHON: Motion carries.  
16 Thank you very much.  
17 (Time noted: 4:42 p.m.)

18  
19  
20  
21  
22  
23  
24  
25

Flynn Stenography & Transcription Service  
(631) 727-1107

1  
2  
3  
4  
5

C E R T I F I C A T E

STATE OF NEW YORK )

) ss:

6 COUNTY OF SUFFOLK )

7

8 I, STEPHANIE O'KEEFFE, a Reporter and  
9 Notary Public within and for the State of New  
10 York, do hereby certify that the within is a true  
11 and accurate transcript of the proceedings taken  
12 on May 25, 2017.

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

17 IN WITNESS WHEREOF, I have hereunto set  
18 my hand this 25th day of May, 2017.

19

20

21

\_\_\_\_\_

22

STEPHANIE O'KEEFFE

23

24

25

Flynn Stenography & Transcription Service  
(631) 727-1107