VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

PLANNING BOARD
WORK SESSION

Third Street Firehouse
Greenport, New York
September 29, 2016
5:00 p.m.

BEFORE:
DEVIN McMAHON - CHAIRMAN
BRADLEY BURNS - MEMBER
PETER JAUQUET - MEMBER
LUCY CLARK -- MEMBER
JOHN COTUNGO -- MEMBER - ABSENT

PAUL PALLAS - VILLAGE ADMINISTRATOR
JOSEPH PROKOP - VILLAGE ATTORNEY
EILEEN WINGATE - VILLAGE BUILDING INSPECTOR INDEX
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CHAIRMAN McMAHON: Hello. We're going to begin the meeting.

This is the Village of Greenport Planning Board work session for September 29, 2016.

Item Number 1, Stirling Square; 300-308 Main Street.

Continued discussion on the application for site plan review. An amendment to the previous site plan approved on November 4, 2015 is required.

The applicant, Robert I. Brown, Architect is representing Stirling Square LLC, Brent Pelton.

The applicant has proposed to remodel four existing apartment units into five inn units, and one handicap accessible unit on the ground floor for a total of six additional inn units bringing the total of inn units for American Beech Inn to 11 inn units.

The proposal includes a renovation of Suite 308C, a ground floor space.
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into a lobby for the inn incorporating
a new glass facade with interior and
new exterior seating and a water
feature in the courtyard.

The proposal includes additional
bluestone hardscape for easier handicap
accessibility and several ramps
providing accessibility to each of the
commercial units.

The property is located in the
Historic District.

Additional plans were received on
8/29/2016 amending the application to
include a retractable awning over the
American Beech cedar pergola outdoor
dining area.

The Historic Preservation
Commission has approved the proposal
for a retractable awning at the
September meeting.

The Historic Preservation
Commission has also reviewed the
kitchen exhaust vents for the American
Beech Restaurant and has requested the
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applicant provide an alternative to the current configuration. The new proposed configuration is to be reviewed at the October 3, 2016 meeting.

Suffolk County Tax Map number 1001-4-7-29.1.

Would you like to speak?

MR. BROWN: Rob Brown, architect.

Good evening again.

As you mentioned, we have gotten approval for awning. I believe we have responded positively to everything that has been asked with the exception, of course, of the ductwork on the Carpenter Street side of the building.

We have discussed it with Historic Preservation, and we are on the agenda for October 16th for Historic Preservation. We are currently in the process of arranging a meeting with the contractor in order to come up with a new design that would be acceptable to the Historic Preservation.
We believe that -- Mr. Pelton had a conversation with the contractor, and we believe there are ways of mitigating the issue to the satisfaction of Historic Board.

So I guess we're just looking to see if there is anything else that we can do to expedite, and hopefully I'm not sure if -- your next meeting is next week, I presume. We're wondering and hoping if it would be possible at that point to get a conditional approval based on everything that we have done, conditional on Historic Preservation accepting our proposal for the redoing of the ductwork.

Is there anything you wanted to say?

MR. PELTON: No. I think that's exactly it.

CHAIRMAN McMAHON: Does anyone have any questions or comments?

MR. BURNS: No.

CHAIRMAN McMAHON: We have
discussed this at length. The plan is scaled back from what was originally discussed with the event space, the lobby area.

It is going to just be a lobby and gift shop, correct --

MR. PELTON: Correct.

CHAIRMAN McMAHON: -- as we discussed at the last meeting.

The retractable awnings are fully retractable now, correct?

MR. BROWN: Yes.

CHAIRMAN McMAHON: That was the issue, it was considered a coverage issue.

I think the only thing that we were waiting on the last time we spoke was Historic Preservation and the ductwork and bringing that, addressing that. That is currently my only concern.

Does anyone else have any thoughts or concerns?

MR. BURNS: I thought that's where...
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we were.

CHAIRMAN McMAHON: Exactly.

As far as a conditional approval, it would -- I don't really have an issue with that if it's address -- here's the thing, I don't know what they're going to say, so I don't want to speak for them; and I don't want to say go forward with anything or don't without allowing them to do their job, but at the same time -- what would you gain by a conditional approval as opposed to waiting for --

MR. BROWN: First let me say that in my conversation with the Historic Preservation Commission at their last meeting, they did discuss some options, some things that they would find acceptable which I am intending to relay to the contractor, so I feel very confident that's a resolvable issue, and Historic Preservation appeared to me, for what it's worth, to seem as if they were looking to be accommodating.
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as well.

Along those lines, I have some pictures of what it used to look like. So but aside from that, what a conditional approval would do would give us the go ahead to start preparing architectural drawings for submission to the Building Department and ordering materials with the confidence that we will be able to install them.

MR. PELTON: I have to spend of money -- I have to spend money, and I want to make sure that it's going to be approved before doing so, and one month of further waiting is just, we have people who, contractors, local contractors who are counting on the work over the winter, and I want to make sure that we get them the work.

Our engineer who is going to be working with us on the fire sprinkler system is here, and we need to make sure that we have that figured out, but that all costs money and I just want to
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make sure that we're gonna have
approvals in place before I spend the
money to actually make that happen.

CHAIRMAN McMAHON: I believe the
reason that was brought into this
application, the exhaust systems that
were, at this point pre-existing
because they were part of -- they were
not recently installed, they're not
something that's about to be installed.
The reason that they were included in
this discussion is, I believe the, sort
of an impetus to correct the issue
before anything else would be going
forward.

I think recognition of that and
possibly including that in the wording
of any approval, final or otherwise,
would have to take that into
consideration and be part of that; and
it would be if it was not done to the
satisfaction of the Historic
Preservation Commission then the
entirety of the plan would -- you know,
if that sort of the reason for the back and forth. The entire plan is dependent on that being rectified.

MR. BROWN: That's understood, and what we're saying is we are in good faith working on rectifying that situation and obviously, if there was a conditional approval conditional upon satisfaction by HPC, then obviously we're not going to be able to go forward until that has been resolved.

CHAIRMAN McMAHON: Okay.

MR. PALLAS: I'm sorry.

One thing you might want to consider is that the permit would be issued in total for the awning and the changes to the ductwork and the interior work as well, it's single permit; so until the ductwork is resolved, the building permit wouldn't be issued.

CHAIRMAN McMAHON: Okay.

That is important to --

MR. BROWN: But it would give us
the opportunity to start the
preparation work for the application.

CHAIRMAN McMAHON: Does anyone
have any more thoughts or comments or
questions on the idea of a conditional
approval?

MR. BURNS: Makes sense to me.

MR. JAUQUET: Can't they go ahead
with the thing that don't involve --

CHAIRMAN McMAHON: Yes. And
then --

MR. JAUQUET: -- because it seems
to me that it would be okay to do that.

CHAIRMAN McMAHON: I don't really
have an issue with that, just making it
truly conditional upon HPC's approval
and all that needing to be rectified
before the building permit was issued.
I think that's -- I don't personally
have an issue with that.

ATTORNEY PROKOP: I'm sorry to
come late, I apologize.

CHAIRMAN McMAHON: We were just
discussing the possibility, the
applicant is requesting, the Square requested at our next meeting that we perhaps have a vote and give conditional approval giving final approval by HPC for the ductwork.

We don't seem to have an issue with use, the new proposed inns, we discussed the lobby and pared-down use of that space.

Do you have an opinion on this, whether or not that's something that we could do or is it appropriate for us to do?

ATTORNEY PROKOP: At the next meeting?

CHAIRMAN McMAHON: Yes.

ATTORNEY PROKOP: I think it would fine, you could have it on the next meeting.

We'll have to do a SEQRA resolution, and then also wait to see what happens with HPC.

That's what you're talking about, right?
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CHAIRMAN McMAHON: Yeah, so the

HPC meeting is not actually happening

until the 16th.

MR. PALLAS: 17th.

CHAIRMAN McMAHON: 17th.

So it's not actually going to be
done by our meeting next week. It
would be conditional upon HPC's final
approval; is that right?

ATTORNEY PROKOP: I could see if
we could work that out. That's sort of
like a different part of this.

But anyway, but why don't you and
I meet sometime between now and next
week and just go over the site and I
can do a decision, a resolution, you
can consider adopting it.

CHAIRMAN McMAHON: Okay.

So it seems we're going to see if
it's a possibility, something we can
vote on at the next meeting.

I don't have any issue with that
just so long as it's truly conditional
upon approval of the HPC.
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MR. BROWN: Absolutely. That's our understanding.

CHAIRMAN McMAHON: I think that's what most of us are concerned about at this point.

That's my only concern at this point.

Anyone else.

MR. JAUQUET: Those are my sentiments too.

MR. PELTON: Thank you.

MR. BROWN: Thank you very much.

See you next week.

CHAIRMAN McMAHON: Item Number 2, the vacant lot east of 217 Monsell Place.

The applicant proposes to develop the vacant parcel which he is currently under contract to purchase.

Bryan Nicholson is before the Board to discuss the proposed construction of a one-family house on the property located east of 217 Monsell Place.
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The pre-submission package includes a site plan, floor plans, and elevations.

The project as proposed will require one variance.

A revised site plan will be submitted for consideration upon the completion of the Zoning Board appeal process.

The property is located in the R-1, One-Family Residential District of the Village of Greenport.

The property is not located in the Greenport Village Historic District.

Suffolk County Tax Map number 1001-2-2-29.

Okay.

So we approved the other property for last meeting, I believe; and this was the one we are waiting for the ZBA, and you had that ZBA meeting since then, correct?

MR. NICHOLSON: That's correct.

They approved the variance.
CHAIRMAN McMAHON: Okay.

I do have a letter from -- I just want to make sure it's -- I do have a letter from the chairperson of the ZBA advising that they did approve the five-foot variance allowing the house to be sited five feet more easterly and away from the neighbor's house.

He said you discussed with the ZBA the possibility of flipping the layout of that house; is that --

MR. NICHOLSON: It was brought up, but we're going to go ahead as planned.

CHAIRMAN McMAHON: Okay.

Does anyone, the Board members have any questions or concerns? I believe we discussed this, I believe both plans to some extent at previous meetings; are there any issues or concerns that anyone still had outstanding?

MR. JAQUET: None.

MR. BURNS: No.

MR. PALLAS: I believe the
mirror-image issue, that you said you're not going to do?

MR. NICHOLSON: No, we are not. We are to go as planned as shown on the plan.

MR. PALLAS: We need to confirm. I think that was a requirement.

MS. WINGATE: I think it was a condition.

MR. PALLAS: Of the Zoning approval?

MS. WINGATE: Right.

MR. NICHOLSON: Okay.

We'll have to check that. I know it was brought up, but I didn't know that that was a condition that was put in there.

MR. PALLAS: We have that confirmed for next week's meeting, before you vote.

CHAIRMAN McMAHON: I, apart from that, when we have discussed it, I didn't have any issues with the plans other than acknowledging the one.

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variance that was needed.

If we can get that clarification as to what the actual decision was of the ZBA, then we can move forward. So we can look back at the minutes from the ZBA meeting.

MR. PALLAS: Correct. We'll check the minutes before the meeting and get that information to the Board.

CHAIRMAN McMAHON: So where we are right now then is, if there was miscommunication about whether or not flipping the house is required or clarification is required on that, we --

MR. NICHOLSON: I mean, I believe even if we look back at the minutes, they did -- I think it was John that brought it up about flipping the layout, but then I believe he said it doesn't matter anyway because that's more of a Planning Board issue, not a Zoning thing because the outline of the house isn't going to change on the
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property no matter what.

CHAIRMAN McMAHON: Okay.

So if the five-foot variance was
approved with that as a condition
attached that it be flipped, our hands
would be tied on what we would be
allowed to approve, so if that is,
we'll take a closer look at the reading
of the minutes and it turns out that
that was a condition of it, then you
would either have to talk to them again
or, I mean, our hands would really
be -- if it's a conditional approval
for the variance, we can't approve it
without a variance.

I don't have any other issues with
the project as is.

Does anyone else have any concerns
apart from the five-foot setback?

MR. JAQUET: No.

MR. BURNS: I don't understand
that confusion. It's seems clear.

ATTORNEY PROKOP: We just don't
have the minutes here, that's the
problem, so we'll probably have them in a few days, we can confirm or watch the videotape.

CHAIRMAN McMAHON: I mean that's where -- you know, we can approve based on what the ZBA, whatever the variance, whatever requirements in their, in their approval for a variance. We can approve it with those conditions attached, but I don't know how that's going to work. I wasn't there, so I don't know how that went. Hopefully we can have it cleared up and if it --

MR. NICHOLSON: If it makes it easier, I'll come back next week.

CHAIRMAN McMAHON: We have to go to next week anyway, so I don't know if we have anything else to discuss at this point.

ATTORNEY PROKOP: Not, it's on next week.

CHAIRMAN McMAHON: So it would be next week either way.

MR. NICHOLSON: Thank you.
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CHAIRMAN McMAHON: Item Number 3,

201 Manor Place, Eastern Long Island Hospital.

Continued discussion and possible action to approve the application for site plan review for Eastern Long Island Hospital.

Applicant John Condon has been authorized to submit plans for a 66-foot seawall/curb on the east, south and west sides of the hospital.

The proposal also includes the construction of a raised concrete platform for a new electrical generator located in the rear service area.

The application is before the Board of Trustees on September 22, 2016 for approval of the Wetlands permit application.

This property is not located within the Historic District.

Suffolk County Tax Map number 1001-2-3-2.

Paul, would you like to speak to Flynn Stenography & Transcription Service (631) 727-1107
the wetlands?

MR. PALLAS: Yes. Thank you, Mr. Chairman.

I have -- we did receive the negative, I'm sorry, a letter of non-jurisdiction, the current letter of non-jurisdiction from New York State Department of Environmental Conservation, so they're not involved in the process.

The Village Board is in the -- the hearing was -- was it closed, Joe, right?

ATTORNEY PROKOP: Yes. With no action.

MR. PALLAS: The hearing was closed with no action. The Village Board will vote on a Wetlands permit at their next meeting. The Village Board had asked, and I believe you have some question as well, about what happens to the water after an inundation event. I have an independent letter from an independent engineer unaffiliated with...
the project that we used for drainage within the Village before. I have copies for Board members.

It's a little lengthy, but the summary of the letter basically is that there is no issue with, no concerns about runoff or drainage as a result of the wall.

CHAIRMAN McMAHON: Okay.

I mean, personally, that was my large concern because the project, in the interest of protecting the hospital, in the event of severe flooding or natural disaster, I think that's to the benefit of everybody. I didn't have any issues with that.

My only concern was who would be doing the SEQRA determination for the project, who is going to be making the negative declaration for the project to go forward.

I think at the last meeting, we had sort of said since the Village Board would be involved in the wetlands
portion, and we weren't really prepared
to discuss beyond that, we're hoping
that they would take lead agency
status, but they did not at that
meeting.

I'm not certain where we're at. I
don't know what we do at this point
because --

ATTORNEY PROKOP: Is there anybody
here from the hospital to speak?

MR. PALLAS: Yes. John Condon,
the engineer who designed it who is
listed as the agent is in the audience.
I don't know if you want to talk to
him.

CHAIRMAN McMAHON: If there is
anything you would like to add, please
feel free.

MR. CONDON: John Condon, engineer
for the project, Condon Engineering.

CHAIRMAN McMAHON: Did you have
anything in particular you wanted to
add to the discussion?

MR. CONDON: When I heard there
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was some concern about trapping water, okay, this is not something that's going to trap water; it's basically going to divert any water from going up against the building and down into the lower areas of the building because it doesn't surround the entire building.

CHAIRMAN McMAHON: I think the concerns were, could it then have a negative impact on the neighbors; could this be running off, preventing it from going from the hospital into any neighboring properties and causing issues there? That was --

MR. CONDON: If you take a look at the flood maps, okay, where the floodwaters come in are on the eastern side of Manor Place, okay. You can see where that floods out a lot; also on the western side by the parking lot of the hospital, that's where the main floodwaters come in with the flood maps if you take a look at them.

CHAIRMAN McMAHON: Okay.
MR. CONDON: So the wall does not go all the way past the parking lot, okay, on the western side; and on the eastern side, it goes down to Manor Place, but it doesn't go across the road, so it's not going to affect anything as far as water coming in from those sides.

The concern, particularly with Sandy was that there was water coming blowing onto the back of the property and onto the side of the property, and on the eastern side of the hospital, the electrical room and mechanical room is at a lower level, and when I was asked to go to the hospital, you know, after Sandy left, and I look in the electrical room underneath the main electrical panels, and it was flooded with water. Fortunately, we had pumps to pump that out, but there was concern not only from rising water, but also water washing in.

What they had done at the hospital
was put up temporary sandbags or whatever to prevent any water from going in there, but that was the primary reason for doing these walls was to prevent water from coming into those areas. It doesn't affect, negatively affect the rest of the neighborhood because the water is gonna come in those other areas that I just described.

CHAIRMAN McMAHON: Does anyone have anything to add?

MS. CLARK: I really can't say much because I don't have anything in front of me to look at.

CHAIRMAN McMAHON: We had, at the last meeting.

MS. CLARK: Pardon me?

CHAIRMAN McMAHON: I think we had a packet at the last meeting.

MS. CLARK: Really.

I thought it was very little and -- can I see it?

MS. WINGATE: Sure.
MR. PALLAS: Mr. Chairman, while we're doing that, in terms of the jurisdiction question for SEQRA, and Joe, correct me if I'm wrong, the wetlands piece would cover a portion of the wall and so the -- from a SEQRA perspective, I think you have wider jurisdiction because you would cover the entire site for the purposes of this project. Again, that's a point of information, if you're looking to make a decision about who is lead agency.

CHAIRMAN McMAHON: Can we, are we in a position to move forward without having the Board of Trustees complete their review of the wetlands portion of the application?

ATTORNEY PROKOP: Yes, but then it would be subject to the wetlands approval. The only -- I would only do it on this kind of an application where the, I think it's a 1,000-foot wall and there is only 20 feet that are in the wetlands, so if that wasn't the...
situations, I would say no, but it's such a small piece, I would say it's okay subject to the Trustees' approval.

CHAIRMAN McMAHON: Okay.

Given that we do have a letter from an outside contractor, outside engineer, indicating there wouldn't be any --

ATTORNEY PROKOP: I think the concern for flooding was on Manor Place, if I'm not mistaken. I mean, this is just my recollection, but I think the discussion was the concern that the hospital would be pushing water back out onto Manor Place, not what you said, but a different issue.

MR. SWISKEY: It created a funnel.

ATTORNEY PROKOP: It's a problem that already existed apparently that people were afraid would be exacerbated.

MR. CONDON: It doesn't do anything but prevent water from coming onto the hospital's property, okay.
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The water still goes up Manor Place because it's open, and if you take a look at the flood maps, that's one of the lowest areas in that neighborhood area there, so the hospital walls are not going to do anything to divert any water from going down into those areas.

ATTORNEY PROKOP: What about water that's from the hospital property, water that's from the hospital property will be retained on the hospital property?

MR. CONDON: No. It would drain off like it does now.

ATTORNEY PROKOP: Drain off to where?

MR. CONDON: It drains off to Manor Place.

ATTORNEY PROKOP: Yeah, I think that was the problem. I think that was what was --

MR. CONDON: And that's why they have, that's why the Village put in two drains down at that end, the only thing
that would temper that to a certain
degree is that we did put in speed
bumps on that eastern side that could
retain some water.

ATTORNEY PROKOP: Is there any
mitigation that could be done to
keep -- you know, generally the Village
has a policy that water should be
retained on the premises that it
originates from, it should not drain
out into other, either the road or
other properties.

MR. CONDON: Well, I did come up
with a drainage plan for that
particular side of the property and
Paul and I had discussed it, okay.

There is no reason why we wouldn't
put that in, but there's none there
now.

ATTORNEY PROKOP: Yeah.

MR. CONDON: So any rainwater that
comes down on the property now, drains
onto Manor, and I think that's why
there were two catch basins put at the
end of Manor Place on the eastern end.

MR. PALLAS: Just another point, the CAC as far as wetlands review process, did recommend along the west side of the east wall approximately 18 inches wide, a gravel area so that any water will percolate down, it was the recommendation of the CAC so that the wall, it wouldn't be paved up to the wall which in theory, the berm used to be there, it somewhat mimics what was there, that's just another point to consider.

MR. CONDON: That's the other alternative.

ATTORNEY PROKOP: Do you want to have a week to talk?

CHAIRMAN McMAHON: Yeah.

Does anyone have any thoughts?

MR. BURNS: It's an engineering issue I don't understand.

CHAIRMAN McMAHON: Yeah, I'm out of my depth.

MR. JAQUET: Me too.
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It's mechanical engineering and site plan analysis that maybe those pictures that we have -- I don't know if that, what we have there, if we can understand that personally, but I think a mechanical engineer is going to have to, and he's already working with him.

MR. PALLAS: That's what this letter basically -- that's why it requested to get this letter.

MR. JAUQUET: I read through this letter just now, but it looks like it -- it doesn't say -- it appears that it says the current design isn't going to work.

MR. PALLAS: That the --

MR. JAUQUET: And so what do we do next if I'm right?

MR. CONDON: It's not gonna work in what regard?

MR. JAUQUET: I don't know, I'm not an expert, so I'll defer to Mr. Pallas.

MR. PALLAS: The issue that is
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raised in the letter has, as far as whether it works or not, has to do with whether it would perform the function for the hospital that was desired as opposed to what the impacts are on the surrounding area.

MR. JAUQUET: Okay.

MR. PALLAS: The question on whether it works for the hospital or not, I don't think is a question for this Board, it's between the hospital and its engineer.

CHAIRMAN McMAHON: But our concern is, is there going to be any effect on the neighbors?

MR. PALLAS: Again, with my reading this letter and subsequent discussions I've had with this engineer, the short answer is no, it will have no, not change anything that goes on now.

CHAIRMAN McMAHON: Okay.

I haven't had a chance to read through this letter, it's the first I
saw of it, but perhaps we can get
together before the next meeting and
get oriented on this too.

MR. PALLAS: Sure. When we meet
on the other project, we can discuss
this one as well.

CHAIRMAN McMAHON: Okay.

Perhaps we can have a more
in-depth conversation, sort of see
what's going on here, and if we have --
see exactly what this letter, how this
reads and we'll defer to Paul, but at
the moment, I would suggest that we
table this until our next meeting.

MR. BURNS: I'd like to hear Bill,
listen to what he has, what is
troubling him with this.

CHAIRMAN McMAHON: If you're
gonna -- please take the podium.

MR. SWISKEY: Are you asking me to
give my opinion?

CHAIRMAN McMAHON: Ben is.

MR. BURNS: My understanding is
the only thing we were concerned with
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is --

MR. SWISKEY: William Swiskey, 184

Fifth Street.

Basically, look at that plan, on
the east wall, all that water, a lot of
that water that runs down that driveway
used to run off and either be absorbed
in the soil or fall into Sterling
Creek, okay, it didn't reach Manor
Place. This wall is gonna funnel all
that water onto Manor Place.

I went down there during that last
rainstorm and that storm, it was really
severe; in other words, the flooding
there was ugly, it was dirty and the
Village Code basically, I know, I
believe Mr. Prokop confirmed it, the
hospital is making a change, before
they were grandfathered in, now since
they're making this change, they should
be obligated to contain most of this
water on their property, same as if I
build a house, I have to put in a dry
well and run the drains into it.

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mean -- and I thought that the Village was gonna, Mr. Pallas was gonna get an opinion from an independent engineer about the Village's risk, not somebody that says this will work for the hospital. That shocks me to tell you the truth.

MR. PALLAS: If I may, the letter does talk about the Village's risk. There are several points that are made in the letter including whether it works for the hospital. It does assess the impact on the Village.

MR. SWISKEY: What does it say?

MR. PALLAS: In my read of it and subsequent discussion, as I stated earlier, that it does not pose any additional concerns for the Village.

MR. SWISKEY: Who was the engineer?

MR. PALLAS: JR Holzmacher.

MR. SWISKEY: I don't know because the way I look at this, this is gonna be a mess on that road and -- but it's
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up to this Planning Board to make the
decision and to interpret the letter
because Peter there just said that the
letter said it was not gonna work; am I
right, Peter?

MR. JAUQUET: Well, that was a
cursory reading, Bill, I'm not a --

MR. SWISKEY: I realize that --

MR. BURNS: That's not our issue.

MR. JAUQUET: That's not really
the issue.

MR. SWISKEY: No, it's not your
issue with the hospital, but your issue
is the Village is gonna have to spend a
lot of money on road end remediation at
the end of Manor Place. In fact, it's
already in the pipeline.

Now, is this gonna cause you to
have to spend more money and put in
more facilities, that was my point at
the Village Board, and nobody's
answered that.

MR. BURNS: This is the answer.

MR. PALLAS: Correct.
MR. BURNS: We have the answer.

MR. SWISKEY: And they're saying it's not gonna have a problem.

MR. BURNS: Right.

MR. SWISKEY: Well, if you agree with that, but just from my experience you're gonna have a problem.

CHAIRMAN McMAHON: I would like to take a week to just have it thoroughly explained to me at the very least to have a better understanding of it.

Apart from that, does anyone have any -- I mean, I don't think anyone had any issues with the project, with the intent of the project or anything in that regard; our only concern was if it was going to have an impact on the neighbors and Paul has indicated that it will not, and that's what the engineer is telling him, it will not, so I'm going to defer to him on that, but either way, we're going to take the week and we'll vote on it next week either way.
I think that's what's going to happen.

MR. BURNS: Well, whether it works or not is not our issue.

CHAIRMAN McMAHON: Yeah, I mean obviously we want to be cautious about it, but yeah, as to whether or not, if we're receiving a professional opinion saying that it's going to work, I think that's what we need to defer to.

Is there anything else we need to discuss this evening with regard to this?

(No response.)

I'm going to make a motion that we move on to the next item on the agenda, so we'll move on to the next agenda.

Item Number 4, 316 Front Street,

Motion to accept application and possible action on the use evaluation application from applicant Linda Ruland, Executive Director of Community Action Southold Town, Inc., CAST.

CAST has relocated offices to 316
Front Street. This is a permitted use in the CR, Commercial Retail District.

This property is not located in the Historic District.

Suffolk County Tax Map number 1001-4-8-33.

They moved across the street from where they were continuing their operations as they were previously.

ATTORNEY PROKOP: What was the prior use, where they moved into, what was the prior use?

CHAIRMAN McMAHON: I don't know.

MS. WINGATE: I think it was one of the psychic shops.

ATTORNEY PROKOP: Usually with use applications we, if it's the same as the former use, we approve it at the work session.

CHAIRMAN McMAHON: Does anyone have any issues or questions about this?

MR. BURNS: I think it's a great move.
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MS. RULAND: Thank you.

CHAIRMAN McMAHON: Any concerns from the Village?

MS. WINGATE: It's a great move, they now have a parking lot, and people could park safely. It's a good thing.

CHAIRMAN McMAHON: Okay.

I looked at this earlier, I don't have any issues with this, it's a use evaluation application site plan review, so if the use is a conforming use, I believe it is -- does anyone have any issues, questions or concerns?

(No response.)

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

Do I have a second for that?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. CLARK: Aye.

CHAIRMAN McMAHON: Motion carries.
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Item Number 5, 313 Third Street.

Applicant Rachel Mysliborski for
Woodstruck, LLC has submitted a sign
application for the retail boutique in
Sterlington Commons.

Previously approved at the August
Regular Session, the sign was
redesigned for compliance with all
Village sign rules and regulations.

Suffolk County Tax Map number
1001-6-2-23.5.

This is just a sign permit
application, I believe.

We already reviewed the use at the
last -- it was approved at the last
meeting, the meeting before.

ATTORNEY PROKOP: This complies?

MS. WINGATE: Yes.

CHAIRMAN McMAHON: This complies
with all zoning regulations. I don't
have any issues with this, the sign
itself, if it adheres to the sign
regulations for the Village, then I
have no problems.
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Does anyone have any concern?

MS. CLARK: I do not.

MR. JAUQUET: No.

MR. BURNS: No.

CHAIRMAN McMAHON: I'm going to make a motion that we approve the sign application as submitted.

Do I have a second for that?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

Motion.

MR. BURNS: Aye.

MS. CLARK: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Motion carries.

MS. RULAND: Thank you.

CHAIRMAN McMAHON: Item Number 6, 26A Front Street. Motion to accept use evaluation application from Matthew Kapell, agent for the Olive Branch Cafe.

The cafe is located at 26A Front Street. This is a permitted use in the CR, Commercial Retail District.

Flynn Stenography & Transcription Service (631) 727-1107
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This property is not located in
the Historic District.

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

Is there anything you would like
to add?

MR. KAPELL: This is essentially
the same application that was approved
by the Planning Board a couple of years
ago for a prior applicant. The only
changes here are that we're adding a
couple of convection ovens so that they
can heat up baked goods, and they have
actually reduced significantly the
number of seats from 49 to 16; so it's
actually de-intensification of the
original application.

One correction, the address is
misstated, it's 120A Front Street.

CHAIRMAN McMAHON: We had an
application to, a use evaluation
application -- I don't see any glaring
issues off the bat, generally we accept
the application and approve it at the
Flynn Stenography & Transcription Service
(631) 727-1107
next meeting.

MR. KAPELL: I noticed that you just approved a prior use evaluation; can we ask you for the same treatment here?

CHAIRMAN McMAHON: Does anyone have any issues with this use?

ATTORNEY PROKOP: The exits were okay, and the seating?

MS. WINGATE: Yes.

CHAIRMAN McMAHON: I don't personally have an issue with the use, we did previously approve it. I don't have an issue.

MS. WINGATE: You have a sign application there too.

CHAIRMAN McMAHON: There is a sign application, a separate sign application?

MS. WINGATE: Um-hmm.

CHAIRMAN McMAHON: And the sign conforms with --

ATTORNEY PROKOP: No, they have two signs, right?
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MS. WINGATE: Yes.

ATTORNEY PROKOP: Are they allowed to do that?

MS. WINGATE: Actually, it's three signs. They all add up to still within the code.

ATTORNEY PROKOP: I thought you can only have one sign. You can have three signs?

MS. WINGATE: They have a sidewalk sign, a graphic sign, existing directory on the building, and then there's a sign for the restaurant.

ATTORNEY PROKOP: I didn't know you can accumulate the signs; I thought it was one sign not larger than, I didn't know you can take different signs.

MS. WINGATE: It doesn't say one sign.

MR. KAPELL: If I can just interject for a moment. This is a -- I'm sure you're all familiar with this property. This is the Front Street
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Garden property. Those stores at the back of this courtyard have been unused and vacant and blighted frankly for I don't know how many years now. The landlord is trying his best to revitalize that property. In order to get people to go back there, we need some signage in the front directing them to the back. It's a dead end right now, and this is an application that would have significant benefit for the Village.

MS. CLARK: But this one that's hanging is right in the front, right?

MR. KAPELL: Yes, it's an existing sign there now.

MS. CLARK: Say they didn't revitalize this and other stores took occupancy, would they be able to have signs out front as well?

MR. KAPELL: Yeah, there is a directory sign where Front Street Garden meets the street, meets the sidewalk, so they get a sign there and
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then they want a sign in front.

MR. JAUQUET: In the planter area; is that where it is?

MR. KAPELL: Yes.

MS. CLARK: And there's room for other signs?

MR. KAPELL: Yes.

MR. JAUQUET: Is the planter area our jurisdiction?

MR. KAPELL: I mean, I say the whole site is your jurisdiction, sure.

MR. JAUQUET: The other permeation that we had originally on this site, didn't they have outdoor seating?

MR. KAPELL: They did. We are not showing outdoor seating.

MR. JAUQUET: You're not planning on it?

MR. KAPELL: Not now, no.

MR. JAUQUET: That seemed to be an integral part of the attraction, at least a visible thing to get things down there.

MR. KAPELL: The applicants are
also in contract to lease the store, I don't know if you recall the history --

MR. JAUQUET: (Inaudible.)

MR. KAPELL: -- across the way, right, so we're going to be back here with an application for those stores and we'll address the outdoor seating question.

MR. JAUQUET: All right.

MR. BURNS: That would be my only question, how it affects the other stores, the hair salon, for instance.

MR. KAPELL: There would be no obstruction in front of her store.

We're not proposing any seating outdoors at this point.

MR. JAUQUET: Those other two are vacant still?

MR. KAPELL: Yes, they are.

MR. JAUQUET: How is the hair salon doing?

MR. KAPELL: It's there.

MR. JAUQUET: I know, she's been there for --
MR. KAPELL: I go there for whatever it's worth.

MR. JAUQUET: I've gone there.

MR. PALLAS: Can I just ask what sign, I don't know what action you're planning on taking, but on the sign, I would like the opportunity to confirm the code for sign.

CHAIRMAN McMAHON: Okay.

Personally, I don't have an issue with the use. If there is a question as to whether or not the number of signs, if you'd like to clarify that, we can put that portion of it off.

MR. PALLAS: Yes.

CHAIRMAN McMAHON: Do you have any concerns about the use itself?

ATTORNEY PROKOP: No. The use is good to go, so they can start working.

CHAIRMAN McMAHON: I think what I'm going to propose is we approve the use and the sign application, we'll take the week and discuss it at the next meeting.
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MR. KAPELL: Thank you.

CHAIRMAN McMAHON: I'm going to make a motion to approve the use evaluation application as submitted. Do I have a second for that?

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MS. CLARK: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Motion carries. We will discuss, clarify how many signs are permitted.

MR. KAPELL: Just as a practical matter, this is a blighted area, some consideration by the Village should be given for helping to drive traffic back there so we can revitalize these stores. They're underperforming.

CHAIRMAN McMAHON: Item Number 7, motion to approve the Planning Board minutes of July 7, 2016 and July 28, 2016.

Do I have a second for that?
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MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. CLARK: Aye.

CHAIRMAN McMAHON: Motion carries.

Item Number 8, motion to accept the Planning Board minutes of August 4, 2016 and August 25, 2016.

Do I have a second for that?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. CLARK: Aye.

CHAIRMAN McMAHON: Motion carries.

Item Number 9, motion to adjourn.

Do I have a second?

MS. CLARK: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

MS. CLARK: Aye.

CHAIRMAN McMAHON: Motion carries.
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Thank you.

(Time noted: 5:55 p.m.)
CERTIFICATE

I, STEPHANIE O'KEEFFE, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on September 29, 2016.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of September, 2016.

____________________________
STEPHANIE O'KEEFFE
water... 

we'll [10] 13/21 18/15 19/8 20/9 21/2 36/13 40/24 41/18 51/8 52/16

we're [16] 3/2 6/7 6/11 10/2 11/6 11/11 14/20 17/14 25/3 25/7 29/3 40/23 41/9 46/12 51/6 51/16

week [13] 6/11 14/8 16/11 19/14 21/6 21/22 21/24 33/18 40/10 40/24 40/24 52/24

week's [1] 18/20

well [10] 9/2 11/19 23/22 32/14 36/7 37/25 39/7 40/6 41/4 49/21

went [2] 21/13 37/13

were [17] 4/13 7/18 8/2 8/5 10/8 10/9 10/12 12/24 26/10 30/21 32/35 37/20 42/9 42/10 47/9

weren't [1] 25/2

west [2] 22/12 33/5

western [2] 36/11 41/2

whether [9] 13/12 19/13 35/3 35/4 35/10 38/12 41/4 41/8 52/13

which [3] 8/20 15/19 33/11

while [1] 29/2


whole [1] 50/12

why [6] 14/14 31/23 31/24 32/18 32/24 34/10

wide [1] 33/7

wider [1] 29/8

will [11] 9/11 16/5 16/7 23/19 31/12 33/8 35/21 38/6 40/20 41/23 53/13

William [1] 37/3

WINGATE [1] 1/20

winter [1] 9/19

within [5] 22/22 24/3 48/6 56/4 56/6

without [3] 8/11 20/16 29/15

WITNESS [1] 56/12

wondering [1] 6/11

Woodstruck [1] 44/4

wording [1] 10/18

words [1] 37/15

work [14] 1/5 3/5 9/19 9/20 11/19 12/3 14/12 21/12 34/16 34/20 38/6 39/5 41/10 42/20


works [4] 35/3 35/10 38/13 41/4

worth [2] 8/24 52/3


wouldn't [4] 11/21 30/8 32/18 33/10

wrong [1] 29/5

yeah [8] 14/2 31/20 32/21 33/19 33/23 41/6 41/8 49/22

years [2] 46/10 49/5