VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

PLANNING BOARD
REGULAR SESSION

Third Street Firehouse
Greenport, New York

January 7, 2016
5:11 p.m.

B E F O R E:
DEVIN McMAHON - CHAIRMAN
BRADLEY BURNS - MEMBER
PETER JAUQUET - MEMBER

PAUL PALLAS - VILLAGE ADMINISTRATOR
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CHAIRMAN McMAHON: All right.
We're going to begin the meeting. This is the Village of Greenport Planning Board Regular meeting for January 7, 2016.

Item number 1 is 238 Fifth Avenue.

Consideration and possible action of the sketch plan submitted by 238 Fifth Ave. Greenport Inc., by James Olinkiewicz, as representative in accordance with Greenport Village Code Section 118-4.

Fifth Ave. Greenport Inc. has applied to subdivide the property at 238 Fifth Avenue. The proposed subdivision would divide the existing 9,418-square-foot lot into Parcel 1.

Parcel 1 proposed with lot area of 5,392 square feet, and Parcel 1 to include the existing two-family house.

And parcel 2. Parcel 2 proposed with lot area of 4,026 square feet.

Parcel 2 to have a proposed 800-square-foot one-family home.
This proposed subdivision would create two substandard lots and other non-conformities requiring Zoning Board of Appeals variance approval.

The house proposed for Parcel 2 would also require variances.

This is Suffolk County Tax Map number 1001-4-8-3.

We discussed this application at length during the work session, and it was determined that due to the necessity of variances, the nonconformity of the application as it was submitted, we would have to deny this application.

We took a vote to determine that we would essentially codify that decision or we would put together a clearer explanation and we have that here. I'm going to read through that and then we will take a vote as to whether or not that conforms with what we agreed at the last meeting.

It's the application of 238 Fifth
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Avenue Greenport Inc. for sketch plan review under Section 118-4 of the Greenport Village Code. Location 238 Fifth Avenue, Greenport, Suffolk County Tax Map 1001-4-8-3. R-2 Zoning District. It's not in the Historic District.

In the matter of the application, 238 Fifth Avenue Greenport Inc., the application for sketch plan review pursuant to Section 118-4 of the Greenport Village Code, this application is to divide an existing 9,418-square-foot lot into two parcels, Parcel 1 and Parcel 2. Parcel 1 is proposed to have a lot area of 5,392 square feet and to include the existing two-family house. Parcel 2 is proposed with lot area of 4,026 square feet and to have a proposed 800-square-foot one-family home.

This proposed subdivision would create two substandard lots and other non-conformities requiring the Zoning
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Board of Appeals variance approval.
The house proposed for Parcel 2 would also require variances.

Section 118-4 of the Greenport Village Code requires that an application for subdivision of property in the Village of Greenport in accordance with Chapter 118 of the Greenport Village Code, a sketch plan must be submitted to the Planning Board as the initial step in the consideration of the subdivision process.

The applicant has submitted a sketch plan that was considered at the December 17, 2015 work session of the Planning Board as required by Section 118-4 and 118-5 of the Greenport Village Code.

The submitted sketch plan indicates that the proposed subdivision and the lots that are proposed to be created are not in conformance with Greenport Village Code due to a lot

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area, setback and other non-conformities that will be created.

The Planning Board therefore denies the sketch plan submission as creating several area non-conformities on both proposed lots.

The Planning Board also recognizes that there are significant issues with the application and the proposed substandard lots and other non-conformities that would be created.

The date of this determination is January 7, 2016.

Have the other Board members had a chance to review the summary?

MR. JAUQUET: Um-hum.

MR. BURNS: Yes.

CHAIRMAN McMAHON: I'm going to make a motion that we approve the summary as read into the record. Do I have a second for that motion?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?
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MR. JAUQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Onto item number 2.

Item number 2 is the consideration
and possible action of the sketch plan
submitted by James Olinkiewicz in
accordance with Greenport Village Code
Section 118-4.

Mr. Olinkiewicz has applied to
subdivide the property at 221 Fifth
Avenue. The proposed subdivision would
divide the existing 14,206-square-foot
lot into Parcel 1. Parcel 1 proposed
with a lot area of 7,619 square feet,
and Parcel 1 to include the existing
two-family house and a Parcel 2.
Parcel 2 is a lot area of 6,587 square
feet and proposed new construction.

The proposed subdivision would
create one substandard lot requiring
variances from the Zoning Board of
Appeals.

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Proposed subdivision also creates a substandard side yard for the existing two-family house and nonconforming side yards for the proposed new construction on parcel requiring additional area variances from the Zoning Board of Appeals.

Suffolk County Tax Map number 1001-4-4-29.

Again, these were discussed at length during the last meeting, and I'm going to read the summery of the Board's position that we agreed upon and voted on at the last meeting.

The application of James Olinkiewicz for action on the sketch plan review under Section 118-4 of the Greenport Village Code. Location 221 Fifth Avenue, Greenport, Suffolk County Tax Map 1001-4-4-29. R-2 Zoning District. It's not in the Historic District.

In the matter of the application of James Olinkiewicz, the application
for sketch plan review pursuant to Section 118-4 of the Greenport Village Code. This application is to divide an existing 14,206-square-foot lot into two parcels, Parcel 1 and Parcel 2. Parcel 1 is proposed to have a lot area of 7,619 square feet and to include the existing two-family house. Parcel 2 is proposed with lot area of 6,587 square feet and proposed new construction.

This proposed subdivision would create a substandard lot and other non-conformities requiring the Zoning Board of Appeals variance approval. The house proposed for Parcel 2 would also require variances.

Section 118-4 of the Greenport Village Code requires that an application for subdivision of property in the Village of Greenport in accordance with Chapter 118 of the Greenport Village Code, a sketch plan must be submitted to the Planning Board.
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as the initial step in the
consideration of the subdivision
process.

The applicant has submitted a
sketch plan that was considered at the
December 17, 2015 work session of the
Planning Board as required by Section
118-4 and 118-5 of the Greenport
Village Code.

The submitted sketch plan
indicates that the proposed subdivision
and one or more of the lots that are
proposed to be created are not in
conformance with Greenport Village Code
due to a lot area, setback and other
non-conformities that will be created.

The Planning Board therefore
denies the sketch plan submission as
creating several area non conformities
on both proposed lots.

The Planning Board also recognizes
that there are significant issues with
the application and the proposed
substandard lots and other
non-conformities that would be created.

The date of this determination is
January 7, 2016.

Have the other Board members had a
chance to review the summary?

MR. JAUQUET: Yes.

MR. BURNS: Yes.

CHAIRMAN McMAHON: I am going to
make a motion that we approve the
summary as read into the record.

Do I have a second for that?

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 3, 211 East Front
Street, Motion to approve the findings
and determinations of the use
evaluation application from Doug
Roberts, president of Educational
Solutions Consulting.

The applicant proposes to open an
office at 211 East Front Street. The
property is located in the CR,
Commercial-Retail District and the use
as an office is a permitted use.

Suffolk County Tax Map number
1001-5-3-18.

This was voted on a few meetings
ago, it's the findings and
determinations for that application.

In the matter of the application
of Doug Roberts, president of
Educational Solutions Consulting, Inc.,
the applicant, for use evaluation for
office use at 211 East Front Street,
the applicant proposes a professional
office use at the space 211 East Front
Street.

Planning Board adopts lead agency
status and determines that the action
is an Unlisted action for purposes of
SEQRA, that the approval of the
application will not have a negative
impact on the environment, and that,
therefore, a negative declaration is
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adopted for purposes of SEQRA.

The use proposed by the applicant is consistent with the zoning requirements of the CR Commercial Retail Zoning District.

The last line that I actually would like to strike is just, I believe just an accident, "other non-conformities that would be created," it's written in there but it's not relevant to this.

Date of determination is January 7, 2016.

This was already voted on and approved. We are only voting tonight that this is an accurate representation of what was previously voted on.

I'm going to make a motion that we approve it as read into the record with the one deletion, as I mentioned.

Do I have a second?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: Aye.
MR. BURNS: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 4, motion to approve the Planning Board minutes for October 29th, November 5th, and November 19, 2015.

Do I have a second for that?

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Is there anything else? Does anyone have any issues?

Please come to the podium.

MS. REA: Thank you.

Good evening. Kimberlea Rea, Westervelt and Rae, 50 North Ferry Road, Shelter Island, New York representing James Olinkiewicz, 238 Fifth Ave. Greenport Inc.

I just wanted a point of
clarification, Mr. Chairman. In the denial of these two applications, I just want to confirm that that constitutes a referral or at least that we have --

CHAIRMAN McMAHON: You now have the opportunity to go before the Zoning Board.

MS. REA: -- the Zoning Board.

CHAIRMAN McMAHON: It's not a specific referral from us, but you are now, you now have the opportunity to go before the Zoning Board of Appeals, yes.

MS. REA: Very well.

Thanks very much.

CHAIRMAN McMAHON: Any other questions or concerns before we close out the meeting?

MR. WEISKOTT: Yes. Jack Weiskott, 229 Fifth Avenue, adjacent to one of the subdivisions described.

I just have a question. I'm not quite sure, you know, what your role is...
in this aside from --

AUDIENCE MEMBER: Is that mic on?

We can't hear you.

MR. WEISKOTT: Sorry.

I'm not sure what your role is in the process, whether you have any actual input into the applications or opinions about the applications that you then forward to either the Zoning Board or the Board of Trustees since you are the Planning Board and you're involved in theory in the overall planning of the Village.

CHAIRMAN McMAHON: If the Zoning Board requested our input, we would provide it.

At this point --

MR. WEISKOTT: You don't offer them any unsolicited guidance?

CHAIRMAN McMAHON: Generally no.

At this -- in a subdivision, it's just a review, consideration of sketch plans, which is the first initial step.

I believe if it did go to the Zoning
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Board, if the applicant chose to go to the Zoning Board, if they were then approved by the Zoning Board, I believe the next step is that the applicant would again submit a sketch plan for consideration, the same steps that were just taken --

MR. WEISKOTT: I see.

CHAIRMAN McMAHON: -- for a subdivision.

I believe that's how the process would work out. I have to double check, but I'm fairly certain that it would be a denial by us, the applicant has the opportunity to go before the Zoning Board of Appeals. If they were granted approval by the Zoning Board of Appeals, they would then start the process over with us. They would not be any further along in the process, they would go back to the consideration of a sketch plan, which would require another public meeting as we had prior, et cetera.
MR. WEISKOTT: At that point, do you have any authority to deny a plan that has been approved by the Zoning Board of Appeals?

CHAIRMAN McMAHON: We always have the option, yes. We have --

MR. WEISKOTT: If you feel it goes against --

CHAIRMAN McMAHON: -- if we --

MR. WEISKOTT: -- the character of the Village of the planning or what you're trying to accomplish.

CHAIRMAN McMAHON: There is a number of criteria that we have to evaluate and if we find it unacceptable for any of those reasons, than we would have the opportunity to approve or deny.

MR. WEISKOTT: Okay.

Thank you.

MS. REA: Kimberlea Rea.

I just want to clarify for the record something that was just said, Mr. Chairman.
I believe that if the Zoning Board of Appeals approves the applications, and I'm referring to 221 and 238 Fifth, that the procedure then is to come back before this Board, the Planning Board, with a preliminary plat, rather than a sketch plan.

Your counsel is not here, but that is my understanding, and we can take that up later if you wish, but --

CHAIRMAN McMAHON: Yes. I just spoke with him and we discussed specifically that point, and I believe it's his contention -- I don't want to speak for him, but I believe it's his contention that the process would begin with consideration of a sketch plan and would not go to initially then -- because we had not approved, but again, we will have to discuss that again, so that's not something I can -- and we're not actually at that point tonight, so.

MS. REA: Fine.

Thanks very much.
CHAIRMAN McMAHON: Thank you.

MR. HOLLID: Joe Hollid, 415 South Street.

So if -- do you have any affect on or does the Zoning Board take your actions into consideration as far as you denying the proposal for these two properties?

CHAIRMAN McMAHON: Our denial is what triggers the applicant's ability to bring it before the Zoning Board. Without us, without a denial from this Board, it would not go before the Zoning Board.

MR. HOLLID: I didn't know that.

CHAIRMAN McMAHON: That's the impetus for them going before the Zoning Board in the first place is a denial from this Board.

MR. HOLLID: Do they have a larger control over this after, let's say, they do approve it and it comes back to you, does that have an effect on you as to how you would follow through with...
this, or -- it's just that I want to 
make sure that we're on the same page 
as far as understanding how this works.

CHAIRMAN McMAHON: Okay.

If the Zoning Board of Appeals 
makes the determination that they would 
be willing to grant a variance, the 
application would then come back before 
us, and we would still have our 
discretion. We don't abdicate any 
responsibility or discretion, you know, 
we retain all of our privileges to 
approve or deny.

MR. HOLLID: I'm just kind of 
getting -- I've lived here in Southold 
for a long time, but I've only lived 
here in Greenport for going on four 
years, but I've seen a lot of things 
that are changing, and I'm not really 
happy with the regulations that seem to 
be being overridden, always with 
variances.

I mean, if we have codes, the 
codes should be stood by, otherwise
we're getting out of control in the Village with all these changes that are going on, and this goes way back, and I understand it's not all your fault, it's fault probably of things that have happened in the past, but the fact of the matter is, the code is there for a reason, and variances are there for a reason, but if the code is overridden, what's the purpose of having a code per se? It just makes it more easy for people to go above the code law and divide properties as they kind of determine it should be, and I appreciate you, part of the Zoning Board here, I know there's, what, one, two members that aren't here.

CHAIRMAN McMAHON: Um-hum.

MR. HOLLID: And they have to decide too.

Now, if they're missing, then you just, you three get the final say even without them here, correct?

CHAIRMAN McMAHON: If we have a
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quorum, we need --

MR. HOLLID: -- a fourth?

CHAIRMAN McMAHON: No, we have a quorum, which is, in this case, three out of the five members in order to vote on something.

MR. HOLLID: Okay. Yeah.

It's just that I see the Village, it was back when, and I knew of it then because I used to come to the Village a lot, and it wasn't really great then, twenty or twenty-five years back, it came, started coming around, now things are changing back again where things are different because people are submitting plans like these and I really appreciate your effort in trying to get this toned down to where it's got to be the rule of law. Rules are meant to be broken, but not in this case, not where the codes are supposed to be in cement. If they're in cement, then there should be no reason to override those codes. Even with
variances, I mean, going above from 5,000 to 7,500, you know, he's 7,500 and he's only got 4,000 or almost 5,000, that's a big difference, that's crazy to me, but if that's the way it is and it's being subjected to a variance, and that's going to go through, that's just beyond my understanding of how the law should be, the law of the land.

So that's my only statement, and I appreciate your listening.

CHAIRMAN McMAHON: I would like to say briefly that the Planning Board, we don't write the regulations, we don't write the codes. We evaluate use evaluation applications, in this case subdivisions based on the criteria that are set out in the code.

There are cases where it's reasonable that accommodations should be made, and that's the purpose of the ZBA to make a determination as to whether or not something is reasonable,
that's -- there is a -- you know, the
ZBA certainly has a purpose, you know,
the code doesn't always fit every
particular application that's going to
come before the Board perfectly.

This was significantly
nonconforming, we denied it. It will
go before ABA, I don't know how -- I
assume the applicant is going to bring
it before the ZBA. If it does, I don't
know how they act, and it's not for me
to say.

If it comes back before the Board,
again, we would make a determination
based on our best judgment and the code
as it's written.

If there are considerations in the
code you don't feel the ZBA should
have, it's their authority to change
things, that would be something you
would bring up with the Board of
Trustees because they're the ones who
have the authority to change the codes
of the Village. We don't.
So I appreciate the comments.
Any other questions or concerns before we move on?

MS. GARRIS: Roberta Garris, 229 Fifth Avenue.

There is no ZBA meeting scheduled. So I just was wondering if maybe you knew when the next one was going to be.

CHAIRMAN McMAHON: I don't know.

MR. PALLAS: January 20th.

MS. GARRIS: January 20th.

MR. PALLAS: I believe so.

MS. GARRIS: Great. Thank you.

MR. BURNS: Just a comment.

Observing as I have over the past nearly forty years of living here, the lot my two-family home is on is 4,000 square feet, and what the Village is doing is trying to avoid that kind of congestion. While we don't feel congested because it's a lovely home and a lovely community, it's important that we continue to make adjustments and improve the Village, so that's what
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we have decided and that's the way that
we're moving.

CHAIRMAN McMAHON: Peter, do you
have anything to say?

MR. JAUQUET: No.

CHAIRMAN McMAHON: If there is no
other business, I'm going to make a
motion that we act on item number 5
which is a motion to adjourn.

Do I have a second for that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAUQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Thank you very much.

(Time noted: 5:34 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 7th day of January, 2016.

____________________________

STEPHANIE O'KEEFFE

STEPHANIE O'KEEFFE