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VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD

REGULAR SESSION

-----x

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.

1  
2 This proposed subdivision would  
3 create two substandard lots and other  
4 non-conformities requiring Zoning Board  
5 of Appeals variance approval.

6 The house proposed for Parcel 2  
7 would also require variances.

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

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

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

25 It's the application of 238 Fifth

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

9 In the matter of the application,  
10 238 Fifth Avenue Greenport Inc., the  
11 application for sketch plan review  
12 pursuant to Section 118-4 of the  
13 Greenport Village Code, this  
14 application is to divide an existing  
15 9,418-square-foot lot into two parcels,  
16 Parcel 1 and Parcel 2. Parcel 1 is  
17 proposed to have a lot area of 5,392  
18 square feet and to include the existing  
19 two-family house. Parcel 2 is proposed  
20 with lot area of 4,026 square feet and  
21 to have a proposed 800-square-foot  
22 one-family home.

23 This proposed subdivision would  
24 create two substandard lots and other  
25 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 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

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

3  
4 The Planning Board therefore  
5 denies the sketch plan submission as  
6 creating several area non-conformities  
7 on both proposed lots.

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

13 The date of this determination is  
14 January 7, 2016.

15 Have the other Board members had a  
16 chance to review the summery?

17 MR. JAUQUET: Um-hum.

18 MR. BURNS: Yes.

19 CHAIRMAN McMAHON: I'm going to  
20 make a motion that we approve the  
21 summary as read into the record.

22 Do I have a second for that  
23 motion?

24 MR. BURNS: Second.

25 CHAIRMAN McMAHON: All in favor?

1 Regular Session 1-7-16

8

2 MR. JAUQUET: Aye.

3 MR. BURNS: Aye.

4 CHAIRMAN McMAHON: Aye.

5 Motion carries.

6 Onto item number 2.

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

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

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



1  
2 Proposed subdivision also creates  
3 a substandard side yard for the  
4 existing two-family house and  
5 nonconforming side yards for the  
6 proposed new construction on parcel  
7 requiring additional area variances  
8 from the Zoning Board of Appeals.

9 Suffolk County Tax Map number  
10 1001-4-4-29.

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

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

24 In the matter of the application  
25 of James Olinkiewicz, the application

1  
2 for sketch plan review pursuant to  
3 Section 118-4 of the Greenport Village  
4 Code. This application is to divide an  
5 existing 14,206-square-foot lot into  
6 two parcels, Parcel 1 and Parcel 2.  
7 Parcel 1 is proposed to have a lot area  
8 of 7,619 square feet and to included  
9 the existing two-family house. Parcel  
10 2 is proposed with lot area of 6,587  
11 square feet and proposed new  
12 construction.

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

19 Section 118-4 of the Greenport  
20 Village Code requires that an  
21 application for subdivision of property  
22 in the Village of Greenport in  
23 accordance with Chapter 118 of the  
24 Greenport Village Code, a sketch plan  
25 must be submitted to the Planning Board

1 as the initial step in the  
2 consideration of the subdivision  
3 process.  
4

5 The applicant has submitted a  
6 sketch plan that was considered at the  
7 December 17, 2015 work session of the  
8 Planning Board as required by Section  
9 118-4 and 118-5 of the Greenport  
10 Village Code.

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

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

22 The Planning Board also recognizes  
23 that there are significant issues with  
24 the application and the proposed  
25 substandard lots and other

1 non-conformities that would be created.

2 The date of this determination is  
3 January 7, 2016.

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

6 MR. JAUQUET: Yes.

7 MR. BURNS: Yes.

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

11 Do I have a second for that?

12 MR. JAUQUET: Second.

13 CHAIRMAN McMAHON: All in favor?

14 MR. JAUQUET: Aye.

15 MR. BURNS: Aye.

16 CHAIRMAN McMAHON: Aye.

17 Motion carries.

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

24 The applicant proposes to open an  
25 Flynn Stenography & Transcription Service  
(631) 727-1107

1 office at 211 East Front Street. The  
2 property is located in the CR,  
3 Commercial-Retail District and the use  
4 as an office is a permitted use.  
5

6 Suffolk County Tax Map number  
7 1001-5-3-18.

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

11 In the matter of the application  
12 of Doug Roberts, president of  
13 Educational Solutions Consulting, Inc.,  
14 the applicant, for use evaluation for  
15 office use at 211 East Front Street,  
16 the applicant proposes a professional  
17 office use at the space 211 East Front  
18 Street.

19 Planning Board adopts lead agency  
20 status and determines that the action  
21 is an Unlisted action for purposes of  
22 SEQRA, that the approval of the  
23 application will not have a negative  
24 impact on the environment, and that,  
25 therefore, a negative declaration is

1  
2 adopted for purposes of SEQRA.

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

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

13 Date of determination is January  
14 7, 2016.

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

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

22 Do I have a second?

23 MR. BURNS: Second.

24 CHAIRMAN McMAHON: All in favor?

25 MR. JAUQUET: Aye.

1 Regular Session 1-7-16

15

2 MR. BURNS: Aye.

3 CHAIRMAN McMAHON: Aye.

4 Motion carries.

5 Item number 4, motion to approve  
6 the Planning Board minutes for October  
7 29th, November 5th, and November 19,  
8 2015.

9 Do I have a second for that?

10 MR. JAUQUET: Second.

11 CHAIRMAN McMAHON: All in favor?

12 MR. BURNS: Aye.

13 MR. JAUQUET: Aye.

14 CHAIRMAN McMAHON: Aye.

15 Motion carries.

16 Is there anything else? Does  
17 anyone have any issues?

18 Please come to the podium.

19 MS. REA: Thank you.

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

25 I just wanted a point of

Flynn Stenography & Transcription Service  
(631) 727-1107

1 clarification, Mr. Chairman. In the  
2 denial of these two applications, I  
3 just want to confirm that that  
4 constitutes a referral or at least that  
5 we have --

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

10 MS. REA: -- the Zoning Board.

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

16 MS. REA: Very well.

17 Thanks very much.

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

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

24 I just have a question. I'm not  
25 quite sure, you know, what your role is



1  
2 in this aside from --

3 AUDIENCE MEMBER: Is that mic on?  
4 We can't hear you.

5 MR. WEISKOTT: Sorry.

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

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

18 At this point --

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

21 CHAIRMAN McMAHON: Generally no.  
22 At this -- in a subdivision, it's just  
23 a review, consideration of sketch  
24 plans, which is the first initial step.  
25 I believe if it did go to the Zoning

1 Board, if the applicant chose to go to  
2 the Zoning Board, if they were then  
3 approved by the Zoning Board, I believe  
4 the next step is that the applicant  
5 would again submit a sketch plan for  
6 consideration, the same steps that were  
7 just taken --

8 MR. WEISKOTT: I see.

9 CHAIRMAN McMAHON: -- for a  
10 subdivision.

11 I believe that's how the process  
12 would work out. I have to double  
13 check, but I'm fairly certain that it  
14 would be a denial by us, the applicant  
15 has the opportunity to go before the  
16 Zoning Board of Appeals. If they were  
17 granted approval by the Zoning Board of  
18 Appeals, they would then start the  
19 process over with us. They would not  
20 be any further along in the process,  
21 they would go back to the consideration  
22 of a sketch plan, which would require  
23 another public meeting as we had prior,  
24 et cetera.  
25

1  
2 MR. WEISKOTT: At that point, do  
3 you have any authority to deny a plan  
4 that has been approved by the Zoning  
5 Board of Appeals?

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

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

10 CHAIRMAN McMAHON: -- if we --

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

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

20 MR. WEISKOTT: Okay.

21 Thank you.

22 MS. REA: Kimberlea Rea.

23 I just want to clarify for the  
24 record something that was just said,  
25 Mr. Chairman.

1  
2 I believe that if the Zoning Board  
3 of Appeals approves the applications,  
4 and I'm referring to 221 and 238 Fifth,  
5 that the procedure then is to come back  
6 before this Board, the Planning Board,  
7 with a preliminary plat, rather than a  
8 sketch plan.

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

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

24 MS. REA: Fine.

25 Thanks very much.

1 CHAIRMAN McMAHON: Thank you.

2  
3 MR. HOLLID: Joe Hollid, 415 South  
4 Street.

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

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

16 MR. HOLLID: I didn't know that.

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

21 MR. HOLLID: Do they have a larger  
22 control over this after, let's say,  
23 they do approve it and it comes back to  
24 you, does that have an effect on you as  
25 to how you would follow through with

1                   Regular Session 1-7-16  
2                   this, or -- it's just that I want to  
3                   make sure that we're on the same page  
4                   as far as understanding how this works.

5                   CHAIRMAN McMAHON: Okay.

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

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

24                  I mean, if we have codes, the  
25                  codes should be stood by, otherwise

1  
2 we're getting out of control in the  
3 Village with all these changes that are  
4 going on, and this goes way back, and I  
5 understand it's not all your fault,  
6 it's fault probably of things that have  
7 happened in the past, but the fact of  
8 the matter is, the code is there for a  
9 reason, and variances are there for a  
10 reason, but if the code is overridden,  
11 what's the purpose of having a code per  
12 se? It just makes it more easy for  
13 people to go above the code law and  
14 divide properties as they kind of  
15 determine it should be, and I  
16 appreciate you, part of the Zoning  
17 Board here, I know there's, what, one,  
18 two members that aren't here.

19 CHAIRMAN McMAHON: Um-hum.

20 MR. HOLLID: And they have to  
21 decide too.

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

25 CHAIRMAN McMAHON: If we have a

1  
2 quorum, we need --

3 MR. HOLLID: -- a fourth?

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

8 MR. HOLLID: Okay. Yeah.

9 It's just that I see the Village,  
10 it was back when, and I knew of it then  
11 because I used to come to the Village a  
12 lot, and it wasn't really great then,  
13 twenty or twenty-five years back, it  
14 came, started coming around, now things  
15 are changing back again where things  
16 are different because people are  
17 submitting plans like these and I  
18 really appreciate your effort in trying  
19 to get this toned down to where it's  
20 got to be the rule of law. Rules are  
21 meant to be broken, but not in this  
22 case, not where the codes are supposed  
23 to be in cement. If they're in cement,  
24 then there should be no reason to  
25 override those codes. Even with



1                   Regular Session 1-7-16                   25  
2                   variances, I mean, going above from  
3                   5,000 to 7,500, you know, he's 7,500  
4                   and he's only got 4,000 or almost  
5                   5,000, that's a big difference, that's  
6                   crazy to me, but if that's the way it  
7                   is and it's being subjected to a  
8                   variance, and that's going to go  
9                   through, that's just beyond my  
10                  understanding of how the law should be,  
11                  the law of the land.

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

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

21                  There are cases where it's  
22                  reasonable that accommodations should  
23                  be made, and that's the purpose of the  
24                  ZBA to make a determination as to  
25                  whether or not something is reasonable,

1                   Regular Session 1-7-16                   26  
2                   that's -- there is a -- you know, the  
3                   ZBA certainly has a purpose, you know,  
4                   the code doesn't always fit every  
5                   particular application that's going to  
6                   come before the Board perfectly.

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

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

18                 If there are considerations in the  
19                 code you don't feel the ZBA should  
20                 have, it's their authority to change  
21                 things, that would be something you  
22                 would bring up with the Board of  
23                 Trustees because they're the ones who  
24                 have the authority to change the codes  
25                 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

1  
2 we have decided and that's the way that  
3 we're moving.

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

6 MR. JAUQUET: No.

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

11 Do I have a second for that?

12 MR. BURNS: Second.

13 CHAIRMAN McMAHON: All in favor?

14 MR. JAUQUET: Aye.

15 MR. BURNS: Aye.

16 CHAIRMAN McMAHON: Aye.

17 Motion carries.

18 Thank you very much.

19 (Time noted: 5:34 p.m.)  
20  
21  
22  
23  
24  
25

## C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand to this 7th day of January, 2016.

*Stephanie O'Keeffe*

STEPHANIE O'KEEFFE

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