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VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD

WORK SESSION

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Third Street Firehouse  
Greenport, New York

December 17, 2015  
5:11 p.m.

B E F O R E :

DEVIN McMAHON - CHAIRMAN

BRADLEY BURNS - MEMBER

PETER JAUQUET - MEMBER

GLYNIS BERRY - PLANNING BOARD CONSULTANT

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

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 Work Session for December 17, 2015.

Item number 1 is consideration 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.

238 Fifth Ave. Greenport Inc. has applied to subdivide the property at 238 Fifth Avenue. 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 to have a proposed lot area 4,026 square feet. Parcel 2 to have a proposed 800-square-foot one-family home.

Proposed subdivision would create

1  
2 two substandard lots and other  
3 non-conformities requiring Zoning Board  
4 of Appeals variance approval. The  
5 house proposed for Parcel 2 would also  
6 require variances.

7 Suffolk County Tax Map number  
8 1001-4-8-3.

9 This is different than what we  
10 normally do. Generally, we have use  
11 evaluation application. For site plans  
12 for properties being processed for a  
13 subdivision is slightly different from  
14 what you're probably familiar with if  
15 you've been to other meetings.

16 Generally what will happen is an  
17 applicant will submit a sketch plan.  
18 The neighbors will be notified and a  
19 public meeting, which is taking place  
20 now, will take place. The Board gives  
21 thoughts and comments back to the  
22 applicant, then a preliminary plat is  
23 submitted. Again, another public  
24 hearing, another notice to all the  
25 neighbors will go out, then approval or

1 denial, and then a final plat, if it  
2 was approved, will go out and then  
3 there would be a review of that to see  
4 if there is any significant changes  
5 between the final plat and the  
6 preliminary plat, then there would be a  
7 final approval or denial.  
8

9 So we are going to begin with 238  
10 Fifth Avenue.

11 My initial inclination is that we  
12 would not be able to go forward with  
13 this application because there are, as  
14 noted earlier, there are a number of  
15 variances that would be required, this  
16 would be the nonconforming lot. It  
17 would require approval from the Zoning  
18 Board of Appeals for setbacks before we  
19 would be able to move forward with  
20 this.

21 I'm going to point out a couple of  
22 the specifics on that. There are a  
23 number of other quality of life  
24 concerns and impacts to the  
25 neighborhood. Those concerns, I will

1  
2 briefly touch on, but at that point, I  
3 think we don't really need to go too in  
4 depth into those this evening because  
5 right now it's still there would be the  
6 issue of Zoning Board of Appeals having  
7 their input into whether or not there  
8 will be any variances granted for the  
9 setbacks.

10 So first off, 238 Fifth Avenue.  
11 The proposal is to subdivide the  
12 existing lot into two lots. Existing  
13 lot is irregularly shaped, with only  
14 fifty feet of road frontage. The total  
15 parcel size is 9,418 square feet.

16 As per Chapter 150, Zoning Code of  
17 the Village of Greenport, Article V  
18 District Bulk and Parking Regulations,  
19 the schedule of regulations 150-12, the  
20 existing lot size complies with current  
21 code, but is noncompliant with side and  
22 front setbacks. It also has a  
23 noncompliant lot width.

24 The proposed subdivision would  
25 increase the level of compliance, by

1 making both lots nonconforming to the  
2 minimum lot size of 7,500 square feet.  
3 Lot 1 would be 5,392 square feet, a  
4 variance of 28.1 percent. Lot 2 would  
5 be 4,026 square feet, variance of 46.3  
6 percent.  
7

8 The interior lot would also have  
9 noncompliant front and rear yards.

10 The sketch plan that I saw I do  
11 not believe has the required storm  
12 water drainage. The applicant needs to  
13 show adequate retention of all storm  
14 water on-site on both plots.  
15 Calculations, slopes and capacities for  
16 the drainage plans served need to be  
17 included in the submittal.

18 All right. I was asked to note  
19 there was some concern that some people  
20 felt that the public notice was not  
21 given properly, so I'm going to read  
22 off briefly the people that are, of the  
23 neighbors that were sent them. There  
24 is a discrepancy, some people said they  
25 were not notified. In at least one

1 instance, there was a New York City  
2 address and I believe you had to go to  
3 Southold --  
4

5 Paul, is that correct, you have to  
6 go to Southold Town to change --

7 MR. PALLAS: Correct. We can't  
8 change it here.

9 CHAIRMAN McMAHON: So if anybody  
10 is concerned that they did not receive  
11 notice, and they felt they should have,  
12 that would be the venue to file to make  
13 sure you're notified for future  
14 hearings.

15 So we have Lukasz Strzesak, 212  
16 Fifth Avenue; Roberta Garris at 229  
17 Fifth Avenue; Stuart Kogelschatz, 502  
18 Front Street; Robert Peterson, 220  
19 Sixth Avenue; Carolyn Tamin, 307 Fifth  
20 Avenue; James Olinkiewicz, 5 Dickerson  
21 Drive; Carol Wilder, PO Box 7,  
22 Greenport; Joseph Walters, 232 Sixth  
23 Avenue; Richard Suess, Jr., 226 Fifth  
24 Avenue; James Olinkiewicz, 5 Dickerson  
25 Drive; Donna Zaengle, 226 Sixth Avenue.



1  
2 If anyone did not receive  
3 notification, it would be up to you to  
4 go through the town.

5 AUDIENCE MEMBER: I'm sorry, but I  
6 was not notified either.

7 CHAIRMAN McMAHON: If anyone has  
8 anything to say or would like to say,  
9 please come to the podium to do so, and  
10 when you do so, please sign in, print  
11 your full name. We need to have  
12 everything on the record.

13 MS. RAE: Mr. Chairman, I'm  
14 Kimberlea Rae, Westervelt & Rae,  
15 Shelter Island on behalf of 238 Fifth  
16 Avenue Inc. and James Olinkiewicz, the  
17 sole shareholder.

18 My office effected notice to all  
19 the parties that I believe we were  
20 supposed to notice, so if there is --  
21 there is a lady in the audience who  
22 said she didn't receive notice.

23 CHAIRMAN McMAHON: Yes.

24 AUDIENCE MEMBER: I didn't receive  
25 notice on 238 either. I received

1 notice on 221, but not 238.

2 MS. RAE: The notices that were  
3 sent were based upon the tax maps and  
4 the identified names and addresses, so  
5 if anybody didn't receive notice, if I  
6 have the names and addresses, we'll  
7 make certain that they get it next  
8 time.

9 It's my understanding that we did  
10 notice all the adjacent property  
11 owners, adjacent under the municipal  
12 ordinance it is next to, so I have  
13 that; but I'd be glad to provide notice  
14 to anyone else.

15 In any case, they appear to be  
16 here, so we certainly want to capture  
17 everyone for next time.

18 If you would like any explanation  
19 of this sketch plan, I'd be glad to go  
20 over it with you, but we certainly  
21 recognize that there are variances that  
22 need to be addressed by the Zoning  
23 Board of Appeals, and so we'd ask that  
24 you refer it to the Board tonight.

1  
2 CHAIRMAN McMAHON: Yes. My  
3 inclination here is to -- the Village  
4 attorney is not here at the moment, I  
5 spoke with him earlier today. My --  
6 after reviewing this, I felt it could  
7 not go forward without Zoning Board of  
8 Appeals' approval --

9 AUDIENCE MEMBER: Right.

10 CHAIRMAN McMAHON: -- so I believe  
11 that would be the next step. This is a  
12 work session, so we don't actually make  
13 approvals at this meeting, we don't  
14 vote on motions this evening, we would  
15 do it at the next, two weeks from now  
16 at our regular session.

17 Essentially, that was the only --  
18 and I know there are a lot of people  
19 who would like to speak tonight. There  
20 are a lot of people who have very  
21 strong opinions on this, not only this  
22 particular application but the larger  
23 use of subdivision, affordable housing  
24 in the Village. I don't think that  
25 it's necessarily the appropriate forum

1  
2 this evening to go in depth on those  
3 issues because we're not at that stage  
4 in this application, and we don't have  
5 that authority to make those decisions.

6 I know there are some people  
7 asking for a moratorium on all  
8 subdivisions, again, that wouldn't  
9 really be a decision that we would  
10 make, that would be something that the  
11 Village Board of Trustees would decide,  
12 so essentially, I wanted to point out  
13 some of the specific reasons.

14 Like I said before, it would be --  
15 the process for subdivisions as written  
16 out in our Village code, a sketch plan  
17 was submitted, there is the public  
18 meeting that's taking place now, the  
19 Board will provide comments.

20 Essentially our comments, I  
21 believe, are going to be to the  
22 specific items that I already pointed  
23 out already, the specific variances  
24 that would be required, the items that  
25 are nonconformance or would be a

1 nonconformance with this plan going  
2 forward and then there would be a whole  
3 other preliminary plat submitted,  
4 another public notice and another  
5 public hearing.  
6

7 Essentially I've said -- this is  
8 what I'm going to say about this first  
9 application. I don't know if there are  
10 any other comments, again with the  
11 understanding that, I understand why  
12 people want to voice their opinions on  
13 the larger issues, but I would ask that  
14 if you can to restrict your comments to  
15 the specifics of this application and  
16 what we've discussed for this evening.

17 Does any of the Board have  
18 comments?

19 MR. BURNS: I have a strong  
20 feeling that the boards ought to  
21 consider a moratorium on subdivisions,  
22 but I don't know whether we have the  
23 feeling that that should take place.  
24 We should combine the recommendations  
25 of the Board. I would certainly feel

1  
2 strongly against this particular  
3 subdivision, but this is only the  
4 beginning of the process, so that is  
5 just what I have to say.

6 MR. JAUQUET: My comments are,  
7 would be similar to Ben Burns'  
8 comments. I'm not in favor of more  
9 nonconformity, and I would look at  
10 recommending a moratorium if it moves  
11 in that direction, but, you know, as  
12 far as this application is concerned,  
13 I'm against increasing nonconformity,  
14 and I'm very concerned about the  
15 effects that have already occurred on  
16 Fifth Avenue.

17 CHAIRMAN McMAHON: Again, I will  
18 open it up to comments. If anyone  
19 would like to take the podium, again,  
20 please, with the understanding that  
21 there is a limited scope meeting this  
22 evening.

23 MS. RAE: I will be glad to  
24 address anything that I can to amplify  
25 what the applicant's answers to the

1  
2 concerns that the neighbors and  
3 residents may be voicing, but we would  
4 ask that this be referred to the Zoning  
5 Board of Appeals this evening.

6 CHAIRMAN McMAHON: Okay.

7 MS. McENTEE: Good evening. My  
8 name is JoAnne McEntee and I'm at 242  
9 Fifth Avenue.

10 I know I do have a lot to say.  
11 I've had a lot to say over the past few  
12 years. We do live -- I do live next  
13 door to 238 Fifth Avenue.

14 I understand your process. It is  
15 a long process, now it says  
16 consideration, so is this not a  
17 pre-submission or is this just a  
18 consideration?

19 CHAIRMAN McMAHON: It's a  
20 different process. No, it's a  
21 different process than what you're used  
22 to with the use evaluation applications  
23 that come in. Those are reviews of  
24 site plans for a property, this is --  
25 and that's covered in Section 150 of

1 the Village code, it's the Zoning code.

2 This is covered under Section 118  
3 of the Village code which is  
4 subdivisions, which is a different  
5 process. There isn't a pre-submission  
6 conference for subdivision application.  
7

8 The first step in a subdivision  
9 application is submission of a sketch  
10 plan, which is what we received and  
11 then what is considered at a public  
12 meeting, which is taking place now. We  
13 provide comments back to the applicant.  
14 That's essentially it.

15 MS. McENTEE: So after all this is  
16 said and done, we go through all of  
17 this, then next pre-submission would go  
18 and then --

19 CHAIRMAN McMAHON: There is no --

20 MS. McENTEE: Then there is --

21 CHAIRMAN McMAHON: The term  
22 pre-submission, there isn't a  
23 pre-submission conference for a  
24 sub-division application.

25 MS. McENTEE: Okay.



1  
2 Then after that, they submit the  
3 application and then we go through the  
4 process again of going to the Planning  
5 Board and ZBA again?

6 CHAIRMAN McMAHON: No.

7 MS. McENTEE: Okay.

8 CHAIRMAN McMAHON: I don't believe  
9 so. I believe the order of operations  
10 here would be the sketch plan, the  
11 public meeting, comments from the  
12 Planning Board back to the applicant  
13 with the issues that have been raised  
14 or we see initially, then submission of  
15 a preliminary plat which is different  
16 than a site plan, I believe, then  
17 scheduling another public hearing and  
18 then approval or denial by the Board.  
19 If it's disapproved then I believe it's  
20 done, perhaps, it could then go to ZBA  
21 again, I'm not certain about that. I  
22 don't want to -- if it were approved,  
23 then there would be a final plat that  
24 would be submitted and then that would  
25 be reviewed to see whether or not it

1  
2 was in conformance with the preliminary  
3 plat, any recommendations that were  
4 made and then there would be final --

5 MS. McENTEE: We're talking months  
6 here, aren't we?

7 CHAIRMAN McMAHON: Yes, probably.

8 MS. McENTEE: I'm sure you want to  
9 see me that long, but who performs and  
10 completes the SEQRA, who actually does  
11 that; is it the owner?

12 CHAIRMAN McMAHON: SEQRA can be  
13 a -- no.

14 MS. McENTEE: Okay.

15 CHAIRMAN McMAHON: SEQRA review is  
16 taken on by, I believe it's the first  
17 agency that has to make a yes-or-no  
18 decision on an application. That can  
19 be a variety of different boards can  
20 take, under different circumstances. I  
21 could be -- generally, it's Planning  
22 Board because we often are the first  
23 ones to see it. I believe once the  
24 process begins, it can then, depending  
25 on what the initial determination is,

1  
2 if it's determined that other boards  
3 are required, other people should be  
4 notified, sometimes if it goes to a  
5 Type I action, then it would be  
6 typically, it would be the Village  
7 Board of Trustees, the Zoning Board of  
8 Appeals, Suffolk County Planning  
9 Commission, there is number of agencies  
10 that are notified for a coordinated  
11 review of SEQRA, it could be a  
12 number --

13 MR. PALLAS: It's not, there is no  
14 one agency, it's any interested board.

15 CHAIRMAN McMAHON: One of those  
16 agencies would, at least one of those  
17 agencies would have to be named as lead  
18 agency, they would take on the  
19 responsibility of conducting the  
20 review, or coordinating a coordinated  
21 review if a number of agencies are  
22 involved. They would then, and  
23 depending on, if there was a dispute,  
24 one agency was taking lead agency  
25 status, and thought they shouldn't have

1  
2 lead agency status, I believe they  
3 should be lead agency status, I  
4 believe, they would appeal to the DEC  
5 and they would make a determination on  
6 who the appropriate board was.

7 Again, this is my understanding,  
8 don't take it --

9 MS. McENTEE: Good enough.

10 So let me move on here.

11 So Mr. Olinkiewicz is creating his  
12 own problems at 238 Fifth Avenue. He  
13 would be creating a subdivision,  
14 subdivision lots by taking a  
15 9,418-square-foot lot and dividing into  
16 two, creating a 4024-square-foot lot  
17 and a 5,392-square-foot lot and code  
18 requirement is 7,500 square feet per  
19 lot in the R2 District. These lots  
20 will now be substandard and  
21 nonconforming as you basically stated.

22 The dynamics of the properties are  
23 changing, then both lots should conform  
24 with the current codes, including all  
25 newly created setbacks. His proposal



1  
2 are excessive. How much smaller can  
3 the Village make a lot and build on it?  
4 Southold Village would never allow such  
5 small lots to build on, we're talking  
6 4,000 square feet opposed to 7,500  
7 square feet for a lot; and to put two  
8 families on there because that's what  
9 Mr. Olinkiewicz will be doing in the  
10 future, and I can almost guarantee  
11 that.

12 For the record, I would like to  
13 mention that the apartment above the  
14 garage that, I believe, is gonna be  
15 demolished because it will be in the  
16 right of way has not been livable for  
17 many, many years. As (inaudible) can  
18 tell you, Eileen Wingate, who usually  
19 drafts over there, she draws on her,  
20 when she's here in the meetings, Ms.  
21 Eileen Wingate evicted the tenants and  
22 was supposed to be condemned. When I  
23 reviewed the file two years ago, this  
24 information was not in any of the  
25 folders, it mysteriously went missing.

1                                   Work Session - 12-17-15                                   23  
2                                   Make no mistake, Mr. Olinkiewicz  
3                                   will make his proposal for a  
4                                   one-family, a one-family floor plan  
5                                   home into a two-family home. The floor  
6                                   layout that's on your plan there, your  
7                                   site plan that you have says it's 800  
8                                   square feet. The Villae code, 150-12  
9                                   livable -- a livable floor area  
10                                  requires a minimum of 1,000 square  
11                                  feet, therefore, already creating a  
12                                  two-story home which is not too  
13                                  difficult to change later on, so that's  
14                                  minimum, so is he really putting there?  
15                                  Let's take that into consideration.

16                                  Please refer back to the notes of  
17                                  8/27/2015 minutes, Mr. Olinkiewicz's  
18                                  subdivision proposed at 412 Third  
19                                  Street. Mr. Olinkiewicz states that,  
20                                  that he is leaving the one-family and a  
21                                  family, but not -- leaving a one-family  
22                                  a one-family, but later it's mentioned  
23                                  by Chairman McMahon pertaining to the  
24                                  schedule that he is allowed to put a  
25                                  two-family dwelling on both properties

1  
2 and those properties were not  
3 conforming. Again I'll state, those  
4 are in the 8/27 minutes. Now, that's  
5 no longer a three-family, it's a  
6 four-family, which is what he's  
7 proposing for our lot that's next door  
8 to me.

9 Mr. Olinkiewicz's record reflects  
10 a past of making one-family homes into  
11 a -- into a two-family and has created  
12 accessory-use apartments and more. As  
13 I know that he has nearly, or if not  
14 more, thirty lots in our village,  
15 within our village. These would be  
16 adding more vehicles, traffic, sewer,  
17 which we have a problem with the sewer,  
18 we have clay lines on our road, and I  
19 hope you really take into consideration  
20 of what, besides the traffic and the  
21 water, the sewer lines are not terrific  
22 on our road.

23 Excess garbage and noise to the  
24 neighbors. Mr. Olinkiewicz's tenants  
25 have an excessive amount of overflowing



1  
2 garbage, I do have many pictures of  
3 them, as I do live next door, and I'd  
4 be happy to submit them to you. This  
5 is another sign of overcrowding in the  
6 rental homes within our village.

7 I do not feel that the subdivision  
8 should be granted, but would like to  
9 mention that in the event that the lots  
10 are sold, what would happen to the flag  
11 lot right of way. The right of way  
12 needs to be reported, filed with the  
13 Suffolk County Clerk's office along  
14 with both deeds and then forwarded to  
15 the Village Clerk. There is only an  
16 eight-foot proposed -- there's only  
17 eight-foot proposed for a right of way,  
18 when there should be a fifteen-foot  
19 width to get to the back lot. If the  
20 current tenants continuously drive into  
21 the home, and that has happened, I have  
22 seen it my own self, and have hit the  
23 fence, and I'd like one day to get you  
24 to drive by and see the fence, as I  
25 witness all of this. I would only

1  
2 believe that more traffic it would --  
3 if more traffic it would continue. How  
4 would a fire truck obtain access if a  
5 car can't even get through it?

6 Currently the existing house is  
7 supposed to be a two-family rental. It  
8 is my understanding that there were at  
9 least three families there, if not  
10 more. I have witnessed between  
11 fourteen and seventeen people living at  
12 this home in one single time, several  
13 come and go.

14 We have a noise ordinance in our  
15 village, yet every morning at 6:00,  
16 6:15, a horn is beeped five times for a  
17 tenant to come out for his ride. At  
18 6:45, 7 o'clock, a loud car arrives and  
19 he's sitting out in front of the house  
20 or across the street trying to pick up  
21 two others, waiting ten, maybe  
22 sometimes fifteen minutes, sometimes  
23 shorter.

24 Currently in our neighborhood, we  
25 are witnessing a high volume of daily

1  
2 drug dealings on the street of Fifth  
3 Avenue, Kaplan Avenue and South Street.

4 I'm sure this is not news.

5 Snow, being an absentee landlord,  
6 he and his tenants park on the street  
7 all year long, even during a snowstorm.  
8 Last year the tenants picked their  
9 vehicles -- parked their vehicles in  
10 the road during snowstorms. Many times  
11 I've asked them to park in the  
12 driveway, they refused. Then when I  
13 call the police, they were asked and  
14 they did not comply. When I called and  
15 sent pictures to the Village code  
16 enforcer, I was told that he had to see  
17 for himself, and he could not issue a  
18 violation, even when I sent him  
19 pictures. The plow trucks would go  
20 around the vehicles, leaving  
21 approximately nine feet wide to sixteen  
22 feet in front of -- in lane of excess  
23 snow that had to be shoveled and right  
24 in front of our driveway, so at one  
25 time, I did ask the tenant because they

1  
2 caused the issue, they need to do it,  
3 need to clean out in front of our  
4 driveway in the road, they refused.

5 Tom Spurge, who owns a lot at 213,  
6 excuse me, 216 North Street proposed  
7 putting in a two-family home in the R2  
8 Zone, sadly that Mr. Prokop is not here  
9 tonight because I feel that he has some  
10 input to some of these issues.

11 Village Attorney Joe Prokop asked  
12 at the -- stated at the 3/12/2015  
13 Planning Board meeting that a  
14 two-family home was not allowed under  
15 code, so why would Mr. Olinkiewicz be  
16 allowed to have a two-family on a  
17 substandard lot or even a one-family on  
18 a substandard lot?

19 Please refer back to the proposed  
20 subdivision complaints, 221 Fifth  
21 Avenue 2013, owner Mr. Olinkiewicz.  
22 All the same issues and complaints are  
23 similar to this proposed, to the  
24 proposed subdivision on 238 Fifth  
25 Avenue. This is just one subdivision

1                                   Work Session - 12-17-15                                   29  
2                                   that Mr. Olinkiewicz is doing, he's  
3                                   doing the 221 Fifth Avenue, I  
4                                   understand that there is somebody else  
5                                   that is proposed to do another one and  
6                                   he also has the 412 Third Street  
7                                   subdivision.

8                                   Why are we crowding our village  
9                                   even more to make much smaller lots  
10                                   that are substandard and nonconforming?  
11                                   All this is giving much less privacy to  
12                                   surrounding neighbors. There are four  
13                                   two-family homes overlooking our  
14                                   property and he would like to add more  
15                                   for less privacy. Now, I'm sure that  
16                                   you would not like that to happen to  
17                                   your property. As an absentee landlord  
18                                   and property owner, he simply doesn't  
19                                   care. When is enough enough?

20                                   Let's refer to the section, as you  
21                                   stated before, of the code, 150-1,  
22                                   privacy. The provision for privacy for  
23                                   families, the prevention and reduction  
24                                   of traffic congestion so as to promote  
25                                   effective and the safe circulation of

1  
2 vehicle and pedestrians. The maximum  
3 protection of residential areas, the  
4 gradual elimination of nonconforming  
5 uses. In the subdivision code, it  
6 is -- now that was the Zoning, so in  
7 the subdivision code, 118-1 is to  
8 provide comfort, convenience, safety  
9 and health and welfare of the residents  
10 and property owners of the Village and  
11 their families and guests. 118-7, the  
12 Village Board, excuse me, the Planning  
13 Board shall consider the impact of the  
14 subdivision on the public health,  
15 safety and welfare, the impact on the  
16 neighborhood community, neighborhood's  
17 community and adjacent properties, the  
18 traffic, views and other environmental  
19 considerations, the preservation of the  
20 aesthetics of the assets of the Village  
21 and the impact on utilities and  
22 emergency and other services that are  
23 provided by the Village.

24 With this said, I strongly  
25 disagree with this subdivision and any

1  
2 other proposed subdivision in the  
3 Village of Greenport, and I would ask  
4 that this subdivision be denied  
5 tonight.

6 Take a look here tonight, there is  
7 a lot of people here from our  
8 neighborhood or people that do care and  
9 are concerned and they care about the  
10 Village of Greenport. You really need  
11 to take into consideration these  
12 people, they all have a voice.

13 I would now like to say that I do  
14 believe that you received a letter from  
15 Brian Merrins (phonetic), I would hope  
16 that you read that tonight, via e-mail.  
17 I also did receive a letter from  
18 Carolyn J. Tamin (phonetic), she's at  
19 307 Fifth Avenue who is here tonight,  
20 and I'm -- we had this meeting and she  
21 was -- and we had issues and we did not  
22 speak at the meeting, so -- and I did  
23 have this at the time, but it was not  
24 necessary to speak or to read it, so I  
25 am -- here is what she states: I am

1  
2 unable to attend the meeting on October  
3 29th, as my daughter has to be at North  
4 Shore Hospital; however, I would like  
5 to make my opinion heard. First, I  
6 thought we were through with  
7 Mr. Olinkiewicz after the neighborhood  
8 made it clear that we didn't want any  
9 additional single or multi-family units  
10 on this block. We are the most  
11 saturated street in the Village of  
12 Greenport with multi-family units.

13 Secondly, parking is already a  
14 problem and so is driving when there  
15 are cars on both sides of the street.  
16 There are times I can't park in front  
17 of my own house at 307 Fifth Avenue  
18 because people from the flats are  
19 parking there.

20 Enough is enough and  
21 Mr. Olinkiewicz needs to take his money  
22 and go elsewhere. This subdivision,  
23 excuse me, the subdivisions are not  
24 welcome, not every piece of property  
25 needs to be jammed with houses.



1  
2 Again, that's signed by Carolyn J.  
3 Tamin, and I will submit a copy of  
4 that.

5 I also -- my printer went down  
6 this evening, I will submit what looks  
7 like snow, not at 238 but at 221 Fifth  
8 Avenue. I do have lots more pictures  
9 for you to review.

10 Thank you.

11 CHAIRMAN McMAHON: Thank you.

12 MR. REED: Good evening. I just  
13 have a question.

14 Would there be a sewer impact  
15 study and traffic study because we have  
16 problems? We have been -- my family  
17 has been there forever on Fifth Avenue.  
18 Three times, four times a year we have  
19 to have it, because everything's  
20 backing up, so would there be an impact  
21 study for either traffic or sewage,  
22 should there be?

23 CHAIRMAN McMAHON: One of the  
24 things I did note that was missing was  
25 on the plans it needs to show accurate

1 retention of all storm water on site  
2 for both plots. I believe there is a  
3 provision in the subdivision code for  
4 costs associated with the studies that  
5 are required for applications. I'm not  
6 familiar with --

8 MR. REED: That okay. I just want  
9 to --

10 CHAIRMAN McMAHON: This is  
11 actually the first subdivision I've  
12 overseen, so I'm not certain how costs  
13 associated with the study would be --  
14 I'd have to -- I can certainly get an  
15 answer for you on that, but I don't  
16 have it.

17 MR. REED: Well, you guys, thank  
18 you very much. I know it's hard, we're  
19 a pain in the ass on Fifth Avenue, but  
20 we love our community.

21 Thank you very much.

22 CHAIRMAN McMAHON: Thank you.

23 MR. WEISCOTT: Hello. I'm Jack  
24 Weiscott, 229 Fifth Avenue. I'm  
25 adjacent to the 221 Fifth Avenue

1 subdivision, but we all live on the  
2 same street; we all live on Fifth  
3 Avenue and we're all experiencing the  
4 same traffic and congestion and noise  
5 issues throughout the whole street.  
6

7 Since this is more or less a quick  
8 meeting just to enter these submissions  
9 and you're not going to really be  
10 deciding anything now, I'm just going  
11 to -- we had a petition a couple of  
12 months ago, which we didn't have copies  
13 of, I'd like to give you guys a copy at  
14 this time.

15 CHAIRMAN McMAHON: Sure.

16 MR. WEISCOTT: Can you make sure  
17 they get to Chris Dowling as well?

18 CHAIRMAN McMAHON: Yes.

19 MR. WEISCOTT: And I'm just gonna  
20 reiterate a little bit of what JoAnne  
21 said, the amount of traffic on our  
22 street has gotten way beyond the point  
23 of toleration. It's -- you really  
24 cannot drive down our street without --  
25 person has to let someone else pass

1 every time you come down the street.

2  
3 Secondly, the maintenance on these  
4 buildings is barely adequate. In the  
5 wintertime, the sidewalks in front of  
6 his houses are not shoveled. They're  
7 shoveled maybe once a winter. You got  
8 to walk -- I have a dog, we walk our  
9 dog. If I go down that way, I have to  
10 walk in the street where there is snow  
11 and it's icy and where cars are coming  
12 back and forth. That's a little  
13 dangerous, but the only shoveling that  
14 takes place is between the front door  
15 and the sidewalk, not the side or the  
16 sidewalk on any of his properties  
17 except occasionally; and it's not  
18 consistent.

19 It's just -- it's distressing that  
20 we've already got three houses of his  
21 on our street. There's another one on  
22 Front Street, there's one on Kaplan,  
23 there's one on Madison, that's six  
24 houses within a stone's throw of each  
25 other, and they're experiencing the

1 same overcrowding. There's -- on the  
2 plan for 221 that you have there, he's  
3 got three parking spaces. That  
4 wouldn't be adequate for what's there  
5 now, there are six cars there right  
6 now. One's parked in the street  
7 because the woman is handicapped and  
8 it's the closest exit, but there are  
9 five in the driveway. I've lived with  
10 a commercial wood chipper in the side  
11 yard all year, it just got moved just  
12 prior to this submission. There was  
13 also a cherry picker in the backyard.  
14 There is a shed there that has no  
15 permit and never has had a permit for  
16 the last three years, and it's just too  
17 much already for us.

18  
19 Over the winter, there is seven or  
20 eight cars. There was a police  
21 incident there this summer and two of  
22 the cars are gone and never to be  
23 returned because the police couldn't  
24 find those guys, but now there's six  
25 cars and the six cars at a house

1  
2 diagonally across from me which is also  
3 his house, there's three in the  
4 driveway and three in the street at all  
5 times and JoAnne can tell you how many  
6 cars there are at the other houses, and  
7 those are just the people who own cars  
8 because there are people who have  
9 bicycles and people get picked up for  
10 work. It's just crazy to think that  
11 there would be more houses on this  
12 street.

13 That's all I have to say right  
14 now.

15 CHAIRMAN McMAHON: Thank you.

16 MR. WEISCOTT: Thank you very much  
17 for your patience, and it's not your  
18 fault.

19 CHAIRMAN McMAHON: Thank you.

20 MS. JAEGER: Hi, my name is Mary  
21 Ann Jaeger, 430 Front Street which is  
22 on the corner of Fifth Avenue and  
23 Front, and I have to tell you, what  
24 Jack said is true. There's more cars  
25 there, and when this all first started,

1                                      Work Session - 12-17-15                                      39  
2                                      when Mr. Olinkiewicz bought that home,  
3                                      we complained about it then, and he  
4                                      said they're all family. They're not  
5                                      all family. And he was gonna take care  
6                                      of it, and Ms. Wingate, I guess you're  
7                                      Ms. Wingate or whoever Ms. Wingate was  
8                                      there. It's you. You were there, and  
9                                      you were boasting his praises and  
10                                     stuff. It's not what you claimed it to  
11                                     be. There's more people living there  
12                                     than is legal, and they are related,  
13                                     and you're not gonna convince any of us  
14                                     that all these people down that block  
15                                     are related.

16                                     The town is looking filthy from  
17                                     everything. I have beer bottles and  
18                                     everything else, where they all come  
19                                     drunk down my highway, and I'm getting  
20                                     sick and tired of having my yard  
21                                     cleaned up, garbage coming down the  
22                                     road and, as my son said, the sewer  
23                                     backed up enough times. I've had the  
24                                     odor in my house. I've had stuff  
25                                     checked to make sure it wasn't my

1  
2 house, and it wasn't, and I'm getting  
3 tired of it.

4 When am I getting stuff for my tax  
5 dollars? Now, Bob, when he built his  
6 home, tried to get a garage in the  
7 back. Oh, no, he can't put it, he  
8 don't have enough property. Next door,  
9 putting it very nicely, is a shit-hole  
10 in distress, and nobody's done a darn  
11 thing about it. You let these people  
12 come waltzing in and buying stuff. I  
13 don't see Mr. Olinkiewicz buying  
14 property over Shelter Island and  
15 destroying property where he lives and  
16 cluttering up the area, and I don't  
17 think it's fair to the people on Fifth  
18 Avenue to have to deal with this  
19 garbage, and it's about time you people  
20 started listening to the residents and  
21 not the people that are coming and  
22 buying. They come here, they love the  
23 place, and all of a sudden, they're  
24 changing everything. We're not here to  
25 supply the whole darn neighborhood with



1  
2 new apartments and stuff like that, go  
3 look like everybody else how to do it.  
4 I'm sick of it, start listening to the  
5 people that pay your taxes.

6 Please don't take a picture of me.  
7 I don't want to see that picture  
8 anywhere either. You have no right to  
9 take a picture unless you ask.

10 CHAIRMAN McMAHON: This is a  
11 public meeting.

12 MS. WINGATE: That's not true.

13 MS. JAEGER: I don't care.

14 MS. POLLACK: Good evening,  
15 everybody. My name is Karen Pollack, I  
16 live on -- I don't live on Fifth  
17 Avenue, 630 1st Street in Greenport.

18 I'm here tonight because although  
19 I'm not a neighbor of these two  
20 properties, I'm still a resident and  
21 taxpayer in Greenport and I just wanted  
22 to voice that I strongly object to both  
23 of these Fifth Avenue subdivisions.  
24 When you look over the particulars for  
25 number 1, you're seeing that the

1  
2 proposed Parcel 1 will be more than  
3 2,000 square feet short of a minimum  
4 lot.

5 The seconds proposed lot will be  
6 almost 3,500 square feet short. It  
7 might be different if these  
8 subdivisions require a substandard  
9 factor of a few feet but thousands,  
10 thousands of feet, square footage for  
11 these lots. The key word here is  
12 substandard. Our codes provide us with  
13 standards and I feel that it's time for  
14 Greenport to start obeying its own  
15 rules, its own laws for the wellbeing  
16 of all the taxpaying residents here.

17 That's all I have to say. Thank  
18 you very much.

19 CHAIRMAN McMAHON: Thank you.

20 MS. PETERSON: Good afternoon.

21 I'm Diane Peterson. I live at 228  
22 Sixth Avenue, I'm adjacent to item  
23 number 2 which you have not gotten to  
24 on the agenda yet, 221 Fifth Avenue.  
25 Thank you for listening to all our

1  
2 concerns.

3 I think we have to go back to, and  
4 I believe it was Mr. Burns who  
5 suggested, as well as you, Mr. McMahon,  
6 that this go back, one to the Zoning  
7 Board but mostly to the Village Board  
8 of Trustees and putting a moratorium on  
9 any substandard building within the  
10 Village. This is more than just these  
11 two particular properties. I think we  
12 have to look at the Village overall to  
13 make sure that we are not urbanizing  
14 our village, that we are looking at the  
15 issue of overcrowding. Yes, we do need  
16 workforce housing, but I don't think we  
17 have to be the only place in Southold  
18 Town that's offering this. We have to  
19 be smart about how we do it in the  
20 Village so we don't lose the character  
21 of our village, we don't overtax our  
22 village with utilities or the sewer or  
23 the water, that's all part of it, as  
24 well as bring down the quality of the  
25 Village and the people that have lived

1 here all these years. You also have to  
2 tie it into the issue with the Airbnb,  
3 these are simply overall what we have  
4 to be concerned with, and starting with  
5 a moratorium so that these substandard  
6 provisions are looked at and not  
7 allowed, we go to the code that's on  
8 and we try and figure out where our  
9 village is going. I think making it  
10 Queens is not what any of us want to  
11 see happen.  
12

13 Thank you again for listening to  
14 our concerns.

15 CHAIRMAN McMAHON: Thank you.

16 MS. RAE: Mr. Chairman. Kimberlea  
17 Rae.

18 I just wanted to correct two  
19 inaccurate statements that have been  
20 made here tonight with respect to the  
21 application itself.

22 There is a twelve-foot right of  
23 way that's proposed. Part of the  
24 porch, the side porch will be taken  
25 down, so it would be twelve-foot, not

1  
2 six feet.

3 AUDIENCE MEMBER: No.

4 CHAIRMAN McMAHON: Excuse me,  
5 ma'am, please let her speak.

6 MS. RAE: Furthermore, the  
7 application clearly states that the  
8 proposed house, 800-square-foot house  
9 is a one-family house, so that's what  
10 is before this board right now.

11 I'd also like to say that with  
12 respect to maintenance, my client has  
13 in every instance in the Village of  
14 Greenport rehabilitated old buildings  
15 and brought them up to code. Many of  
16 these were dilapidated, disheveled,  
17 unlivable buildings.

18 At 238 Fifth, he took a 19th  
19 Century building, a very beautiful old  
20 building, but that really needed  
21 renovation, did it and did it  
22 beautifully; so I don't ever hear that,  
23 but I would like to make it clear that  
24 his intent is to create housing that is  
25 code compliant and he will do that.

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24  
25

Thank you.

CHAIRMAN McMAHON: Thank you.

There are a few things here.

Number one, there is some confusion on my decision on moratorium on subdivisions. I don't believe there should be a moratorium on all subdivisions. I believe some are appropriate and some are not.

In this instance, we, as I indicated in the beginning of the meeting, the Board's comments to the applicant would be that these are substandard lots and the code is written now, we would have to deny it because they are substandard lots. The way for the applicant to move forward would be to go to the Zoning Board of Appeals and they would make the decision as to whether or not to allow the setbacks that would be required for the subdivision to go forward.

I didn't think a moratorium on all subdivisions would be appropriate

1  
2 because there are some lots that could  
3 be subdivided that are not under  
4 discussion this evening.

5 Again, as I said before, I know  
6 there are a number of other issues that  
7 are of concern to, not only the people  
8 here, but everyone in the Village, they  
9 all need to be addressed, need to be  
10 addressed at the appropriate time and  
11 the appropriate venue.

12 I always encourage everyone to  
13 speak their minds at these meetings, to  
14 say as much as they like and the  
15 meetings go on as long as they can  
16 because I think that's in the best  
17 interest of the Village, but it doesn't  
18 necessarily make for an efficient  
19 meeting because essentially all of the  
20 comments made tonight were in agreement  
21 with what, I believe, our ultimate  
22 actions are going to be this evening,  
23 which is to take no further action on  
24 this other than to make a comment to  
25 the applicant with regards to their

1  
2 application, that it would require  
3 variances to go any further, and that's  
4 sort of where we're at.

5 MS. RAE: We actually acknowledged  
6 that, and that's why we would like to  
7 go forward with the Zoning Board of  
8 Appeals. We certainly acknowledge that  
9 those need to be addressed, absolutely.

10 CHAIRMAN McMAHON: We have in  
11 theory only been talking about item  
12 number 1 on the agenda, obviously this  
13 conversation has encapsulated number 1  
14 and 2, which is item number 1 being 238  
15 Fifth Avenue, 221 Fifth Avenue being  
16 the second item on the agenda.

17 At this time, I'm going to --  
18 again this is a work session so we  
19 generally don't take any formal actions  
20 at a work session, we reserve those for  
21 regular sessions. The next one will be  
22 two weeks from tonight.

23 I'm going to make a motion to the  
24 Board that we table this item until our  
25 next meeting, we take no further action



1  
2 other than to say that we will come up  
3 with a resolution of some formal  
4 comments, highlighting the items I  
5 mentioned earlier with the specific  
6 setbacks that will be required to  
7 specific items that are in  
8 nonconformance with this application.

9 Let me start over with that. I'm  
10 going to make a motion that we table  
11 this discussion until our next meeting  
12 at which time, we will make a formal,  
13 pass a formal resolution with regards  
14 to comments for the subdivision  
15 application for 238 Fifth Avenue.

16 Do I have a second for that  
17 motion?

18 MR. BURNS: Second.

19 CHAIRMAN McMAHON: All in favor?

20 MR. BURNS: Aye.

21 MR. JAUQUET: Aye.

22 CHAIRMAN McMAHON: Aye.

23 Motion carries.

24 I'm going to make a similar motion  
25 for item number 2 on the agenda, 221

1  
2 Fifth Avenue.

3 MS. WICKHAM: Mr. Chairman.

4 CHAIRMAN McMAHON: Yes, ma'am.

5 MS. WICKHAM: Excuse me. May I  
6 address the Board on that application?

7 CHAIRMAN McMAHON: Yes,  
8 absolutely.

9 I apologize.

10 MS. WICKHAM: Good evening. My  
11 name is Gail Wickham of Wickham,  
12 Bressler & Geasa, Mattituck New York.  
13 I'm here representing Roberta Garris  
14 and Jack Weiscott who are at 229 and  
15 they are directly north of the proposed  
16 lot 2, plot 1 on this 221 subdivision.

17 I'll be very brief because I  
18 understand this is not a public hearing  
19 and that you are not going to take  
20 detailed testimony, but I do want to  
21 point out a couple of things in terms  
22 of your comments that I think should be  
23 made to the applicant.

24 The first is that the parking, as  
25 far as a planning issue goes, is a

1  
2 major consideration as Mr. Weiscott  
3 mentioned, I want to make sure we're  
4 very clear on that. There are three  
5 parking spaces shown on proposal 2 and  
6 two parking spaces shown on proposed  
7 lot. At this particular time, there  
8 are at least six cars at any one time  
9 parking off the street on premises on  
10 the two lots or the single house that  
11 is on plot 2, so the parking shown, I  
12 think if this matter does come to you,  
13 is going to have to be strongly  
14 addressed and that's something I'll  
15 raise with the ZBA.

16 Further, I think there is a  
17 significant question as to whether a  
18 large variance, and these are large  
19 variances, should be granted solely to  
20 enable a subdivision to be granted.  
21 Many municipalities don't condone that,  
22 and as I do the math, we have 13.8  
23 percent deficiency on lot 1 lot 25.5  
24 percent deficiency on the front yard  
25 width of lot 1 and almost forty percent

1 deficiency on the site on lot 2.

2 Again, those are ZBA issues, but we  
3 want you to be aware of that.  
4

5 The other issue that we would like  
6 you to address to the extent you have  
7 any comments for the applicant is that  
8 there is a very mature evergreen screen  
9 border on the north side of the plot,  
10 proposed plot 1 that shields the  
11 Garris/Weiscott house and we would like  
12 to be sure that if any further action  
13 is taken on this map that that be  
14 protected.

15 I don't have anything further at  
16 this time, but I look forward to seeing  
17 you again.

18 Thank you.

19 CHAIRMAN McMAHON: Thank you.

20 Are there any other comments with  
21 regard to item number 2, 221 Fifth  
22 Avenue?

23 Okay.

24 I'm going to make a motion that we  
25 table discussion of this item until our

1  
2 regular session meeting in two weeks,  
3 at which time, we'll make a formal  
4 resolution of our comments of the  
5 specific items that we, that are in  
6 nonconformance and will require  
7 variances.

8 Do I have a second for that one?

9 MR. BURNS: Second.

10 CHAIRMAN McMAHON: All in favor?

11 MR. BURNS: Aye.

12 MR. JAUQUET: Aye.

13 CHAIRMAN McMAHON: Aye.

14 Motion carries.

15 Item number 3, continued  
16 discussion -- I believe this is  
17 continued discussion on a  
18 pre-submission conference with Dan  
19 Pennessi. Dan Pennessi represents the  
20 prospective buyers, SAKD Holdings, LLC  
21 and is before the Planning Board to  
22 discuss proposed uses and development  
23 of the site located at the corner of  
24 Front and Third Streets. The  
25 pre-submission package contains a

1 preliminary site plan and elevations of  
2 the proposed building. The project as  
3 proposed will require variances and the  
4 proposed uses are not approved for the  
5 WC Waterfront Commercial District, but  
6 are listed as conditional uses.  
7

8 Suffolk County Tax Map number  
9 1001-5-4-5.

10 MR. PENNESSI: Good evening,  
11 members of the Board. Nice to see you  
12 again.

13 We were here based on a  
14 pre-submission for this property that  
15 was submitted in October. I thought we  
16 had a good meeting, and I'm sorry I  
17 missed the November meeting, I didn't  
18 realize it was on for continued  
19 discussion.

20 In the interim, we have revised  
21 the plans a bit in response to some of  
22 the preliminary comments that were made  
23 at that time. They included putting  
24 some dimensions on the parking spaces  
25 to show that they are, in fact, in

1 compliance with Village code.

2  
3 We've also since received the  
4 denial letter for the building permit  
5 that we applied for which will enable  
6 us to move forward with Zoning Board of  
7 Appeals. We are working on the  
8 contents of that denial letter. I  
9 think we're gonna have it narrowed down  
10 to about four to six variances,  
11 including the height, parking and  
12 there's one setback variance that will  
13 be required.

14 I did want to just -- I read the  
15 minutes from the last work session, I  
16 did want to clarify a couple of things.  
17 Again, I am Dan Pennessi here for SAKD  
18 Holdings LLC. It is the contract venue  
19 for the property. The property is  
20 currently owned by Mayland Shannon LLC.

21 Our application will include a  
22 request to the Planning Board under  
23 Section 150-29 of the Village code for  
24 those conditional uses which include  
25 hotel and restaurant uses. The retail

1  
2 uses are as of right, and I did see  
3 some discussion for a little bit of  
4 feedback on which board would take the  
5 lead agency role, and I say that only  
6 because of these conditional uses, we  
7 are requesting which are kind of a  
8 prerequisite of or maybe a simultaneous  
9 approval with the variances we'll be  
10 seeking from the ZBA, but also because  
11 we have, it's kind of a chicken or the  
12 egg issue on the parking. We're  
13 currently required to have thirty-six  
14 parking spaces on the property based on  
15 the uses, based on the size of the  
16 uses, and there is room for twelve  
17 parking spaces, so that means that  
18 we're out about twenty-four spaces.  
19 Under Section 150-16G of the Village  
20 code, the Planning Board has the  
21 jurisdiction to allow a payment in lieu  
22 of parking, and that will dictate how  
23 many parking spaces we seek a variance  
24 for, it will either be twenty-four or  
25 four spaces.



1  
2 Again, I just wanted to be  
3 available if there were any questions  
4 from the Board or the public. We're  
5 very much looking forward to this  
6 project, and working with the  
7 municipality and the residents to  
8 hopefully get it right. I know this  
9 project, this particular property has  
10 been subject to a number of  
11 applications in the past, and it is a  
12 very important parcel in the Village,  
13 so we look forward to lively  
14 discussion.

15 CHAIRMAN McMAHON: I can briefly  
16 address the parking and the variances  
17 required. We do need, actually, some  
18 clarification on exactly how that's  
19 supposed to work because if, in theory  
20 you went before the Zoning Board and  
21 got a variance and then came to us, you  
22 wouldn't need to pay anything because  
23 you had the variance for it, and if  
24 there were to be some payment in lieu,  
25 that could then be -- you know, those

1  
2 monies could then be applied to  
3 providing some park elsewhere in the  
4 Village. That does need to be ironed  
5 out. I'm going to assess that further  
6 with the Village attorney and try to  
7 get you a clearer answer on how that's  
8 exactly supposed to play out, discuss  
9 that with the ZBA as well.

10 I mean, there are a lot of moving  
11 parts and I totally understand you do  
12 need to -- I believe, initially the  
13 setback certainly is ZBA only, I  
14 believe, the variance for that. The  
15 uses, I believe, I'm gonna have to  
16 check on this. I wasn't prepared, I  
17 didn't know what your questions were  
18 going to be, so I'll have to check on  
19 that, but I believe the Planning Board  
20 does have some discretion as to use  
21 variances.

22 Is that correct?

23 MR. PALLAS: It's not a  
24 variance --

25 CHAIRMAN McMAHON: It's a

1 conditional use. Not a use variance  
2 but a -- I believe everything proposed  
3 are approved conditional uses that  
4 could be approved by the Board, I will  
5 have to -- I'm going to -- bear with me  
6 just a second.  
7

8 That 16G, the section with the  
9 parking --

10 MR. PENNESSI: 150-16G and  
11 conditional uses are 150-29.

12 CHAIRMAN McMAHON: I will speak  
13 with the Village attorney and try to  
14 get you an answer as to who is going to  
15 be granting or denying, depending on,  
16 you know, the hearings, who would be  
17 making the determination as to which  
18 variances or approval of conditional  
19 uses would be by which boards. I'll  
20 try to get you a clearer picture of how  
21 it's supposed -- how you're supposed to  
22 go from A to Z.

23 MR. PENNESSI: That would be  
24 great. I think that the, at least in  
25 my opinion, the variances are going --

1  
2 we're trying to limit them and work  
3 with what the code provides for this  
4 property and understandably, it is a  
5 very tough shoe to fit into, so there  
6 are going to be a handful of variances  
7 that we're going to look for, and we  
8 would anticipate that conditional use  
9 slash site plan review by the Planning  
10 Board will be the more intensive review  
11 of the building that's being proposed,  
12 and I guess depending on how the Board  
13 and the ZBA and the Village decides  
14 will dictate which board takes the  
15 lead.

16 CHAIRMAN McMAHON: When you say  
17 lead agency, there's two separate  
18 issues. Lead agency used as an  
19 informal term for this project and lead  
20 agency status for SEQRA determination.  
21 Likely, this board will probably be  
22 both. I would guess probably we would  
23 be both, but, you know, there would be  
24 other involved agencies and they would  
25 have their say, if they chose to make

1  
2 the case for their status as lead  
3 agency, we would certainly figure it  
4 out and go from there, but I would  
5 expect that it would probably be  
6 predominantly done here. Yes,  
7 probably.

8 MR. PENNESSI: Thank you. I  
9 didn't have any other questions, unless  
10 you do.

11 MS. BERRY: I have a question.

12 Earlier, you said the roof was a  
13 bit ambiguous; have you honed in on  
14 what you're proposing it to be used in  
15 some way?

16 MR. PENNESSI: Sure.

17 What's currently proposed is a  
18 1,300-square-foot roof deck. It's  
19 being -- it's planned to be for hotel  
20 use occupants only. If we were to open  
21 that roof deck up to the other uses or  
22 to the public, it would have a much  
23 more significant parking impact on the  
24 property.

25 MS. BERRY: Exactly.

1  
2 MR. PENNESSI: It would dictate  
3 the scope of the variance that we're  
4 seeking, and we would like to limit the  
5 variances and understanding a bit about  
6 how the traffic and the parking are an  
7 issue, we certainly don't want to  
8 overburden it, but if it's, you know,  
9 we are certainly open to speaking about  
10 and perhaps submitting the variance  
11 application to the ZBA inclusive of a  
12 variance of a more significant parking  
13 number if that roof deck, if the  
14 Village is opened to having that used  
15 by more people than simply the hotel  
16 occupants.

17 CHAIRMAN McMAHON: I don't,  
18 certainly don't want to speak for the  
19 ZBA, I -- my expectation is that as  
20 they hear your case, they would  
21 probably consult with the Board and  
22 perhaps the Board of Trustees as well  
23 with regards to if there were going to  
24 be some -- a variance with parking  
25 spots, I would guess it would probably

1  
2 come to the -- you know, I really  
3 shouldn't speculate on how someone else  
4 is going to make a decision.

5 MR. PENNESSI: I guess what we can  
6 do is, we are underway with the ZBA  
7 application which we hope to submit  
8 before the end of the year. Certainly  
9 in time for the January meeting, as  
10 well as our formal site plan  
11 application to the Planning Board for  
12 the meeting at the end of January. At  
13 that time, I guess we could be asking  
14 for the most parking spaces and as we  
15 get the response, we can narrow it  
16 down.

17 There is another issue with the  
18 roof deck, which is the height. In  
19 order to comply with ADA requirements,  
20 the elevator would have to go up all  
21 the way to the roof which results in  
22 the elevator being about forty-four  
23 feet high which is beyond the height  
24 allowed in the current code, so, you  
25 know, certainly it's kind of hand in

1  
2 hand. It either exists with more uses  
3 which require more parking or it  
4 doesn't at all because we can't change  
5 the height variances.

6 CHAIRMAN McMAHON: Yes.

7 So like I said, I understand there  
8 are, there is a lot of putting the cart  
9 before the horse and eggs in the  
10 baskets. I will try to speak with the  
11 Village attorney and the ZBA and try to  
12 get you a clearer picture on how the  
13 process will move forward, who will be  
14 addressing what issues.

15 MR. PENNESSI: We'll submit the  
16 application as soon as possible.

17 Thank you.

18 CHAIRMAN McMAHON: Thank you.

19 MR. SALADINO: John Saladino,  
20 Sixth Street.

21 The agent for the property said  
22 that the hotel is a conditional use,  
23 which we all know, and that the retail  
24 was as of right.

25 It's my understanding in



1  
2 Waterfront Commercial, and we had  
3 talked about this at the last meeting,  
4 and it's my understanding in Waterfront  
5 Commercial, you could have a  
6 conditional use only if you have a  
7 permitted use on the property.

8 CHAIRMAN McMAHON: I don't believe  
9 so. I think the, for example, a number  
10 of restaurants on --

11 MR. SALADINO: I just read the  
12 code, and I'm willing to stand by my  
13 statement if anybody wants to look at  
14 the code.

15 CHAIRMAN McMAHON: If you could --  
16 what section specifically?

17 MR. SALADINO: 150 -- I want to  
18 say --

19 CHAIRMAN McMAHON: If you want to  
20 give it to me now or you can get back  
21 to me at a later time.

22 MR. SALADINO: But I might have it  
23 right here.

24 In the portion of the code about  
25 Waterfront Commercial permitted uses in

1  
2 Waterfront Commercial, the only retail  
3 that's allowed is if it -- oh,  
4 residential --

5 CHAIRMAN McMAHON: There is, I  
6 believe, a distinction between  
7 properties that are adjacent to water  
8 and --

9 MR. SALADINO: That true. That's  
10 true.

11 If a property abuts the water,  
12 there is no question about what the  
13 permitted use is.

14 CHAIRMAN McMAHON: It's required  
15 to --

16 MR. SALADINO: But if you read  
17 further down for properties that don't  
18 abut the water, the only addition to  
19 the requirements is the view from the  
20 water should be regulated. It doesn't  
21 relieve the applicant from complying  
22 with the permitted uses on the  
23 property. If, in fact, the permitted  
24 uses are gonna sell maritime related  
25 goods, then there's not a question, but

1  
2 just to say that retail, that retail is  
3 as of right, it's not; so, you know,  
4 perhaps if we could address that.

5 CHAIRMAN McMAHON: If you can -- I  
6 will look, we did discuss this at the  
7 last one, and I believe Mr. Prokop and  
8 I were in agreement in our  
9 interpretation, but obviously, I will  
10 go back and take a look again.

11 MR. SALADINO: Mr. Moore last  
12 time, my friend, Doug Moore was nice  
13 enough to provide me with what the code  
14 said last time, but we didn't go far  
15 enough. We only read up to the portion  
16 where it said -- he only read up to the  
17 portion where it said where the  
18 property abuts the water. If you  
19 continue reading, and I apologize, I  
20 just had it up too on my phone and I  
21 lost it, that the only additional  
22 restriction would be it would have to  
23 comply with all the conditions of  
24 property that abuts the water but also  
25 it would have to provide a

1  
2 consideration for review from the water  
3 if it didn't about the water, so it's  
4 something I'm fairly sure of that  
5 should be addressed.

6 CHAIRMAN McMAHON: Okay.

7 I am also fairly sure, but I  
8 absolutely will take another look at  
9 the section of the code and review it  
10 again, so we can, this can be the last  
11 time we'll be discussing this.

12 MR. SALADINO: Thank you.

13 CHAIRMAN McMAHON: Any other  
14 discussion on item 3?

15 I'm going to make a motion that we  
16 move on to item number 4 then. Do I  
17 have a second for that?

18 MR. BURNS: Second.

19 CHAIRMAN McMAHON: All in favor?

20 MR. BURNS: Aye.

21 MR. JAUQUET: Aye.

22 CHAIRMAN McMAHON: Aye.

23 Motion carries.

24 Item number 4, 211 East Front  
25 Street, motion to approve the findings

1 and determinations for the -- should be  
2 so we don't approve anything -- it  
3 should be a motion to accept the  
4 findings and determinations for the use  
5 evaluation application from Doug  
6 Roberts, president of Educational  
7 Solutions Consulting. The applicant  
8 proposes to open an office at 211 East  
9 Front Street. The property is located  
10 in the CR Commercial Retail District  
11 and the use as an office is a permitted  
12 use.  
13

14 Suffolk County Tax Map number  
15 1001-5-3-18.

16 This application was already voted  
17 on and closed out. As many of you  
18 know, the findings and determinations  
19 is simply a summary of what was agreed  
20 upon. It was an application of what  
21 was decided. So we'll accept it for  
22 review and then we vote on it at the  
23 regular session in two weeks.

24 I will make a motion to accept the  
25 findings and determinations.

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Do I have a second?

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

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

Do I have a second?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 6, motion to adjourn.

Do I have a second?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

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Work Session - 12-17-15

71

Thank you very much.

(Time noted: 6:25 p.m.)

## 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 17th day of December, 2015.

*Stephanie O'Keeffe*

STEPHANIE O'KEEFFE



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