VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK
---------------------------------------------------
PLANNING BOARD
WORK SESSION
---------------------------------------------------
Third Street Firehouse
Greenport, New York
December 17, 2015
5:11 p.m.

BEFORE:
DEVIN McMAHON - CHAIRMAN
BRADLEY BURNS - MEMBER
PETER JAQUET - 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...
two substandard lots and other non-conformities requiring Zoning Board of Appeals variance approval. The house proposed for Parcel 2 would also require variances.

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

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

Generally what will happen is an applicant will submit a sketch plan. The neighbors will be notified and a public meeting, which is taking place now, will take place. The Board gives thoughts and comments back to the applicant, then a preliminary plat is submitted. Again, another public hearing, another notice to all the neighbors will go out, then approval or
denial, and then a final plat, if it was approved, will go out and then there would be a review of that to see if there is any significant changes between the final plat and the preliminary plat, then there would be a final approval or denial.

So we are going to begin with 238 Fifth Avenue.

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

I'm going to point out a couple of the specifics on that. There are a number of other quality of life concerns and impacts to the neighborhood. Those concerns, I will
briefly touch on, but at that point, I think we don't really need to go too in depth into those this evening because right now it's still there would be the issue of Zoning Board of Appeals having their input into whether or not there will be any variances granted for the setbacks.

So first off, 238 Fifth Avenue.

The proposal is to subdivide the existing lot into two lots. Existing lot is irregularly shaped, with only fifty feet of road frontage. The total parcel size is 9,418 square feet.

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

The proposed subdivision would increase the level of compliance, by
making both lots nonconforming to the minimum lot size of 7,500 square feet. Lot 1 would be 5,392 square feet, a variance of 28.1 percent. Lot 2 would be 4,026 square feet, variance of 46.3 percent.

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

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

All right. I was asked to note there was some concern that some people felt that the public notice was not given properly, so I'm going to read off briefly the people that are, of the neighbors that were sent them. There is a discrepancy, some people said they were not notified. In at least one
instance, there was a New York City address and I believe you had to go to Southold --

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

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

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

So we have Lukasz Strzesak, 212 Fifth Avenue; Roberta Garris at 229 Fifth Avenue; Stuart Kogelschatz, 502 Front Street; Robert Peterson, 220 Sixth Avenue; Carolyn Tamin, 307 Fifth Avenue; James Olinkiewicz, 5 Dickerson Drive; Carol Wilder, PO Box 7, Greenport; Joseph Walters, 232 Sixth Avenue; Richard Suess, Jr., 226 Fifth Avenue; James Olinkiewicz, 5 Dickerson Drive; Donna Zaengle, 226 Sixth Avenue.
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If anyone did not receive
notification, it would be up to you to
go through the town.

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

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

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

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

CHAIRMAN McMAHON: Yes.

AUDIENCE MEMBER: I didn't receive
notice on 238 either. I received
notice on 221, but not 238.

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

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

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

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

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

AUDIENCE MEMBER: Right.

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

Essentially, that was the only -- and I know there are a lot of people who would like to speak tonight. There are a lot of people who have very strong opinions on this, not only this particular application but the larger use of subdivision, affordable housing in the Village. I don't think that it's necessarily the appropriate forum.
this evening to go in depth on those
issues because we're not at that stage
in this application, and we don't have
that authority to make those decisions.

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

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

Essentially our comments, I
believe, are going to be to the
specific items that I already pointed
out already, the specific variances
that would be required, the items that
are nonconformance or would be a
nonconformance with this plan going forward and then there would be a whole other preliminary plat submitted, another public notice and another public hearing.

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

Does any of the Board have comments?

MR. BURNS: I have a strong feeling that the boards ought to consider a moratorium on subdivisions, but I don't know whether we have the feeling that that should take place. We should combine the recommendations of the Board. I would certainly feel...
strongly against this particular subdivision, but this is only the beginning of the process, so that is just what I have to say.

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

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

MS. RAE: I will be glad to address anything that I can to amplify what the applicant's answers to the
concerns that the neighbors and residents may be voicing, but we would ask that this be referred to the Zoning Board of Appeals this evening.

CHAIRMAN McMAHON: Okay.

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

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

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

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

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the Village code, it's the Zoning code.

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

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

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

CHAIRMAN McMAHON: There is no --

MS. McENTEE: Then there is --

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

MS. McENTEE: Okay.
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Then after that, they submit the application and then we go through the process again of going to the Planning Board and ZBA again?

CHAIRMAN McMAHON: No.

MS. McENTEE: Okay.

CHAIRMAN McMAHON: I don't believe so. I believe the order of operations here would be the sketch plan, the public meeting, comments from the Planning Board back to the applicant with the issues that have been raised or we see initially, then submission of a preliminary plat which is different than a site plan, I believe, then scheduling another public hearing and then approval or denial by the Board. If it's disapproved then I believe it's done, perhaps, it could then go to ZBA again, I'm not certain about that. I don't want to -- if it were approved, then there would be a final plat that would be submitted and then that would be reviewed to see whether or not it
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was in conformance with the preliminary plat, any recommendations that were made and then there would be final --

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

CHAIRMAN McMAHON: Yes, probably.

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

CHAIRMAN McMAHON: SEQRA can be a -- no.

MS. McENTEE: Okay.

CHAIRMAN McMAHON: SEQRA review is taken on by, I believe it's the first agency that has to make a yes-or-no decision on an application. That can be a variety of different boards can take, under different circumstances. I could be -- generally, it's Planning Board because we often are the first ones to see it. I believe once the process begins, it can then, depending on what the initial determination is,
if it's determined that other boards are required, other people should be notified, sometimes if it goes to a Type I action, then it would be typically, it would be the Village Board of Trustees, the Zoning Board of Appeals, Suffolk County Planning Commission, there is number of agencies that are notified for a coordinated review of SEQRA, it could be a number --

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

CHAIRMAN McMAHON: One of those agencies would, at least one of those agencies would have to be named as lead agency, they would take on the responsibility of conducting the review, or coordinating a coordinated review if a number of agencies are involved. They would then, and depending on, if there was a dispute, one agency was taking lead agency status, and thought they shouldn't have
lead agency status, I believe they
should be lead agency status, I
believe, they would appeal to the DEC
and they would make a determination on
who the appropriate board was.

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

MS. McENTEE: Good enough.
So let me move on here.

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

The dynamics of the properties are
changing, then both lots should conform
with the current codes, including all
newly created setbacks. His proposal
will not be met to code; therefore, should be denied by the building, by the Planning Board tonight.

Our code reads, 150.1 reads that the Village code is gradually eliminating nonconforming uses. The code needs to be followed by all the laws within our Village, as you stated before, the New York State code, obviously going to the ZBA, and doing all those proper, proper channels.

When reviewing the planning opinions, I noticed that the variance percentages were taken right from Mr. Olinkiewicz's letters, but doesn't the Building Department figure out these variances? That kind of seemed a little confusing. It was exact and it just doesn't make sense to me. If somebody could look into that, that really would be -- I would think that we would have somebody on staff to really focus in on that.

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

For the record, I would like to mention that the apartment above the garage that, I believe, is gonna be demolished because it will be in the right of way has not been livable for many, many years. As (inaudible) can tell you, Eileen Wingate, who usually drafts over there, she draws on her, when she's here in the meetings, Ms. Eileen Wingate evicted the tenants and was supposed to be condemned. When I reviewed the file two years ago, this information was not in any of the folders, it mysteriously went missing.
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Make no mistake, Mr. Olinkiewicz will make his proposal for a one-family, a one-family floor plan home into a two-family home. The floor layout that's on your plan there, your site plan that you have says it's 800 square feet. The Villae code, 150-12 livable -- a livable floor area requires a minimum of 1,000 square feet, therefore, already creating a two-story home which is not too difficult to change later on, so that's minimum, so is he really putting there? Let's take that into consideration.

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

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

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

Excess garbage and noise to the neighbors. Mr. Olinkyewicz's tenants have an excessive amount of overflowing

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

I do not feel that the subdivision should be granted, but would like to mention that in the event that the lots are sold, what would happen to the flag lot right of way. The right of way needs to be reported, filed with the Suffolk County Clerk's office along with both deeds and then forwarded to the Village Clerk. There is only an eight-foot proposed -- there's only eight-foot proposed for a right of way, when there should be a fifteen-foot width to get to the back lot. If the current tenants continuously drive into the home, and that has happened, I have seen it my own self, and have hit the fence, and I'd like one day to get you to drive by and see the fence, as I witness all of this. I would only
believe that more traffic it would --
if more traffic it would continue. How
would a fire truck obtain access if a
car can't even get through it?

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

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

Currently in our neighborhood, we
are witnessing a high volume of daily
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drug dealings on the street of Fifth Avenue, Kaplan Avenue and South Street.
I'm sure this is not news.

Snow, being an absentee landlord,
he and his tenants park on the street all year long, even during a snowstorm.
Last year the tenants picked their vehicles -- parked their vehicles in the road during snowstorms. Many times I've asked them to park in the driveway, they refused. Then when I call the police, they were asked and they did not comply. When I called and sent pictures to the Village code enforcer, I was told that he had to see for himself, and he could not issue a violation, even when I sent him pictures. The plow trucks would go around the vehicles, leaving approximately nine feet wide to sixteen feet in front of -- in lane of excess snow that had to be shoveled and right in front of our driveway, so at one time, I did ask the tenant because they
caused the issue, they need to do it, need to clean out in front of our driveway in the road, they refused.

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

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

Please refer back to the proposed subdivision complaints, 221 Fifth Avenue 2013, owner Mr. Olinkiewicz. All the same issues and complaints are similar to this proposed, to the proposed subdivision on 238 Fifth Avenue. This is just one subdivision
that Mr. Olinkiewicz is doing, he's
doing the 221 Fifth Avenue, I
understand that there is somebody else
that is proposed to do another one and
he also has the 412 Third Street
subdivision.

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

Let's refer to the section, as you
stated before, of the code, 150-1,
privacy. The provision for privacy for
families, the prevention and reduction
of traffic congestion so as to promote
effective and the safe circulation of
vehicle and pedestrians. The maximum protection of residential areas, the gradual elimination of nonconforming uses. In the subdivision code, it is -- now that was the Zoning, so in the subdivision code, 118-1 is to provide comfort, convenience, safety and health and welfare of the residents and property owners of the Village and their families and guests. 118-7, the Village Board, excuse me, the Planning Board shall consider the impact of the subdivision on the public health, safety and welfare, the impact on the neighborhood community, neighborhood's community and adjacent properties, the traffic, views and other environmental considerations, the preservation of the aesthetics of the assets of the Village and the impact on utilities and emergency and other services that are provided by the Village.

With this said, I strongly disagree with this subdivision and any
other proposed subdivision in the
Village of Greenport, and I would ask
that this subdivision be denied
tonight.

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

I would now like to say that I do
believe that you received a letter from
Brian Merrins (phonetic), I would hope
that you read that tonight, via e-mail.
I also did receive a letter from
Carolyn J. Tamin (phonetic), she's at
307 Fifth Avenue who is here tonight,
and I'm -- we had this meeting and she
was -- and we had issues and we did not
speak at the meeting, so -- and I did
have this at the time, but it was not
necessary to speak or to read it, so I
am -- here is what she states: I am
unable to attend the meeting on October 29th, as my daughter has to be at North Shore Hospital; however, I would like to make my opinion heard. First, I thought we were through with Mr. Olinkiewicz after the neighborhood made it clear that we didn't want any additional single or multi-family units on this block. We are the most saturated street in the Village of Greenport with multi-family units.

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

Enough is enough and Mr. Olinkiewicz needs to take his money and go elsewhere. This subdivision, excuse me, the subdivisions are not welcome, not every piece of property needs to be jammed with houses.
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Again, that's signed by Carolyn J. Tamin, and I will submit a copy of that.

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

Thank you.

CHAIRMAN McMAHON: Thank you.

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

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

CHAIRMAN McMAHON: One of the things I did note that was missing was on the plans it needs to show accurate
retention of all storm water on site for both plots. I believe there is a provision in the subdivision code for costs associated with the studies that are required for applications. I'm not familiar with --

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

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

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

Thank you very much.

CHAIRMAN McMAHON: Thank you.

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

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

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

CHAIRMAN McMAHON: Sure.

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

CHAIRMAN McMAHON: Yes.

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

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

It's just -- it's distressing that we've already got three houses of his on our street. There's another one on Front Street, there's one on Kaplan, there's one on Madison, that's six houses within a stone's throw of each other, and they're experiencing the
same overcrowding. There's -- on the plan for 221 that you have there, he's got three parking spaces. That wouldn't be adequate for what's there now, there are six cars there right now. One's parked in the street because the woman is handicapped and it's the closest exit, but there are five in the driveway. I've lived with a commercial wood chipper in the side yard all year, it just got moved just prior to this submission. There was also a cherry picker in the backyard. There is a shed there that has no permit and never has had a permit for the last three years, and it's just too much already for us.

Over the winter, there is seven or eight cars. There was a police incident there this summer and two of the cars are gone and never to be returned because the police couldn't find those guys, but now there's six cars and the six cars at a house.
diagonally across from me which is also
his house, there's three in the
driveway and three in the street at all
times and JoAnne can tell you how many
cars there are at the other houses, and
those are just the people who own cars
because there are people who have
bicycles and people get picked up for
work. It's just crazy to think that
there would be more houses on this
street.

That's all I have to say right
now.

CHAIRMAN McMAHON: Thank you.

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

CHAIRMAN McMAHON: Thank you.

MS. JAEGGER: Hi, my name is Mary
Ann Jaeger, 430 Front Street which is
on the corner of Fifth Avenue and
Front, and I have to tell you, what
Jack said is true. There's more cars
there, and when this all first started,
when Mr. Olinkiewicz bought that home, we complained about it then, and he said they're all family. They're not all family. And he was gonna take care of it, and Ms. Wingate, I guess you're Ms. Wingate or whoever Ms. Wingate was there. It's you. You were there, and you were boasting his praises and stuff. It's not what you claimed it to be. There's more people living there than is legal, and they are related, and you're not gonna convince any of us that all these people down that block are related.

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

When am I getting stuff for my tax
dollars? Now, Bob, when he built his
home, tried to get a garage in the
back. Oh, no, he can't put it, he
don't have enough property. Next door,
putting it very nicely, is a shit-hole
in distress, and nobody's done a darn
thing about it. You let these people
come waltzing in and buying stuff. I
don't see Mr. Olinkiewicz buying
property over Shelter Island and
destroying property where he lives and
cluttering up the area, and I don't
think it's fair to the people on Fifth
Avenue to have to deal with this
garbage, and it's about time you people
started listening to the residents and
not the people that are coming and
buying. They come here, they love the
place, and all of a sudden, they're
changing everything. We're not here to
supply the whole darn neighborhood with
new apartments and stuff like that, go
look like everybody else how to do it.
I'm sick of it, start listening to the
people that pay your taxes.

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

CHAIRMAN McMAHON: This is a
public meeting.

MS. WINGATE: That's not true.

MS. JAEGGER: I don't care.

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

I'm here tonight because although
I'm not a neighbor of these two
properties, I'm still a resident and
taxpayer in Greenport and I just wanted
to voice that I strongly object to both
of these Fifth Avenue subdivisions.
When you look over the particulars for
number 1, you're seeing that the
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proposed Parcel 1 will be more than
2,000 square feet short of a minimum
lot.

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

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

CHAIRMAN McMAHON: Thank you.

MS. PETERSON: Good afternoon.

I'm Diane Peterson. I live at 228
Sixth Avenue, I'm adjacent to item
number 2 which you have not gotten to
on the agenda yet, 221 Fifth Avenue.

Thank you for listening to all our

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Concerns.

I think we have to go back to, and I believe it was Mr. Burns who suggested, as well as you, Mr. McMahon, that this go back, one to the Zoning Board but mostly to the Village Board of Trustees and putting a moratorium on any substandard building within the Village. This is more than just these two particular properties. I think we have to look at the Village overall to make sure that we are not urbanizing our village, that we are looking at the issue of overcrowding. Yes, we do need workforce housing, but I don't think we have to be the only place in Southold Town that's offering this. We have to be smart about how we do it in the Village so we don't lose the character of our village, we don't overtax our village with utilities or the sewer or the water, that's all part of it, as well as bring down the quality of the Village and the people that have lived.
here all these years. You also have to
tie it into the issue with the Airbnb,
these are simply overall what we have
to be concerned with, and starting with
a moratorium so that these substandard
provisions are looked at and not
allowed, we go to the code that's on
and we try and figure out where our
village is going. I think making it
Queens is not what any of us want to
see happen.

Thank you again for listening to
our concerns.

CHAIRMAN McMAHON: Thank you.

MS. RAE: Mr. Chairman. Kimberlea Rae.

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

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

AUDIENCE MEMBER: No.

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

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

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

At 238 Fifth, he took a 19th Century building, a very beautiful old building, but that really needed renovation, did it and did it beautifully; so I don't ever hear that, but I would like to make it clear that his intent is to create housing that is code compliant and he will do that.
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.
because there are some lots that could be subdivided that are not under discussion this evening.

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

I always encourage everyone to speak their minds at these meetings, to say as much as they like and the meetings go on as long as they can because I think that's in the best interest of the Village, but it doesn't necessarily make for an efficient meeting because essentially all of the comments made tonight were in agreement with what, I believe, our ultimate actions are going to be this evening, which is to take no further action on this other than to make a comment to the applicant with regards to their
application, that it would require variances to go any further, and that's sort of where we're at.

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

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

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

I'm going to make a motion to the Board that we table this item until our next meeting, we take no further action.
other than to say that we will come up with a resolution of some formal comments, highlighting the items I mentioned earlier with the specific setbacks that will be required to specific items that are in nonconformance with this application.

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

Do I have a second for that motion?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

I'm going to make a similar motion for item number 2 on the agenda, 221...
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Fifth Avenue.

MS. WICKHAM: Mr. Chairman.

CHAIRMAN McMAHON: Yes, ma'am.

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

CHAIRMAN McMAHON: Yes, absolutely.

I apologize.

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

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

The first is that the parking, as far as a planning issue goes, is a
major consideration as Mr. Weiscott mentioned, I want to make sure we're very clear on that. There are three parking spaces shown on proposal 2 and two parking spaces shown on proposed lot. At this particular time, there are at least six cars at any one time parking off the street on premises on the two lots or the single house that is on plot 2, so the parking shown, I think if this matter does come to you, is going to have to be strongly addressed and that's something I'll raise with the ZBA.

Further, I think there is a significant question as to whether a large variance, and these are large variances, should be granted solely to enable a subdivision to be granted. Many municipalities don't condone that, and as I do the math, we have 13.8 percent deficiency on lot 1 lot 25.5 percent deficiency on the front yard width of lot 1 and almost forty percent
deficiency on the site on lot 2. Again, those are ZBA issues, but we want you to be aware of that.

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

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

Thank you.

CHAIRMAN McMAHON: Thank you. Are there any other comments with regard to item number 2, 221 Fifth Avenue?

Okay.

I'm going to make a motion that we table discussion of this item until our
regular session meeting in two weeks,
at which time, we'll make a formal
resolution of our comments of the
specific items that we, that are in
nonconformance and will require
variances.

Do I have a second for that one?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 3, continued
discussion -- I believe this is
continued discussion on a
pre-submission conference with Dan
Pennesi. Dan Pennessi represents the
prospective buyers, SAKD Holdings, LLC
and is before the Planning Board to
discuss proposed uses and development
of the site located at the corner of
Front and Third Streets. The
pre-submission package contains a
preliminary site plan and elevations of
the proposed building. The project as
proposed will require variances and the
proposed uses are not approved for the
WC Waterfront Commercial District, but
are listed as conditional uses.
Suffolk County Tax Map number
1001-5-4-5.

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

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

In the interim, we have revised
the plans a bit in response to some of
the preliminary comments that were made
at that time. They included putting
some dimensions on the parking spaces
to show that they are, in fact, in
compliance with Village code.

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

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

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

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uses are as of right, and I did see
some discussion for a little bit of
feedback on which board would take the
lead agency role, and I say that only
because of these conditional uses, we
are requesting which are kind of a
prerequisite of or maybe a simultaneous
approval with the variances we'll be
seeking from the ZBA, but also because
we have, it's kind of a chicken or the
egg issue on the parking. We're
currently required to have thirty-six
parking spaces on the property based on
the uses, based on the size of the
uses, and there is room for twelve
parking spaces, so that means that
we're out about twenty-four spaces.
Under Section 150-16G of the Village
code, the Planning Board has the
jurisdiction to allow a payment in lieu
of parking, and that will dictate how
many parking spaces we seek a variance
for, it will either be twenty-four or
four spaces.
Again, I just wanted to be available if there were any questions from the Board or the public. We're very much looking forward to this project, and working with the municipality and the residents to hopefully get it right. I know this project, this particular property has been subject to a number of applications in the past, and it is a very important parcel in the Village, so we look forward to lively discussion.

CHAIRMAN McMAHON: I can briefly address the parking and the variances required. We do need, actually, some clarification on exactly how that's supposed to work because if, in theory you went before the Zoning Board and got a variance and then came to us, you wouldn't need to pay anything because you had the variance for it, and if there were to be some payment in lieu, that could then be -- you know, those
monies could then be applied to providing some park elsewhere in the Village. That does need to be ironed out. I'm going to assess that further with the Village attorney and try to get you a clearer answer on how that's exactly supposed to play out, discuss that with the ZBA as well.

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

Is that correct?

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

CHAIRMAN McMAHON: It's a
conditional use. Not a use variance
but a -- I believe everything proposed
are approved conditional uses that
could be approved by the Board, I will
have to -- I'm going to -- bear with me
just a second.

That 16G, the section with the
parking --

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

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

MR. PENNESSI: That would be
great. I think that the, at least in
my opinion, the variances are going --
we're trying to limit them and work
with what the code provides for this
property and understandably, it is a
very tough shoe to fit into, so there
are going to be a handful of variances
that we're going to look for, and we
would anticipate that conditional use
slash site plan review by the Planning
Board will be the more intensive review
of the building that's being proposed,
and I guess depending on how the Board
and the ZBA and the Village decides
will dictate which board takes the
lead.

CHAIRMAN McMAHON: When you say
lead agency, there's two separate
issues. Lead agency used as an
informal term for this project and lead
agency status for SEQRA determination.
Likely, this board will probably be
both. I would guess probably we would
be both, but, you know, there would be
other involved agencies and they would
have their say, if they chose to make
the case for their status as lead agency, we would certainly figure it out and go from there, but I would expect that it would probably be predominantly done here. Yes, probably.

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

MS. BERRY: I have a question.

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

MR. PENNESSI: Sure.

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

MS. BERRY: Exactly.
MR. PENNESSI: It would dictate the scope of the variance that we're seeking, and we would like to limit the variances and understanding a bit about how the traffic and the parking are an issue, we certainly don't want to overburden it, but if it's, you know, we are certainly open to speaking about and perhaps submitting the variance application to the ZBA inclusive of a variance of a more significant parking number if that roof deck, if the Village is opened to having that used by more people than simply the hotel occupants.

CHAIRMAN McMAHON: I don't, certainly don't want to speak for the ZBA, I -- my expectation is that as they hear your case, they would probably consult with the Board and perhaps the Board of Trustees as well with regards to if there were going to be some -- a variance with parking spots, I would guess it would probably
MR. PENNESSI: I guess what we can do is, we are underway with the ZBA application which we hope to submit before the end of the year. Certainly in time for the January meeting, as well as our formal site plan application to the Planning Board for the meeting at the end of January. At that time, I guess we could be asking for the most parking spaces and as we get the response, we can narrow it down.

There is another issue with the roof deck, which is the height. In order to comply with ADA requirements, the elevator would have to go up all the way to the roof which results in the elevator being about forty-four feet high which is beyond the height allowed in the current code, so, you know, certainly it's kind of hand in
hand. It either exists with more uses which require more parking or it doesn't at all because we can't change the height variances.

CHAIRMAN McMAHON: Yes.

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

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

Thank you.

CHAIRMAN McMAHON: Thank you.

MR. SALADINO: John Saladino, Sixth Street.

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

It's my understanding in
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Waterfront Commercial, and we had talked about this at the last meeting, and it's my understanding in Waterfront Commercial, you could have a conditional use only if you have a permitted use on the property.

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN McMAHON: It's required to --

MR. SALADINO: But if you read further down for properties that don't abut the water, the only addition to the requirements is the view from the water should be regulated. It doesn't relieve the applicant from complying with the permitted uses on the property. If, in fact, the permitted uses are gonna sell maritime related goods, then there's not a question, but
just to say that retail, that retail is as of right, it's not; so, you know, perhaps if we could address that.

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

MR. SALADINO: Mr. Moore last time, my friend, Doug Moore was nice enough to provide me with what the code said last time, but we didn't go far enough. We only read up to the portion where it said -- he only read up to the portion where it said where the property abuts the water. If you continue reading, and I apologize, I just had it up too on my phone and I lost it, that the only additional restriction would be it would have to comply with all the conditions of property that abuts the water but also it would have to provide a
consideration for review from the water
if it didn't abut the water, so it's
something I'm fairly sure of that
should be addressed.

CHAIRMAN McMAHON: Okay.

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

MR. SALADINO: Thank you.

CHAIRMAN McMAHON: Any other
discussion on item 3?

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

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 4, 211 East Front
Street, motion to approve the findings
and determinations for the -- should be
so we don't approve anything -- it
should be a motion to accept the
findings and determinations for 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 application was already voted
on and closed out. As many of you
know, the findings and determinations
is simply a summary of what was agreed
upon. It was an application of what
was decided. So we'll accept it for
review and then we vote on it at the
regular session in two weeks.

I will make a motion to accept the
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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Thank you very much.

(Time noted: 6:25 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 17th day of December, 2015.

____________________________
STEPHANIE O'KEEFFE

STEPHANIE O'KEEFFE