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VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD  
WORK SESSION

-----x

Third Street Firehouse  
Greenport, New York

July 30, 2015  
5:12 p.m.

B E F O R E :

DEVIN McMAHON -CHAIRMAN

BRADLEY BURNS - MEMBER

PETER JAUQUET - MEMBER

PAT MUNDUS - MEMBER

JOSEPH PROKOP - VILLAGE ATTORNEY

GLYNIS BERRY - PLANNING BOARD COORDINATOR

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

CHAIRMAN McMAHON: This is the July 30, 2015, Village of Greenport Planning Board Work Session.

Item Number one, Continued review of the use evaluation conditionally granted for Brian Carrick.

Shakka Flyboard Rental Facility is located on the Preston's Dock. The property is located at 102 Main Street; it is located in the Waterfront Commercial District.

Suffolk County Tax Map 100  
1-5.-4-12.1

The reason this item is still on the agenda is we had to keep it on the agenda throughout the summer and we were going to be accepting the short-form EIF, and make sure that it's in the file.

That was provided by the Mr. Moore; he is the attorney for Brian Carrick. We do have this, we'll put it in the notes.

I don't believe that there is any

1 other business regarding this item.

2 Motion to accept the EIF.

3 Do I have a second for that?

4 MR. BURNS: Second.

5 CHAIRMAN McMAHON: All in favor?

6 (All Said Aye.)

7 CHAIRMAN McMAHON: Item number  
8 two, Complete SEQRA review and take  
9 action on SEQRA review for the  
10 application of Wayne Turret.  
11

12 The thirty day coordinated review  
13 has expired with no comment. Proposal  
14 for Planning Board to adopt lead agency  
15 status, determine that the approval is  
16 a Type I Action with no potential for a  
17 significant negative impact on the  
18 environment, with a proposed negative  
19 declaration.

20 The property is located at 746  
21 Main Street. The proposed one-family  
22 house is a permitted use in the R-1 One  
23 Family Residential District. It is  
24 also located within the Historic  
25 District.

Suffolk County Tax Map

1001-2.-3-8.02.

Do we have any comments, any concerns?

MR. JAQUET: No. I don't have concerns.

CHAIRMAN McMAHON: I think we discussed this at length, there was no comment. It was approved.

So I will make a motion that we so complete the SEQRA review.

Do I have a second?

MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in favor.

(All Said Aye.)

CHAIRMAN McMAHON: Motion carries.

Item number three --

MR. PROKOP: Excuse me.

So the motion, technically the motion, you said to complete the SEQRA review, did you mean, what we're doing now is, we did receive a response of a coordinated review; we are, therefore, determining that the action is a Type I

1                    July 30, 2015 Work Session                    5  
2                    Action for purposes of SEQRA, there  
3                    will not be a significant negative  
4                    impact on the environment and that we  
5                    were, therefore, adopting a negative  
6                    declaration for purposes of SEQRA?

7                    CHAIRMAN McMAHON:    Yes.

8                    MR. PROKOP:    Okay.

9                    MS. BERRY:    No.    My question is,  
10                    is the whole thing now approved and  
11                    this is the end of it or do you have to  
12                    --

13                    MR. PROKOP:    No.    This is just  
14                    SEQRA.

15                    MS. BERRY:    It's just the SEQRA,  
16                    okay.

17                    Now, previously, you approved the  
18                    design, so now is the whole project  
19                    finished or do you still have to make a  
20                    motion at the next meeting to approve  
21                    the project or is it now complete?    I  
22                    guess that's my question.

23                    MR. PROKOP:    I would put this on  
24                    the agenda for next meeting.

25                    CHAIRMAN McMAHON:    For the --

1 MR. PROKOP: For the final vote.

2 To tie it up, yes.

3 MS. BERRY: Okay.

4 CHAIRMAN McMAHON: Okay.

5 MR. PROKOP: Excuse me, by tie it  
6 up, I mean, you know, tie up the loose  
7 ends.

8 CHAIRMAN McMAHON: Yes. All  
9 right.

10 Item Number three, motion to  
11 accept the request by attorney Patricia  
12 Moore, Esquire, representing the owner  
13 Eric Urban for a pre-submission  
14 conference on an application for a  
15 proposed sub-division of an existing  
16 thirteen thousand five hundred square  
17 foot lot, creating two non-conforming  
18 lots, increasing the non-conformity of  
19 the existing house substantially.

20 The property is located at 440  
21 First Street, and is in the R-2, One-  
22 and Two-Family District, as well as in  
23 the Historic District.

24 Suffolk County Tax map 1001-4-7-1.

1                    July 30, 2015 Work Session  
2                    Just some background on the  
3 application:

4                    SEQRA Recommendation: This would  
5 be a Type I Action. This has  
6 implications on existing historic house  
7 in National Historic District.

8                    Site History: Originally lots  
9 ninety-eight and ninety-nine on Map of  
10 Greenport filed 8/10/1838, according to  
11 survey.

12                    The configuration of the house on  
13 one larger lot existed at the time of  
14 the establishment of the zoning code.

15                    Current Condition: The property  
16 currently has a large two-story frame  
17 house and a two-story frame carriage  
18 house on the site. The condition  
19 appears poor.

20                    Issues: Nonconformance. The  
21 proposal is to subdivide the existing  
22 lot into two lots. The existing lot is  
23 one hundred feet by one hundred  
24 thirty-six point two five feet. The  
25 total parcel size is Thirteen thousand

1  
2 six hundred and twenty-seven square  
3 feet.

4 As per Chapter 150 Zoning Code of  
5 the Village of Greenport, Article V  
6 District Bulk and Parking Regulations,  
7 the schedule of regulations 150-12, the  
8 existing lot size complies with current  
9 code, but the subdivision would not  
10 comply with the following:

11 The minimum lot area required for  
12 either a one-family or two-family  
13 dwelling is seventy-five hundred square  
14 feet.

15 If divided, the lot sizes would be  
16 six thousand eight hundred thirteen  
17 square feet, introducing nonconformance  
18 where there was none.

19 The minimum lot width is sixty  
20 feet. If divided the widths would be  
21 fifty feet, introducing nonconformance.

22 One side yard needs to be a  
23 minimum of ten feet. If the lot were to  
24 be subdivided, the side yard at the  
25 dividing lot line would be



1 nonconforming. The corner lot has the  
2 further requirement of maintaining two  
3 front yard setbacks, impacting spatial  
4 limitations for this lot.

5 Article VIII Nonconforming Uses  
6 and Nonconforming Buildings 150-20 A  
7 subsection 5, shall not be  
8 reestablished if such use had been  
9 changed or replaced by a conforming  
10 use. There is no right to reestablish  
11 nonconforming lots.

12 Impact on historic character:

13 This subdivision cannot occur without  
14 requiring significant destruction to  
15 the existing historic house, which  
16 straddles the proposed new parcel  
17 boundary.

18 Financial hardship: Rejection of

19 this proposal does not impose a  
20 financial hardship on the owner, as the  
21 property may be used as a two-family  
22 residence.

23 Additional issue nonconforming lot  
24 size vs. two-family dwelling.  
25

1 I think as indicated on the  
2 application, there is an understanding  
3 that this, since this is a  
4 pre-submission conference, this would  
5 likely have to go, start with the  
6 Planning Board, be denied because of  
7 the reasons of non-conformance that we  
8 just discussed, go to the ZBA, they  
9 would either approve or deny. If they  
10 approve it, it would come back and then  
11 be reviewed again by the Planning  
12 Board.

13  
14 Also, it's in the Historic  
15 District, so the Historic Preservation  
16 Committee would also have to review the  
17 application.

18 Mr. Moore.

19 MR. MOORE: Yes.

20 CHAIRMAN McMAHON: Would you  
21 like to comment on the --

22 PODIUM SPEAKER: Sure. Thank you.

23 CHAIRMAN McMAHON: -- or if there  
24 is any comment from the Board prior to  
25 that.

1  
2 If you -- Anyone who would like to  
3 speak, please go up to the podium and  
4 introduce yourself to the stenographer.

5 MR. MOORE: Thank you.

6 Patricia Moore on behalf of Mr.  
7 Urban who is the owner. He is here  
8 today.

9 We thought that a pre-submission  
10 would be a good place the start. We  
11 understand that there is a great deal  
12 of nonconformity that we're asking for.

13 The reason that this is being  
14 proposed is Mr. Urban loves this  
15 property. He has invested over the  
16 years thousands and thousand of  
17 dollars, and he was just describing  
18 things that he had done to this house  
19 which aren't visible.

20 Now the visible part of the  
21 investment begins, but it is a  
22 never-ending, I want to say black hole  
23 that he potentially has to spend to  
24 improve this property.

25 Ideally, somebody coming in with a

1 nice amount of cash -- this property,  
2 this house is a really beautiful house.  
3 He has replaced the roof with special  
4 slate that is conforming to the  
5 historic character. He has replaced  
6 the electrical system, the copper  
7 plumbing, the new sewer lines to the  
8 main line. He has done -- he rebuilt  
9 the chimney. He rebuilt a whole wall.

10 Over the years, he was just  
11 telling me the amount of investment  
12 that he has put into this house.  
13 Clearly almost -- he has -- he didn't  
14 give me a dollar-for-dollar investment  
15 but clearly within a 150 to \$200,000  
16 investment very easily.

17 Unfortunately now the house needs  
18 another infusion of cash, and the only  
19 choice he has is either subdividing the  
20 property in order to keep part of this  
21 property for himself and to be able to  
22 stay in the Village of Greenport where  
23 he has been here for decades, I guess.  
24 I don't want to age him. And with the  
25

1 possibility of being able the sell this  
2 house to somebody, and like many of the  
3 other beautiful homes, the Victorian  
4 homes and the homes that are all  
5 throughout the Village, what we are  
6 seeing is investment coming from  
7 outside the Village to be able to put  
8 that kind of money in that these houses  
9 deserve.  
10

11 He merely wants to be able to keep  
12 the property, and his choice really is  
13 at this pont sell the whole thing,  
14 which is really, would break his heart,  
15 or subdivide, and we do understand the  
16 need to go to the Zoning Board and ask  
17 the Zoning Board to allow this  
18 subdivision to take place.

19 There are ways that we could  
20 modify the porch which is in need if  
21 significant repair anyway. Part of the  
22 porch is already delapidated, the  
23 portion that is overlapping the  
24 property line. So with very little  
25 effort, we could keep the house where

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2                   it is with a slight modification of the  
3                   porch, possibly, if the Historic  
4                   Preservation preferred, being able to  
5                   build the porch on the opposite side,  
6                   therefore, keeping the whole character.

7                   These are very specific things  
8                   that would ultimately be in another  
9                   Boards hands through Historic  
10                  Preservation and certainly the Zoning  
11                  Board; however, we do have to start  
12                  here, and we wanted your support on  
13                  this subdivision because really, as I  
14                  said, it is our only choice.

15                  If you come back and say we  
16                  absolutely would never support such a  
17                  thing, well, the message has been sent  
18                  and really, the only choice he has is  
19                  selling the property. So be it, we  
20                  lose another local homeowner and  
21                  somebody I'm sure would, I would hope,  
22                  do justice to this house and preserve  
23                  it but you would lose Mr. Urban from  
24                  this community. I hope that's not the  
25                  case.

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2                    That's why we're here with you and  
3                    we hope that the Zoning Board will  
4                    ultimately consider, you know, we  
5                    understand economic hardship is not a  
6                    criteria for the Zoning Board; however,  
7                    we think that we can maintain the  
8                    character of the property. If he had  
9                    the ability to sell this house, his  
10                    goal would be to build a brick house  
11                    like the Maunsel (phonetic) house, a  
12                    beautiful house like that or another  
13                    brick house similar, but a small one on  
14                    parcel two.

15                    We are not trying to overdevelop  
16                    the property, we are just merely trying  
17                    to preserve this existing house. That  
18                    is really the goal here.

19                    He has done everything possible,  
20                    at least infrastructure wise to  
21                    preserve this house. Now it's just a  
22                    question of, you know, where is the  
23                    money going to come from to continue to  
24                    preserve it.

25                    That's -- we're certainly, you

1 know, here to listen and, you know,  
2 we'll take your recommendations and do  
3 whatever he has to do.  
4

5 MS. MUNDUS: I just had a question  
6 about financial plans.

7 MR. MOORE: Yes.

8 MS. MUNDUS: Would the strategy be  
9 to subdivide and sell the big house and  
10 then live in the house that you would  
11 like, the brick house that you would  
12 like to build or --

13 MR. URBAN: That would probably be  
14 my initial --

15 MR. MOORE: You're going to have  
16 to come to the --

17 CHAIRMAN McMAHON: Just for the  
18 sake of having everything on the  
19 record.

20 MR. URBAN: I mean, there would  
21 be, you know, quite a few options that  
22 would be in play, but if it came down  
23 to a sale on one in order to afford the  
24 other, yes, then I would probably  
25 consider, you know, selling off the



1 existing one after improvements and  
2 everything else were made, okay, and  
3 then having a smaller structure next  
4 door for my own personal use.

5 MS. MUNDUS: Because the issue  
6 that is in front of the Planning Board  
7 and what we are in charge of looking at  
8 is the intensification of use. If you,  
9 maybe were amenable to a lot line  
10 modification around the porch and maybe  
11 subdividing so that the house was on  
12 one piece of property and the carriage  
13 house was on another piece of property,  
14 that might give you enough financial  
15 resources to find a more appropriate  
16 place to build your own little house.

17 MR. MOORE: We actually --

18 What she is saying is this, we  
19 actually considered that as an option.  
20 We, I think you were amenable actually,  
21 when we sat and we thought about moving  
22 to line here (indicating) or somehow so  
23 that the house would be completely on  
24 one parcel and then leaving enough room  
25

1 and possibly the carriage house on  
2 another parcel, so carriage house plus  
3 small house.  
4

5 You were amenable to that.

6 MR. URBAN: Yes.

7 MR. MOORE: We came up with this  
8 plan because we thought, well, this is  
9 the closest that the original village  
10 subdivision, the original 1800s map  
11 followed, but we were certainly, you  
12 know, we take your recommendation as an  
13 alternative, certainly anything we can  
14 do to preserve this house and still be  
15 able to build a house for himself.

16 MR. URBAN: And in the end, it has  
17 to make economic sense, and that's  
18 basically where I'm coming from, you  
19 know.

20 I can't, you know, afford to dump  
21 in, you know, a million dollars, when  
22 all of a sudden, if you look at the  
23 market today, you know, you're at risk.  
24 I mean, it's a severe risk ever since  
25 2007. I mean, that's why there's been

1  
2 pretty much a slow down on what I've  
3 been putting into the house since that  
4 point. I mean, hopefully there is  
5 going to be a turn around. I don't  
6 know, but it still kind of iffy, you  
7 know, from what I'm hearing, and if  
8 I've got to go out the limb to do  
9 something, I need to be able to sit  
10 there and say, "Hey, listen, I got a  
11 little bit more potential here and one  
12 plus one now is equaling two in my  
13 mind.

14 MS. MUNDUS: What is the carriage  
15 house currently used for, what does it  
16 have a CO for?

17 MR. URBAN: Basically storage.

18 MS. MUNDUS: Just storage.

19 MR. URBAN: There's nothing in  
20 there. It's just junk that needs to be  
21 cleared out essentially.

22 CHAIRMAN McMAHON: So the plan is  
23 to demolish garage and build a home?

24 MR. MOORE: No.

25 There was actually no plan to

1  
2 demolish anything. If anything, he has  
3 the historic preservation blood in him.

4 MR. URBAN: Yeah. I'd like to  
5 preserve it.

6 MR. MOORE: He would love to  
7 preserve both, and that's been part of  
8 the problem, that if there is way to  
9 incorporate the carriage house either  
10 into design of the main house or as an  
11 accessory building, keeping it  
12 independent, you know, that will be an  
13 architects recommendation down the  
14 line.

15 Right now what we're trying to do  
16 is preserve the main house, and  
17 hopefully, sell it to somebody who  
18 wants to invest, you know, it would be  
19 no different than any other beautiful  
20 Victorian that we have here in the  
21 village.

22 MS. MUNDUS: It's a signature  
23 piece of architecture.

24 MR. MOORE: It is.

25 It is gorgeous. I had a tour of

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2                   the inside, and I just marveled and  
3                   admired every aspect of it and, boy, if  
4                   I had a million dollars, that would be  
5                   the first -- two million. Well, I'm  
6                   guessing a million, but --

7                   MR. URBAN: The last thing in my  
8                   mind when I did the roof, I mean, I  
9                   replaced an existing roof on the  
10                  carriage house also at the time when I  
11                  did that. I didn't have to do that. I  
12                  could have said, ah, carriage house,  
13                  big deal, so fifty gallons of water  
14                  coming through there, what's the  
15                  difference, but I didn't. I replaced  
16                  the existing, you know, same roof as  
17                  the main house as a matching feature.

18                 Personally, to tell you the truth,  
19                 I mean, you might say it's a cockamamie  
20                 scheme, in my mind, I would wouldn't  
21                 mind keeping the carriage house, even  
22                 if I moved it over and matched it up in  
23                 the rear of the property with the main  
24                 structure. I thought that would be a  
25                 great ideas, but I don't know if that

1 would fit in the community's mind.

2 I hate to see -- I'd hate to lose  
3 either one.

4 MS. MUNDUS: Yeah, well, it would  
5 also destroy the whole property and the  
6 beech trees if you put another building  
7 on it, also, so there --

8 MR. URBAN: Well, which beech tree  
9 are you referring to?

10 MS. MUNDUS: Either one of them.  
11 I mean, those are as much of the  
12 architecture as the house.

13 MR. URBAN: The one in front of  
14 the main house, I would not want to  
15 touch at all, of course.

16 MS. MUNDUS: Right.

17 MR. URBAN: You sometimes wonder  
18 whether it's the house that makes the  
19 tree or the tree the makes the house.  
20 I mean, you know, I mean, one of them  
21 would have to go obviously, I mean --

22 MS. MUNDUS: Well, maybe not.

23 MR. URBAN: -- you know, I --

24 MS. MUNDUS: That tree --

1                   July 30, 2015 Work Session                   23  
2                   MR. URBAN: I would have to have  
3                   to take a look at that.

4                   MR. MOORE: That would give you --  
5                   I mean, every subdivision, you would  
6                   have the ability to incorporate your  
7                   recommendations of tree preservation,  
8                   building envelopes.

9                   You know, he is probably one of  
10                  the most flexible of clients that I  
11                  have. The goal at the end is to the  
12                  split of being able to have two  
13                  parcels. How those parcels --  
14                  obviously, the one with the main house,  
15                  that stays as is with as much  
16                  preservation of the landscaping, the  
17                  trees as is possible. The other one,  
18                  leaving enough room for a reasonably,  
19                  you know, reasonable size house that  
20                  would be an asset to the community, not  
21                  a detriment to the community.

22                  CHAIRMAN McMAHON: I'll say, my  
23                  initial thoughts, I have grown up in a  
24                  house that is actually very similar to  
25                  this, built around the same time,

1                   July 30, 2015 Work Session                   24  
2                   similarly two parcels that were put  
3                   together.

4                   I understand the immense amount of  
5                   money it could take to -- it's been  
6                   seventeen years we have been in the  
7                   house and it's been under construction  
8                   the entire time and it's not done.

9                   MR. MOORE: Right.

10                  CHAIRMAN McMAHON: And if it came  
11                  down a decision between my parents  
12                  having to sell the house and split the  
13                  lot, I would prefer that they split the  
14                  lot because I know they have put their  
15                  lives into maintaining the character of  
16                  the house --

17                  MR. MOORE: Exactly.

18                  MR. JAQUET: -- and if it can be  
19                  done in a way that is consistent with  
20                  the neighborhood and is in the  
21                  character of the neighborhood, it's  
22                  something I personally would be -- I  
23                  would defer to largely the Historic  
24                  Preservation Committee and Planning  
25                  Board --



1 MR. MOORE: That's fine.

2 CHAIRMAN McMAHON: -- but I'm not  
3 inherently opposed to being creative  
4 and finding a solution that works.  
5

6 You have demonstrated a commitment  
7 to preserving the property. The  
8 preservation of the home and the  
9 character of the home would be my first  
10 goal for the property.

11 MR. MOORE: Right.

12 CHAIRMAN McMAHON: I can't speak  
13 for the other members of the Board, but  
14 that's my initial reaction.

15 MR. BURNS: My initial reaction is  
16 to deny because there are so many small  
17 parcels and another parcel that  
18 requires the kinds of thing that you're  
19 going require in order to do it, it's  
20 got a lot of hurtles to start with, so  
21 if we go ahead and see what the other  
22 Boards have to say, and than come back  
23 to us, I may change my mind, but my  
24 initial is to deny.

25 My little house is on a

1 non-conforming lot by a big bunch. I  
2 can't reach out and touch the neighbor  
3 when no one looks, and that's  
4 Greenport, but again my initial feeling  
5 is to deny it.  
6

7 MR. JAUQUET: Well, my initial  
8 feeling is to deny it too.

9 The financial hardship reason, I'm  
10 not sure it holds a lot of water  
11 because I think resident of Greenport  
12 that's faced with affluent colonists  
13 coming into the Village face the same  
14 thing.

15 The other thing is, I don't like  
16 all these little lots, especially down  
17 in that location where there is the  
18 other grand houses on First Street.

19 Those are the two things. You  
20 know, if you look at -- you know, I  
21 thought, you know, what would happen  
22 with that is that everything would be  
23 torn down and you would build a new  
24 two-family home, a good-looking new  
25 two-family in that zone.

1                   MR. MOORE: Well, that's not what  
2  
3 he would want, so --

4                   MR. JAQUET: I know. I'm just  
5  
6 saying --

7                   MR. MOORE: I mean, I don't know  
8  
9 what Historic Preservation wouldn't  
10 want that, but --

11                   MR. JAQUET: I know but, you know,  
12  
13 I say that because it looks as though  
14 this house is, maybe, next to  
15 impossible to save.

16                   I don't know that. I don't know  
17  
18 that, but that's how I came into this  
19 in my mind.

20                   MR. MOORE: Okay.

21                   MR. JAUQUET: If it were  
22  
23 subdivided, I think before you can  
24 get -- and the intention was to save  
25 the big house and put something new,  
nicer on the smaller lot, I think I'd  
like to see that elevation of what that  
house would like before I would move  
forward, and the look of your idea of  
what the brick house should be, as

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2                   opposed to letting a builder come in  
3                   and build whatever, one of those tiny  
4                   little, you know, the old frame  
5                   farmhouses that the village may have  
6                   enough of.

7                   MR. URBAN: In response to that, I  
8                   sure I would have to build, whatever I  
9                   did build there would probably have to  
10                  conform to the Historic District.

11                  MR. JAUQUET: That would be one of  
12                  the guides.

13                  MR. URBAN: And the other response  
14                  to the lot sizes and turning into a  
15                  tiny little lot, I mean, I don't see  
16                  where it's a tiny little lot.

17                  Basically, it was originally back  
18                  in the 1800s, you know, two lots, fifty  
19                  by a hundred thirty. I don't think  
20                  that's a teeny lot but, I mean, that's  
21                  just, you know -- I'm not looking to  
22                  make that smaller. I'm basically  
23                  looking to just subdivide that in half  
24                  and whatever we do from there, that how  
25                  we would proceed.

1                   July 30, 2015 Work Session                   29  
2                   MR. JAUQUET: If you were to get  
3                   the subdivision and do, you know, some  
4                   sort of acceptable rebuild on the  
5                   interior lot on the side street, would  
6                   the -- and then you would sell the, the  
7                   idea is to sell the big house to  
8                   someone with means to fix it.

9                   MR. URBAN: Right.

10                  MR. JAQUET: Would your -- were  
11                  you thinking that your sales documents  
12                  would include covenants that would  
13                  prevent them from tearing it down, so  
14                  that we could go forward knowing what  
15                  was going to happen there?

16                  How would that work?

17                  MR. MOORE: I mean, you could  
18                  certainly --

19                  MR. JAQUET: I mean, because if  
20                  you sell it, somebody else could tear  
21                  it down and we'll be stuck, you know.

22                  MR. MOORE: Well, I mean, given  
23                  that the infrastructure, the  
24                  mechanicals, the bones of the house are  
25                  a significant investment he has already

1                   July 30, 2015 Work Session                   30  
2                   made, I would think that anybody  
3                   looking at this house, you don't buy a  
4                   house like this without wanting to  
5                   preserve it. It would be --

6                   MR. JAUQUET: But anybody's mind  
7                   can change.

8                   MR. MOORE: If you wanted to  
9                   impose those kinds of covenants,  
10                  absolutely, it would only enhance --

11                  MR. JAQUET: It's an idea.

12                  MR. MOORE: I mean, it goes with  
13                  what he wants to do, so the last thing  
14                  that anybody, that this proposal is  
15                  trying to do is to suggest a demolition  
16                  of this house, that's the last thing.  
17                  So if it requires covenants so that  
18                  when a person, it's being marketed by  
19                  the brokers, they say, "Well, you know,  
20                  you can't buy this if you want to  
21                  demolish it." Fine, walk away and go  
22                  find something else that doesn't have  
23                  that provision.

24                  MR. JAQUET: It's just an idea to  
25                  protect it, the idea that is actually

1  
2 --

3 MR. MOORE: Oh, yeah. Yeah.

4 MR. JAQUET: -- for the  
5 preservation.

6 MR. MOORE: Right. No. I think  
7 that is a god idea. It's done very  
8 often as conditions certainly I think  
9 anybody, the Zoning Board can do it as  
10 part of their conditions, the Planning  
11 Board, Historic Preservation would  
12 review it. I think at every point in  
13 the process, it could be imposed, so  
14 for you to impose it, it would be  
15 certainly available and willingly  
16 accepted.

17 MS. MUNDUS: That's about the only  
18 way that I would agree to the idea of a  
19 subdivision is if there was more of an  
20 easement on each of the subdivision  
21 lots because I think the beech tree is  
22 just as important as anything on there.  
23 I would hate for any plan that would  
24 harm those beech trees.

25 MR. MOORE: What I might suggest,

1                   July 30, 2015 Work Session                   32  
2                   addressing that issue --

3                   MR. JAUQUET: I think it would --

4                   MR. MOORE: Pardon me.

5                   MR. JAQUET: Sorry.

6                   MR. MOORE: Is locating where  
7                   exactly the beech trees are because you  
8                   had a very good suggestion which is,  
9                   maybe the lines where they're being  
10                  proposed may make more sense if they  
11                  were cut a little bit differently so  
12                  that the beech tree is preserved over  
13                  here.

14                 There are so many ways to grade  
15                 the lines here. We gave it to our  
16                 surveyor, and this is the suggestion we  
17                 gave them, it's certainly not the last  
18                 and only option. So part of the  
19                 discussion either with you or the  
20                 Zoning Board, anybody who wants to talk  
21                 with us and give us input, I think  
22                 we're all amenable.

23                 MR. URBAN: At this point and  
24                 stage, I don't know where that one  
25                 beech tree, where that one beech tree



1                   July 30, 2015 Work Session                   33  
2                   would fall on the interior lot. It may  
3                   even fall within the set back  
4                   requirement. I have no idea at this  
5                   point. I mean, I could probably  
6                   investigate it.

7                   MR. MOORE: We could measure it.

8                   MS. MUNDUS: This project requires  
9                   an enormous amount of sensitivity, and  
10                  it appears that the carriage house is  
11                  the not, it's not a residential  
12                  structure, but maybe the Zoning Board  
13                  might be able to consider that as a  
14                  variance if you might consider living  
15                  in the carriage house.

16                  MR. MOORE: That's is a very small  
17                  structure. I think as a beginning  
18                  point, as --

19                  MS. MUNDUS: You couldn't build  
20                  much bigger on that lot even with the  
21                  carriage house there. That also would  
22                  be a small structure.

23                  MR. MOORE: I think as far as lot  
24                  coverage goes, you could actually,  
25                  there's quite a lot of room. The

1 carriage house is not, the footprint is  
2 not that big. I guess, again an  
3 architect would know better, but my  
4 vision is always incorporate, if you  
5 could, retain the carriage house and  
6 incorporate it into part of the  
7 structure that is, you know, looks  
8 historic and looks like it works  
9 together, so possibly depending on  
10 where the lines are drawn.  
11

12 So I think that the first step  
13 might be for us to locate where the  
14 beech trees are so we know exactly what  
15 we're talking about because the beech  
16 tree on parcel two, as Eric says, may  
17 be closer to the front then we are  
18 visualizing and a simple measurement  
19 would tell us what the, where the  
20 circumference is of that beech tree, so  
21 we can preserve it to the extent  
22 possible.

23 MS. MUNDUS: Well, the roots of  
24 the beech tree will radiate out as far  
25 as the dripline of the tree, so that

1                   July 30, 2015 Work Session                   35  
2                   also limits, you know, the proximity of  
3                   the foundation of the beech tree  
4                   without harming it also.

5                   MR. MOORE: Right.

6                   MS. MUNDUS: I guess it's just,  
7                   it's such an incredibly beautiful piece  
8                   of property and I commend you for  
9                   trying to preserve it.

10                  I also am an preservationist and  
11                  you're a man after my own heart, but  
12                  the whole project is so sensitive, it's  
13                  going to be a little tricky.

14                  CHAIRMAN McMAHON: I believe Ms.  
15                  Berry had a comment.

16                  MS. BERRY: Yeah. I actually have  
17                  four.

18                  First of all, I appreciate that  
19                  you're trying to preserve the historic  
20                  nature of it, but I think the proposal  
21                  actually is quite destructive of the  
22                  historical nature of the building, and  
23                  it's not just the building, but it's  
24                  the site and the relationship of space  
25                  to the building and, you know, the sort

1 of scale of the building to the yard  
2 and the fact that the porch is opening  
3 up to the yard and then you are going  
4 to put another building that just kind  
5 of blocks it, so it's going to be quite  
6 destructive, and even the relationship  
7 of the carriage house to main house,  
8 you know, it has -- proportion is part  
9 of historicism, so I actually think the  
10 proposal is rather destructive. I know  
11 you don't mean it to be that way, but  
12 just the nature of trying to do that, I  
13 think is that way.

14  
15 In terms of fiscal hardship, you  
16 have a beautiful property there and  
17 there are other things you can do, like  
18 it could be a two-family. It was  
19 mentioned the variance for living in  
20 the carriage house and then, you know,  
21 doing something like that will have  
22 less of an impact.

23 MR. JAUQUET: Can I interrupt you?

24 MS. BERRY: Yes.

25 MR. JAQUET: The two-family idea,

1                   July 30, 2015 Work Session                   37  
2                   one family in the carriage house and  
3                   one in the big house?

4                   MS. BERRY: No. I was thinking  
5                   two in the big house.

6                   MR. JAUQUET: Two in the big house  
7                   plus the third.

8                   MS. BERRY: That would be a  
9                   variance to get that.

10                  MR. JAQUET: Can it be done?

11                  MS. BERRY: That would be a  
12                  variance, but they could make a  
13                  two-family out of the big house, that  
14                  they can do.

15                  MR. JAQUET: Yeah.

16                  MS. BERRY: So it could be a B &  
17                  B, I mean there are things that you can  
18                  do to generate income.

19                  PODIUM SPEAKER: Well --

20                  MS. BERRY: I know, then it  
21                  would --

22                  MR. MOORE: It would not be him  
23                  though, that's the problem. He is not  
24                  going to run a B & B and --

1                    July 30, 2015 Work Session                    38  
2                    MS. BERRY: But it could be a two  
3 family and it could --

4                    You know, there are ways of  
5 dealing with it.

6                    There are two main issues for me.  
7 If you approve this, you're basically  
8 undermining the code. You're setting a  
9 precedence that it's okay to have  
10 fifty-foot-wide lots.

11                    Now, if you believe that is the  
12 way to go, I'm fine with that; but what  
13 you're doing is setting up every lot  
14 that could be subdivided, so before you  
15 say yes to something like that, I think  
16 what you have to do is have a  
17 moratorium, count how many lots are in  
18 the zone that could be subdivided and  
19 then, you know, see what that impact is  
20 because if he does it, then everybody  
21 else that has a bigger lot can come  
22 back and ask for a subdivision. So I  
23 think you need to asses the impact on  
24 the existing community of doing that  
25 before you say yes.

1                    July 30, 2015 Work Session                    39  
2                    The other thing is, there is this  
3 weird loophole in your code. In the  
4 schedule, there is a note that allows  
5 if you have an existing one-family  
6 dwelling, you can make it a two-family,  
7 so basically if you subdivided this,  
8 this could potentially be four units.

9                    Now, if you want that, that's  
10 fine. I'm not saying anything against  
11 it, but you have to understand the  
12 implications of a decision, that those  
13 people would have the right to do that.

14                    MR. MOORE: Unless a covenant was  
15 imposed that prevented it.

16                    MR. PROKOP: I'm glad that was  
17 pointed out to everybody, but the thing  
18 is normally, typically we covenant  
19 this -- thank you, Pat.

20                    MR. MOORE: Okay.

21                    MR. PROKOP: Typically, there  
22 would be a covenant that both houses  
23 would remain one family so we don't end  
24 up can with four families if this was  
25 ever to come to be.

1  
2 MR. URBAN: I, myself, am not  
3 willing or looking to convert the main  
4 house into a two-family. To me the  
5 interior, historically is just as  
6 beautiful as exterior other than,  
7 obviously, due to a lack of paint or  
8 whatever else from an esthetic point of  
9 view that comes to everybody's eyeball  
10 attention, so that's my viewpoint.

11 MR. PROKOP: My only comment to  
12 the Board is typically on a  
13 subdivision, there are considerations  
14 that are, the considerations on a  
15 subdivision are the impact, potential  
16 for impacts on the environment and also  
17 the quality of life and the  
18 charismatics of the neighborhood and  
19 there really hasn't been any testimony  
20 from the applicant or submission having  
21 anything to do with that, you know,  
22 those are considerations, really, that  
23 we have to go through on a subdivision  
24 application. The only thing that has  
25 been offered is that, basically, there



1                    July 30, 2015 Work Session                    41  
2                    will be money to save the ownership of  
3                    one of the properties, I don't know  
4                    which one it is now, but for us to  
5                    consider the application, really, we  
6                    would have to have that kind of  
7                    testimony and documentation before the  
8                    Board.

9                    MR. MOORE: You know, this being a  
10                   pre-submission, we wanted your input  
11                   first because again we may not, if  
12                   you're input is go away, sell the house  
13                   and leave Greenport or find some other  
14                   little place and sell this one to  
15                   somebody else, fine.

16                   Alternatively if you think that  
17                   there is some method of subdividing  
18                   this that would be acceptable or  
19                   recommended, that's what the  
20                   pre-submission really is for. You  
21                   know, we'll sit down at a table and  
22                   consider different, you know, lines.

23                   Obviously, you can only, at this  
24                   point, you can only make a  
25                   recommendation, it's up to the Zoning

1  
2 Board because they would have to  
3 approve the size and the dimensions of  
4 the property that has been proposed to  
5 be created.

6 Once they have considered it and  
7 it and it comes back to you, then at  
8 that point, we would consider all the  
9 standards that you need and Mr. Prokop  
10 is raising as far as, you know, what  
11 covenants, what conditions should be  
12 imposed on this property to assure you  
13 and future and neighbor and future  
14 buyers to know what the rules are with  
15 respect to this property, that it's,  
16 you know, it will have the sensitivity  
17 that, you know, and the, and you'll  
18 have to abide by whatever it is that  
19 the Boards have imposed along the way.

20 That's really all that we can  
21 offer at this point. We need to start  
22 a dialogue, and before I put a client  
23 through the expense of going through  
24 the next phase, I do want the have some  
25 input because, you know, you speak for

1  
2 the community and if your position is,  
3 we don't care what, you know, if it's  
4 demolished it's demolished, if it  
5 stays, it stays, but it will be  
6 somebody else's issue.

7 MS. BERRY: Can I add one more  
8 thing?

9 I think it's also hard to make a  
10 decision when it's all imaginary, and I  
11 would think it would have to be  
12 designed for exactly what you're going  
13 to be doing on both lots. For somebody  
14 to be able to adequately decide the  
15 impact on the historical nature.

16 MR. MOORE: I don't disagree with  
17 that and as far as the kind of house  
18 that you would want to build and the  
19 footprint that would be desired, we can  
20 go back and have him do that homework.

21 MS. BERRY: And also the other  
22 house, exactly what would happen to the  
23 other house?

24 MR. MOORE: That would stay. The  
25 other house is to remain.

1                    July 30, 2015 Work Session                    44  
2                    MS. BERRY: But it's going to be  
3 destroyed by the active division. You  
4 have to take down part the house.

5                    MR. MOORE: No.

6                    The only part that would be  
7 removed would be that side porch, the  
8 rest would be an encroachment.

9                    MS. BERRY: But he would need to  
10 show that.

11                   MR. URBAN: It would be the mirror  
12 image. It would be flip-flopping it,  
13 you know, from one side of the house to  
14 the other side of the house. I mean, I  
15 don't feel in my opinion that it  
16 historically takes anything away from  
17 the house from historic prospective or  
18 an esthetic prospective.

19                   I mean, it depends on which end of  
20 the house you're looking at it from,  
21 but, you know, I mean that's just my  
22 opinion.

23                   MS. BERRY: It's my recommendation  
24 that if it did move forward, you  
25 consider proper elevations of what's

1 going to finally be proposed.

2  
3 MS. MUNDUS: Also, the job of the  
4 Planning Board is to try to balance the  
5 issues of property owner's rights  
6 against the effects of all, the reasons  
7 why, there could be variance for a  
8 reason and it's our job to sort not go  
9 backwards in time but to move forward  
10 and try to make it -- so whatever plan  
11 that you come up with would have to  
12 help us feel better about moving  
13 forward instead of going backwards.

14 That's why you have absolutely no  
15 right, you can ask permission for it,  
16 but you have no right or recourse to  
17 undo a subdivision. Those two lots  
18 were merged for a reason --

19 MR. MOORE: Oh, no. We're not --  
20 Yeah, we're for a new application.

21 MS. BERRY: And actually on your  
22 plan, the lot line does go through part  
23 of the house.

24 MR. MOORE: No. We understand  
25 that. The bay window and --

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25

This part is a stoop or something?

MR. URBAN: No. That's the rear bathroom.

MR. MOORE: Oh, the rear bathroom.

We would create either an easement or a -- it can be addressed by title to preserve it, so maintaining the structure just as it is.

Again, if the Board came back and said well, you know, we would recommend changing the line this way, it may I eliminate those issues, so --

MS. BERRY: And then also realize on the other side of the house, if you do move the porch, you've got a front set back.

MR. MOORE: Yeah. I would need a variance, so we would need to know --

MS. BERRY: So you would need another variance.

MR. MOORE: It would be --

MS. MUNDUS: It's five variances now. It's a complex project.

MS. WINGATE: It's up to about

1  
2 eight.

3 MR. MOORE: It's a pre-existing  
4 historic property. I haven't seen one  
5 pre-existing historic property in the  
6 Village that isn't complicated, so it's  
7 accepted that this is complicated and  
8 it needs variances because, again, it  
9 would be much simpler to demolish  
10 everything to demolish everything  
11 that's here and build within this  
12 footprint. That is not what's being  
13 proposed and if the only way feasible  
14 to do that is to go through the  
15 variances, he's ready to do that.

16 MS. MUNDUS: That why lots are  
17 drawn in the first place to cure that  
18 problem, now you want to un-cure a  
19 solution in the first place.

20 MR. URBAN: I don't know the  
21 reason why it was, you know, put  
22 together that way, that was in the  
23 history, so I have no idea.

24 MS. MUNDUS: Can you tell us the  
25 history, a little brief summary and

1 history of the house?

2  
3 MR. URBAN: The history of the  
4 house, from what I understand, was  
5 originally owned by the Barth  
6 (phonetic) family, okay, and it goes  
7 back, as far as I can see, I've got  
8 some pictures that go back to 1898.

9 In fact that porch that's on there  
10 right now is not the original porch.  
11 It's more of a federalistic designed  
12 porch. If you look directly across the  
13 street on First Street, it's just the  
14 width of the building, that's all it  
15 was.

16 I can present those photographs  
17 that I've come into hand with.

18 In 1933, I believe that the Barth  
19 family had done a major renovation to  
20 that house. I mean, I ripped off some  
21 wallpaper on the interior, I found the  
22 decorator's, which I have not destroyed  
23 because I'm going to leave that, I'm  
24 going to frame, it's from 1933. I've  
25 got some of the pictures that date back



1                   July 30, 2015 Work Session                   49  
2                   to around that time that I believe  
3                   that's when that porch was modified. I  
4                   guess it was more the grandiose look to  
5                   the house by doing that to the porch,  
6                   but that was not the original porch.

7                   MS. MUNDUS: Is it included in the  
8                   inventory of historic structures of  
9                   Greenport because that would be really  
10                  useful information for everybody?

11                 MR. MOORE: It's in the library.

12                 MR. PROKOP: Well, it's in --

13                 MR. URBAN: I found very little in  
14                 the Village here with regards to the  
15                 house, other than some historic stuff  
16                 that started back the '60s and '70s  
17                 when they went around and looked at a  
18                 lot of these homes. That's the best  
19                 knowledge I have.

20                 MR. MOORE: You have your own  
21                 pictures.

22                 MR. URBAN: Yeah, I've got  
23                 whatever I discovered in the house or  
24                 whatever it is, yes.

25                 MS. MUNDUS: Because history

1 belongs to those who write it, so  
2 you're version of what the house is may  
3 be different than an engineer's or  
4 architectural historian's. It would be  
5 really nice to just have an objective  
6 report on what the house is and --

8 MR. MOORE: We do have those kind  
9 of records, you know, that --

10 MR. PROKOP: Can I just answer the  
11 question? I'm sorry.

12 It's included in the Historic  
13 District, which means it's on the  
14 National Register of Historic Places.

15 MS. MUNDUS: It's on the National  
16 Register?

17 MR. PROKOP: The Historic  
18 District.

19 MS. WINGATE: The whole district  
20 is.

21 MR. PROKOP: For preservation.

22 CHAIRMAN McMAHON: Do you have any  
23 specific questions for us because we do  
24 have need to sort of move on.

25 MR. MOORE: Would it be helpful to

1                   July 30, 2015 Work Session                   51  
2                   come back with a -- it would be --

3                   How do I get input on where the  
4                   line should be if it were, would it be  
5                   an informal meeting with Historic  
6                   Preservation?

7                   CHAIRMAN McMAHON: I would like to  
8                   just --

9                   You can't speak to them.

10                  MS. BERRY: You can speak to them,  
11                  but I don't think it's our job to  
12                  design.

13                  CHAIRMAN McMAHON: No. Direct --

14                  MR. MOORE: No. It's input --

15                  CHAIRMAN McMAHON: You can speak  
16                  with the --

17                  MR. MOORE: We were, you know --  
18                  I'm sorry.

19                  It's not your job to design for  
20                  us, but it is, you sit in a very unique  
21                  role, which is to give input and  
22                  possibly --

23                  We know that whatever  
24                  recommendations you have are purely  
25                  just recommendations, they're not

1 binding until the Board acts, but  
2 rather than come back to you with how  
3 about this and how about that on four  
4 different variations of it, it's always  
5 more helpful, there may be a suggestion  
6 that would be something we never would  
7 have thought.

8  
9 CHAIRMAN McMAHON: I would suggest  
10 speaking with the Historic Preservation  
11 Commission and the Zoning Board.

12 MR. MOORE: Okay.

13 CHAIRMAN McMAHON: If they have  
14 any comments, if they have some  
15 thoughts and input.

16 I, personally, like I said before,  
17 I am open to the idea personally, I  
18 can't speak for the other members of  
19 the Board, they issued their  
20 opposition.

21 Speak with them because I would be  
22 deferring to them with regards whether  
23 or not the plans will maintain the  
24 character of the neighborhood and  
25 whether or not it's in the best

1 interest of the area.

2 That's my recommendation.

3 MR. PROKOP: I think there were a  
4 lot of comments, the transcript, when  
5 it becomes public, is going to show  
6 extensive comments by the Board.

7 CHAIRMAN McMAHON: Using all of  
8 those as guidelines and --

9 MR. MOORE: All the comments  
10 tonight?

11 MR. PROKOP: Yes.

12 CHAIRMAN McMAHON: Yes, all the  
13 comments from tonight and, again,  
14 seeking out the other Boards who would  
15 have their input as well.

16 That would be my suggestion to  
17 where to go next.

18 MR. MOORE: Okay. Thank you.

19 CHAIRMAN McMAHON: If there's no  
20 other questions or comments, we'll move  
21 on.

22 I'm going to make a motion that we  
23 move on to the next item.

24 Do I have a second for that?

1 MR. JAUQUET: Second.

2 CHAIRMAN McMAHON: All in favor.

3 (All Said Aye.)

4 CHAIRMAN McMAHON: Item number  
5 four: Continued discussion and  
6 possible action on 300-308 Main Street.

7 The Sterling Square Project was  
8 reviewed by the Historic Preservation  
9 Commission on July 6, 2015. The  
10 Historic Preservation Commission  
11 approved the siding, windows and trim.  
12 The outside bar was approved for  
13 HardiePlank construction with a granite  
14 countertop, and the cedar pergola was  
15 approved as submitted. All proposed  
16 signage was approved. The HPC has not  
17 approved a fence for along Bay Avenue,  
18 pending the drawing to be submitted for  
19 review.  
20

21 MR. PROKOP: This matter is before  
22 us because we have to initiate a  
23 coordinated review for purposes of  
24 SEQRA. It ended up being Type I Action  
25 and we need to --

1                    July 30, 2015 Work Session                    55  
2                    My recommendation to the Board is  
3                    that we initiate a coordinated review  
4                    to enter that period and then we could  
5                    finish that at the next meeting.

6                    CHAIRMAN McMAHON: At the --

7                    MR. PROKOP: At the next work  
8                    session meeting, whatever is in front  
9                    of us.

10                   CHAIRMAN McMAHON: They wouldn't  
11                   be able to do anything until then?

12                   MR. PROKOP: I don't know. We  
13                   would have to -- that would be  
14                   something we have to discuss.

15                   From the legal standpoint, I have  
16                   to advise you that we need to complete  
17                   the SEQRA portion of the application.

18                   CHAIRMAN McMAHON: Okay.

19                   So this was originally -- Did we  
20                   make a SEQRA determination on this  
21                   already; didn't we decide this was --  
22                   we made a determination of a Type II or  
23                   unlisted?

24                   MR. PROKOP: I think it would be  
25                   determined it was unlisted, but it

1                   July 30, 2015 Work Session                   56  
2                   ended up it was in the Historic  
3                   District, which means it's a Type I.

4                   CHAIRMAN McMAHON: For unlisted  
5                   action it would have been a  
6                   uncoordinated review. The SEQRA  
7                   determine -- for every application that  
8                   comes before the Board, there is a  
9                   SEQRA review, State Environmental  
10                  Quality Review Act, generally  
11                  properties would be classified in one  
12                  of three ways, which requires a public  
13                  Hearing and requires, that would be  
14                  a --

15                  I'm sorry. What was that?

16                  MR. PROKOP: I was asking Glenis  
17                  something. I'm sorry to interrupt.

18                  CHAIRMAN McMAHON: Type II Action  
19                  requirement would have no negative  
20                  impact on the environment, there would  
21                  be no further action.

22                  An unlisted action could have an  
23                  uncoordinated review where we make the  
24                  determination if another commission has  
25                  jurisdiction. In this case, the



1  
2 Historic Preservation Commission would  
3 make the determination.

4 In the case of a Type I action,  
5 there is a State requirement for once  
6 is a determination, I believe, please  
7 correct me if I'm wrong, a  
8 determination is made that if it's a  
9 Type I Action, there would be a review  
10 that would require thirty days of  
11 public comment, and then it would be up  
12 for approval.

13 If it was, I believe we initially  
14 determined it was either Type II or  
15 unlisted which wouldn't require a  
16 public hearing and wouldn't require a  
17 thirty day wait period, but because it  
18 is in the Historic District, it would  
19 be out of our hands as to whether or  
20 not that review has to take place.

21 I believe that's correct.

22 MR. PROKOP: I believe that's  
23 correct.

24 CHAIRMAN McMAHON: I'm not really  
25 certain what else to say. When this

1                   July 30, 2015 Work Session                   58  
2                   was initially before the Board, we  
3                   approved the plans, having, I think,  
4                   all of your concerns were addressed at  
5                   that time. I'm not really certain  
6                   where --

7                   MR. BURNS: We need to back up and  
8                   start other again?

9                   CHAIRMAN McMAHON: No. It's just  
10                  the -- I don't believe we need to start  
11                  over at all, it's just that the SEQRA,  
12                  there is a State requirement for a  
13                  thirty-day public comment once that  
14                  determination is made.

15                  MS. BERRY: Was there a public  
16                  hearing when you first, when you had an  
17                  unlisted because you have an option of  
18                  having a public hearing; was there one.

19                  MR. PROKOP: No.

20                  CHAIRMAN McMAHON: No there  
21                  wasn't.

22                  We approved it with the  
23                  understanding that it would go before  
24                  the Historic Preservation Committee.  
25                  Any agency that has jurisdiction can

1 initiate a SEQRA review.

2  
3 Generally, it's the first agency  
4 that gets it that makes the  
5 determination. We made a determination  
6 of that there apparently was not the  
7 correct determination because it is in  
8 the Historic District and therefore  
9 requires this thirty-day waiting  
10 period, so I don't know what recourse  
11 we have here.

12 MS. BERRY: Personally, you can  
13 correct me, because this isn't a legal  
14 opinion, I agree that I would have  
15 called this a Type I Action, but since  
16 you already decided it was unlisted and  
17 he has gone through the process and the  
18 historical preservation Commission has  
19 approved it, what I would do is, I  
20 would sit down with the Planning Board  
21 and the Historic Preservation Board  
22 because under SEQRA, you can determine  
23 what you think is a Type II and a Type  
24 I action and make that determination  
25 and then from that point forward, that

1                   July 30, 2015 Work Session                   60  
2                   is your guideline for dealing with the  
3                   historic projects and maybe even vet  
4                   that with the State to make sure that  
5                   they're okay with that.

6                   That's how I would approach this,  
7                   so I would not go backwards, but I  
8                   would go forwards and try and do it in  
9                   a coordinated fashion, and granted you  
10                  won't be able to anticipate every  
11                  circumstance, but if you set guidelines  
12                  and the reason why you're making that  
13                  determination, I think that could be  
14                  guidance going forward.

15                  What do you think, Joe?

16                  MR. PROKOP: Glenis and I had this  
17                  discussion, it was a good discussion  
18                  that we had over the last few days  
19                  about this.

20                  It ends up that the Board can  
21                  determine what actions -- the Board can  
22                  determine a list, and any Board can  
23                  determine a list of what it considers  
24                  to be Type I and Type II Actions, so  
25                  you can make additional actions in

1                    July 30, 2015 Work Session                    61  
2                    addition to the State list, Type II  
3                    Actions and, you know, I think one of  
4                    the things that we might consider in  
5                    the future is decisions that are  
6                    use-only evaluations that are interior  
7                    and are the same use, basically the  
8                    same use, although under the State law  
9                    now, that would be an unlisted action,  
10                    or my thinking is that would be  
11                    unlisted, I think that we can call that  
12                    a Type II Action in the future.

13                    So if you have a retail store  
14                    that's not changing, there's only  
15                    changed in ownership, not the use, I  
16                    think that it's fair to say that should  
17                    be a Type II Action.

18                    I don't think -- the only thing  
19                    is, I don't that you can do that  
20                    retroactively, and the second thing is  
21                    that this particular actions was a  
22                    fairly significant action, you know,  
23                    renovation of a building and it did  
24                    involve exterior work, so it wasn't  
25                    just an interior impact.

1                    July 30, 2015 Work Session  
2                    MS. BERRY: But you already  
3                    classified it, so --

4                    CHAIRMAN McMAHON: If we  
5                    classified this as an unlisted action  
6                    and that remains the classification,  
7                    then you can have an uncoordinated  
8                    review among the Boards. There's no  
9                    Public Hearing required, essentially  
10                    everything has already been done, but  
11                    if it required it has to be classified  
12                    as a Type II Action, I think that's the  
13                    question.

14                    MS. BERRY: And do you do it  
15                    retroactively or do you just do it  
16                    moving forward because it does create a  
17                    hardship for somebody.

18                    MR. PELTON: I'd be happy to speak  
19                    to that hardship.

20                    I very much ask the Board to keep  
21                    to keep the designation as an unlisted  
22                    action.

23                    I first appeared before the Board  
24                    eight months ago. This is the forth  
25                    time the we have been before the Board.

1  
2 We have been before the Historic  
3 Preservation Board. We have been  
4 approved by the Historic Preservation  
5 Board. We installed a sprinkler  
6 system, we have been inspected by the  
7 Health Department, our plumber, our  
8 electrical, ancillary inspection are  
9 all complete. All we have furniture  
10 in. We got the microsystem up. We're  
11 supposed to be open.

12 The rooms upstairs are beautiful,  
13 and we did not change the fundamentals  
14 of the building. We took down a rather  
15 hideous-looking yellow awning and we  
16 changed the stucco that was  
17 deteriorating to HartiePlank which is  
18 very much approved by Historical  
19 Preservation Board. We removed an  
20 unsightly yellow awning that did fit  
21 the character of the historic nature of  
22 the Village and we are in the process  
23 of installing a cedar pergola, which  
24 the much more historically correct.

25 We ask that the Board or I'd ask

1                   July 30, 2015 Work Session                   64  
2                   that the Board keep this as an unlisted  
3                   action, it allows us to move forward so  
4                   that we could get our final inspections  
5                   completed and open.

6                   Alternatively, if we are required  
7                   to do more, we would ask that we be  
8                   able the finish all necessary  
9                   construction and be issued some sort of  
10                  temporary Certificate of Occupancy  
11                  during this period anyway.

12                  We have already missed a  
13                  substantial amount the season. We are  
14                  expecting to host a party on the 8th  
15                  and have a reception on the 9th, and we  
16                  would like the be open the dinner  
17                  service on the 10th. We he have  
18                  bookings for the hotel in mid August,  
19                  and I just want to be able to -- I love  
20                  the Village of Greenport. Eileen has  
21                  helped this process so much. Everybody  
22                  on the Board has been terrific, I would  
23                  like to be able to open.

24                  One more month of delay would be a  
25                  substantial impact or hardship.



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CHAIRMAN McMAHON: Comments.

MS. MUNDUS: I couldn't agree more. I mean August is going to be here this weekend and --

MR. JAUQUET: What about working with a temporary C of O and then --

MR. BURNS: How are we going to help these people.

MR. JAUQUET: A SEQRA takes thirty days? Have we already started that?

MR. PROKOP: Twenty days and the, you know --

MR. JAQUET: We were talking about this last time, a month ago, and it hasn't started yet.

MS. WINGATE: We did not discuss this a month ago at all --

MR. JAQUET: At all.

MS. WINGATE: -- it didn't come until two days after the last meeting.

MR. PROKOP: It's true that the have Historic Preservation review, but that was after the project was substantially completed.

1                    July 30, 2015 Work Session                    66  
2                    The historic preservation review  
3                    was only done a few weeks ago.

4                    One of the things that -- contrary  
5                    for the Board is, I have a concern  
6                    about what the description of the  
7                    project has actually been before the  
8                    Board.

9                    I don't know if my concerns are  
10                   merely my reading of this, but my  
11                   recollection is that the initial  
12                   application to the Board, what we  
13                   approved was an investigation of a  
14                   beam.

15                   At our initial meeting, we said  
16                   that we would approve a building permit  
17                   for the investigation of a beam to see  
18                   what needed to be replaced in, I think,  
19                   the upstairs of the building, if I'm  
20                   not mistaken, or in the restaurant  
21                   area, and I wanted to ask what appears  
22                   as item number four on our agenda, the  
23                   items that say that, it says that it  
24                   was approved as submitted, are those  
25                   things that the Historic Preservation

1  
2 Committee approved or are those thing  
3 that this Board approved or do you  
4 know.

5 MS. WINGATE: I do know. I have  
6 been reading the minutes.

7 The Historic Preservation  
8 Commission approved the siding, the  
9 window trim. This Board also approved  
10 the bar, the outside fireplace and the  
11 pergola and those were words out of  
12 Planning Board minutes.

13 MR. PROKOP: Okay.

14 MS. WINGATE: And the beam --  
15 before they, before they approved the  
16 project, they gave me permission to  
17 issue a building permit for  
18 exploration, and then after  
19 exploration, I wrote a second building  
20 permit after the Planning Board for the  
21 whole project, so like Brent said, he  
22 has been here at least four times.

23 MS. MUNDUS: I'm sorry that I  
24 wasn't here during this first  
25 submission or for the other times you

1                   July 30, 2015 Work Session                   68  
2                   were here before this Board, but I  
3                   guess my question, in order for me to  
4                   catch up on this is why are we only now  
5                   discovering that we're struggling with  
6                   which SEQRA determination has to be  
7                   made when they're ready to pen the  
8                   restaurant. Fifty percent of the  
9                   season is already gone. I'm confused.  
10                  And how can we help him? I mean, if we  
11                  do the coordinated review with the  
12                  Historic Review Board and call it  
13                  unlisted or Type II, can we give them a  
14                  temporary CO and let them get started  
15                  while this is going in?

16                  MR. PROKOP: I'd like to just tell  
17                  the Board legally where you're at as  
18                  far as SEQRA, and then you can decide  
19                  on your own what course of action to  
20                  take.

21                  The significant part of this is  
22                  that when call this an unlisted action,  
23                  which I believe it probably is an  
24                  unlisted action, because we now know  
25                  that it's in the Historic District

1                    July 30, 2015 Work Session                    69  
2                    which we didn't know before, it's in  
3                    the Historic District, that, by  
4                    definition converts it to a Type I  
5                    Action.

6                    When Glenis and I were talking  
7                    before about, not this action, this is  
8                    not the kind of action we're talking  
9                    about, but on a, you know retail store  
10                    for retail store being a Type II, that  
11                    keeps it at a Type II. Once something  
12                    is an unlisted action, if it's in the  
13                    Historic District, it steps it up, the  
14                    law steps it up and you can't take that  
15                    away. It's then a Type I action, so  
16                    that that's what the -- the  
17                    significance, I mean, we're in  
18                    agreement that it's at least an  
19                    unlisted action because it's in the  
20                    Historic District, that notches it up  
21                    to a Type I Action, so the only thing I  
22                    can ask you is that we complete the  
23                    SEQRA review. Whatever you want to do  
24                    in the meantime is, I mean, you have --

25                    My suggestion would be that if

1 anything is going to happen, that it be  
2 limited to the inside and that the  
3 applicant has to know that it's at  
4 their risk, you know, because we don't  
5 know what's going to come out of the  
6 SEQRA. Once we open this up and  
7 there's testimony about SEQRA, you  
8 know, there are other thing that could  
9 come out of it.

11 MS. MUNDUS: How much more outside  
12 construction is there to do?

13 MR. PELTON: We need to complete  
14 the patios, so we have to finish the  
15 pergola and build out the seating area  
16 in the bar.

17 MS. MUNDUS: Build out the seating  
18 area means like leveling it?

19 MR. PELTON: There is some fencing  
20 and a banquet on one side, and we need  
21 to do the bar.

22 MR. PROKOP: What is a cedar  
23 pergola?

24 I'm sorry, could you just for my  
25 benefit. I mean, I thought that was

1 the planking itself.

2 MR. BROWN: Rob Brown, architect.

3 The cedar pergola is the open  
4 joist covered area over the patio.

5 MR. PELTON: I'd be happy to show  
6 you a picture.

7 MR. PROKOP: Sure.

8 MR. PELTON: (Handing.)

9 MR. BROWN: Where the awning used  
10 to be.

11 MS. MUNDUS: So is the dining area  
12 usable the way it is without the  
13 banquets and fence? And the Historic  
14 Preservation Committee has not approved  
15 it; is that what you're talking about?

16 MR. BROWN: That was -- Yes, that  
17 was transmitted to --

18 MR. BURNS: If we gave them an  
19 approval to go ahead with a pergola or  
20 whatever and afterwards somebody came  
21 along and said, no that can't occur,  
22 the worst thing that would happen is  
23 they would have to tear it off.

24 MR. PROKOP: Right.

1                    July 30, 2015 Work Session                    72  
2                    Well, the SEQRA, we're also going  
3                    to have to look at the parking. I know  
4                    the building is exempt from parking,  
5                    but the you there was the change of use  
6                    of the second floor, so parking is one  
7                    of the things that's also going to have  
8                    to be looked at, that we should be  
9                    concern about, but yes, that would  
10                   be -- right, one of the things, if we  
11                   get significant testimony about the  
12                   negative impact, that's one of the  
13                   things that --

14                   MS. MUNDUS: Isn't that building  
15                   exempt from parking requirements?

16                   MR. PROKOP: The building is, but  
17                   there was a change of use, I'm not sure  
18                   what that does.

19                   MS. BERRY: But the code does  
20                   allow change of use, but it says if the  
21                   building was old, you're still exempt,  
22                   so if you approve the use, they're  
23                   still exempt.

24                   MR. PROKOP: Okay.

25                   MS. MUNDUS: So that's a



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non-issue.

MS. BERRY: Right.

MS. MUNDUS: So then to boil it down, the only risk to the owner is the banquets and the fence.

PODIUM SPEAKER: That is a risk I would be happy to take.

MS. MUNDUS: So then, in that case, logically, it seems that we could issue a temporary CO so that he could get open while the SEQRA review is ongoing for the next month. He would be making a living recouping his construction costs while we were still reviewing SEQRA, correct; am I right?

MR. PROKOP: We don't issue temporary COs, the building inspector does it.

MS. MUNDUS: That's what I mean.

MS. BERRY: But you would be willing to.

MS. MUNDUS: A temporary CO, they could be working while we're still reviewing this late SEQRA designation

1  
2 process, correct?

3 MR. PROKOP: I think the request  
4 from the owner, if I'm not mistaken,  
5 was to develop something on the inside,  
6 to operate something on the inside, not  
7 the outside. I'm not sure if that's  
8 correct or not.

9 MR. PELTON: We would like the  
10 temporary Certificate of Occupancy. We  
11 would like to open.

12 MS. MUNDUS: That would include  
13 the rooms upstairs.

14 MR. PELTON: Yeah.

15 MS. MUNDUS: Which are completed.

16 MR. PELTON: Correct. They're  
17 beautiful. I can show you some  
18 pictures (handing).

19 MR. JAUQUET: What could SEQRA  
20 find that would close him up?

21 MR. PROKOP: That the introduction  
22 of the use on the second floor has  
23 significant negative impact on the on  
24 the environment, whatever the change is  
25 on outside has a negative impact.

1                   MR. JAUQUET: Who makes that  
2  
3 determination.

4                   MR. PROKOP: You do.

5                   MS. BERRY: I also think the only  
6 historic, in terms of esthetics would  
7 come from the State because they're the  
8 only voice that hasn't been heard  
9 because you have already heard from the  
10 local.

11                  MS. MUNDUS: Right.

12                  But we would have to presume that  
13 our own Historic Preservation Committee  
14 was already in line with and in step  
15 with the State standards.

16                  MS. BERRY: Right.

17                  MS. MUNDUS: Therefore that has  
18 already been settled also.

19                  MS. BERRY: Well --

20                  MS. MUNDUS: What I'm confused at  
21 is, I mean, we have an incredible asset  
22 to Greenport, beautiful esthetic,  
23 beautiful taste and why would we put up  
24 any walls to prevent these fellows from  
25 opening this beautiful place if we can

1                   July 30, 2015 Work Session                   76  
2                   get him fired up and running and do  
3                   SEQRA review.

4                   I mean, isn't that what's going on  
5                   with the shipyard right now, where  
6                   there the work ongoing while there is a  
7                   review process going on, so it's not  
8                   like we're asking for anything out of  
9                   the ordinary, correct; am I wrong?

10                  MR. BURNS: What action do we need  
11                  to take to move this ahead?

12                  MR. JAQUET: Yeah.

13                  MR. PROKOP: My only  
14                  recommendation is that you vote to  
15                  initiate the coordinated review, the  
16                  twenty-day coordinated review, anything  
17                  else would be between the  
18                  Building Department.

19                  I can't recommend anything else.

20                  I'm sorry.

21                  CHAIRMAN McMAHON: If the  
22                  coordinated review goes forward, does  
23                  the Building Department have discretion  
24                  to issue a temporary CO?

25                  MR. PROKOP: I don't believe so,

1 but that's -- I would have to review  
2 that.

3 MS. BERRY: Why can't we keep it  
4 as the unlisted because it's  
5 grandfathered because they made the  
6 decision before you uncovered --

7 MS. MUNDUS: I think what Joe said  
8 is if it's unlisted it throws it into  
9 Type I automatically because it's --

10 CHAIRMAN McMAHON: No.

11 MS. BERRY: No. I'm saying let's  
12 grandfather all the decisions up until  
13 this and then we don't have to deal  
14 with this and then moving forward, we  
15 work with a different set of rules.

16 MS. MUNDUS: Okay.

17 MS. BERRY: I think it's fairer to  
18 the applicant.

19 MS. MUNDUS: That makes perfect  
20 sense.

21 MS. BERRY: Can we do that?

22 MS. WINGATE: Until Wayne Turret  
23 and Glenis came onboard and did the  
24 site-plan review for Wayne Turret, we  
25

1 never had a Type I issue in a Historic  
2 District before, so this is really very  
3 much a first; so to go backwards, we  
4 really have to determine how far  
5 backwards too.  
6

7 I might also add that there is  
8 space in our code that said if a person  
9 believes he needs a CO or temporary CO  
10 that he could go to Zoning Board and  
11 ask for it at that end as well.

12 That is one of the functions of  
13 the Zoning Board of Appeals, and that  
14 takes time.

15 MS. BERRY: I mean, this was a  
16 recent interpretation, so why can't we  
17 just stick from today onward?

18 MR. JAUQUET: That is how I feel.

19 MS. MUNDUS: That's how I fee.

20 MR. BURNS: Yeah.

21 MR. JAQUET: We will deal with  
22 this new problem going forward with  
23 this property along with letting him  
24 start the operation.

25 MR. PROKOP: How you handle it is

1 up to you, but I just want to clarify  
2 sign interpretations, you know the  
3 problem is that we just got the  
4 information. This wasn't referred to  
5 Historic Preservation Committee either  
6 before the work started, that was the  
7 problem.

8  
9 MR. PELTON: We went to Historic  
10 Preservation, the president of the  
11 Board said that he would like to sit  
12 there and have a drink there and he has  
13 been wanting to come for dinner.

14 We very much want to get open and  
15 appreciate the Boards assistance. I've  
16 made an enormous commitment of my  
17 finances, my time. Rob's efforts  
18 Dennison's, Paul's, Frank's efforts to  
19 renovate this property and we very much  
20 want to open.

21 MR. BURNS: I think we very much  
22 want to see you open. We just need to  
23 find a way.

24 MR. PROKOP: I think the motion  
25 for the Board would be to get things

1                   July 30, 2015 Work Session                   80  
2                   moving along, the motion would be to  
3                   tentatively adopt lead agency status,  
4                   determine, make a initial determination  
5                   that this is a Type I action and;  
6                   initiate a coordinated review, and then  
7                   any other portion of this that you  
8                   would like the review, you could do  
9                   that tentatively.

10                   MR. JAUQUET: Start a SEQRA --

11                   MS. MUNDUS: I thought we just  
12                   agreed that we didn't have.

13                   MR. PROKOP: No. There was a  
14                   suggestion made to you that you could  
15                   grandfather it and there is no such  
16                   thing.

17                   I'm sorry.

18                   CHAIRMAN McMAHON: So we are in  
19                   the position where everybody here wants  
20                   it open. I believe Mr. Prokop  
21                   included, but there is a legal  
22                   requirement for a coordinated review,  
23                   and I don't know how we can --

24                   MR. PELTON: What is the process  
25                   of a coordinated review.



1  
2 CHAIRMAN McMAHON: Coordinated  
3 review essentially would be, we would  
4 send a letter to other agencies who  
5 have jurisdiction, we would ask them --  
6 it would be the Historic Preservation  
7 Committee, State Historic -- Is that.

8 MS. WINGATE: SHPO.

9 CHAIRMAN McMAHON: Would the  
10 Village Board get it also.

11 MR. PROKOP: No. WE would  
12 probably send it to them, it's not  
13 required, but we would send it.

14 CHAIRMAN McMAHON: They would  
15 review the application, we would say we  
16 are going to establish lead agency  
17 status and render it a negative  
18 declaration, but it would have no  
19 significant negative impact on the  
20 environment.

21 That time period would pass, there  
22 would be a public hearing, which is a  
23 requirement of the State.

24 After that point, if there was no  
25 positive declaration from any other

1                    July 30, 2015 Work Session  
2                    involved agencies, the original  
3                    negative declaration will stand, and  
4                    application will move forward.

5                    MR. PROKOP: Can I make a  
6                    recommendation.

7                    CHAIRMAN McMAHON: Yes.

8                    MR. PROKOP: We don't have a  
9                    choice really, we have to do --

10                   MS. BERRY: I'm sorry, I didn't  
11                   mean to interrupt, but why do we have  
12                   to deal the SEQRA tonight because you  
13                   already dealt with SEQRA in the past,  
14                   so why do you have to go backwards.  
15                   Otherwise, we would have to go back and  
16                   look at every project.

17                   MR. JAQUET: Right. That's right.

18                   MS. BERRY: So why do we have to  
19                   look at SEQRA? I mean, that's what I  
20                   don't understand.

21                   MR. PELTON: I don't know if the  
22                   Village would face a legal liability if  
23                   all of a sudden you went back and  
24                   started pulling everybody's projects.  
25                   and said, oh, no, you didn't do the

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SEQRA.

I was here eight months ago and would have very much like to have know that then.

MR. MOORE: Mr. Prokop, the only risk is that if it's not done right, it's just the permit is subject to challenge, but if nobody challenges it, then it just goes away, so isn't that really the only risk to -- I mean, it's his risk as a developer, but --

MR. PROKOP: I can only advise the Board, I'm sorry that this is being directed at me, but I'm just --

MR. MOORE: No. No. No. I'm trying to interject a little help.

MS. MUNDUS: He also said he was willing to assume the financial risk of taking down the banquet and the fence which doesn't seem --

MR. PELTON: Absolutely.

MS. BERRY: But the thing is, he still needs time to get this temporary CO, Right, he has to go to another

1 Board to get that?

2 MS. WINGATE: No.

3 MS. BERRY: I thought you just  
4 said that.

5 MS. WINGATE: No.

6 MS. BERRY: What's the process to  
7 get it temporary?

8 MR. PROKOP: So the difference,  
9 that's a good comment that somebody  
10 made about going back and looking up  
11 other applications, which is a fair  
12 comment, but the thing is, the  
13 difference here is that there is no CO  
14 and they're not operating yet.

15 The Village is protected under the  
16 case law of a case called, I think it's  
17 Parkview Associates, and we would be  
18 able to, you know, we have the right to  
19 review this.

20 I didn't know -- the only  
21 suggestion I would have right now is to  
22 initiate the SEQRA coordinated review  
23 and then have this on the agenda for  
24 next week to see if there is something

1                   July 30, 2015 Work Session  
2                   that we can come up with in the  
3                   meantime, or if you went, we could,  
4                   since we haven't discussed this as a  
5                   Board, and you obviously would like, I  
6                   think you would like advise of counsel,  
7                   we could break for a minute and get  
8                   advise of counsel. We're allowed to do  
9                   that, go into a closed session for  
10                  advise of counsel or we could just  
11                  proceed, it's up to you.

12                  CHAIRMAN McMAHON: I would suggest  
13                  we break for a moment.

14                  We're going to break for a moment  
15                  and discuss this with counsel. We're  
16                  going to step in the back.

17                  (Whereupon, a recess was taken at  
18                  this time.)

19                  CHAIRMAN McMAHON: Okay. After a  
20                  discussion, the Board has determined  
21                  that if reviewed separately, the  
22                  restaurant would be a Type II Action,  
23                  there was no change in use, it's the  
24                  same use as it was before to the  
25                  restaurant and the area under the

1 pergola.

2  
3 Separately from that, the Inn is a  
4 change of use and is required, it is  
5 Type I action, it does require a  
6 coordinated review.

7 So our recommendation would be,  
8 the restaurant portion would be allowed  
9 to open. The Inn would have to wait  
10 until the conclusion of the coordinated  
11 review which does require a thirty-day  
12 comment period and a public hearing  
13 which would be one month from today.

14 Is that agreeable?

15 MR. PELTON: Absolutely. That is  
16 so much better than the alternative.  
17 The outdoor pergola area and the  
18 restaurant area would be open?

19 CHAIRMAN McMAHON: Yes.

20 MR. PELTON: And then would we be  
21 able to complete the construction out  
22 on the --

23 CHAIRMAN McMAHON: We didn't issue  
24 the stop order, so we can't say --

25 You would have to talk to the

1 Building Department?

2  
3 MS. MUNDUS: For the minutes, I  
4 would like to add that I just learned  
5 that there are ongoing construction  
6 issues that need to be rectified before  
7 work can continue, and the Planning  
8 Board is not holding up the opening of  
9 this restaurant. For the minutes, I'd  
10 like that to be clear, we're not, right  
11 now, holding up anything.

12 CHAIRMAN McMAHON: So the motion  
13 would be, again, that we are -- that  
14 the because if reviewed separately, the  
15 restaurant would be considered a Type  
16 II Action, the same use, existing use,  
17 current use would be the same as the  
18 previous use, it's classified as a Type  
19 II Action.

20 The inn is a change of use,  
21 therefore it's a Type I Action, a  
22 coordinated review is required and that  
23 includes a thirty-day waiting period  
24 and a public hearing which would take  
25 place one month from today.

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Am I missing anything?

MR. PROKOP: No. I think that's correct.

CHAIRMAN McMAHON: Do I have a second?

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor?  
(All Said Aye.)

CHAIRMAN McMAHON: Motion carried.

MR. PELTON: Thank you very much.

We also want to submit, we have eight copies of an updated site plan that shows the outdoor furniture that has been approved by --

MS. WINGATE: Don't submit it here.

MR. PELTON: No, don't submit it here? Okay.

Thank you very much.

CHAIRMAN McMAHON: Moving on to item five: Motion to approve the Findings and Determinations for the following projects:

This is actually a motion to



1                   July 30, 2015 Work Session                   89  
2                   approve, the first one is the  
3                   application of Tom Spurge for  
4                   construction of a new house at 216  
5                   North Street.

6                   The other items, we are just  
7                   accepting the finding and  
8                   determinations for review, they will be  
9                   up for approval at the next meeting.

10                  Are there any comments?

11                  AUDIENCE MEMBER: We were just  
12                  wondering about the screen on the side  
13                  of the deck.

14                  CHAIRMAN McMAHON: Okay.

15                  The finding and determinations --  
16                  this application was received back in  
17                  January, December possibly, it was  
18                  quite a while ago.

19                  When we receive an application, we  
20                  have a sixty-two-day window to take  
21                  some action on that application. You  
22                  can either approve it, approve the  
23                  conditions, deny it, or you can get,  
24                  with approval of the applicant, you can  
25                  extend that time period.



1                    July 30, 2015 Work Session                    91  
2                    it's not my area of expertise, but  
3                    think trying to add additional  
4                    conditions for this now is not  
5                    something we can do and I think it  
6                    would actually end up having a more  
7                    negative effect on the problem because  
8                    I think it would actually end up  
9                    opening up to a lot of other condition,  
10                   a lot of things. I think then every  
11                   condition on the application could then  
12                   be questioned and could then be  
13                   challenged. I don't feel that we have  
14                   the ability to go back and make any  
15                   additional changes.

16                   I believe this is if accurate  
17                   representation of what happened, what  
18                   we discussed and what was voted on. I  
19                   think that's where we are at.

20                   There has been -- many people  
21                   expressed their frustration with the  
22                   process and with this application, but  
23                   I feel that we need to approve the  
24                   findings and determinations as they are  
25                   and move forward.

1                   July 30, 2015 Work Session                   92  
2                   AUDIENCE MEMBER: Are you talking  
3                   about from March or from the last time,  
4                   what we had discussed the last time?

5                   CHAIRMAN McMAHON: The findings  
6                   and determinations have been unchanged  
7                   since they were prepared several months  
8                   ago.

9                   I believe, again, it's not a  
10                  second round of discussion and opposing  
11                  condition or taking conditions away.  
12                  The findings and determinations is  
13                  simply a summary of what has already  
14                  been voted on.

15                  I believe this is an accurate --  
16                  Voting to approve this doesn't mean you  
17                  like it, it's simply, this is what took  
18                  place. I believe this an accurate  
19                  representation of what was discussed  
20                  and voted on by the Board.

21                  MS. DICKSON: I just want to  
22                  clarify it's a twenty-four foot wide --

23                  MS. MUNDUS: Can you come up and  
24                  use the microphone and identify  
25                  yourself?

1                   July 30, 2015 Work Session  
2                   MS. DICKSON: Julie Dickson  
3                   (phonetic).

4                   I just want to clarify what it is.  
5                   It's a one-family huge house with a  
6                   twenty-four foot wide balcony, five  
7                   feet deep with no screens; is that  
8                   correct?

9                   CHAIRMAN McMAHON: I believe so,  
10                  yes.

11                  MS. DICKSON: We don't get the  
12                  screen?

13                  CHAIRMAN McMAHON: I think that  
14                  there was originally, there was no  
15                  screening at the meeting back in March,  
16                  it was decided when all the condition  
17                  came forward, we had a break, came  
18                  back. Yes, I believe this is an  
19                  accurate representation of what we  
20                  voted on.

21                  MS. DICKSON: And no staircase?

22                  CHAIRMAN McMAHON: Yes. There is  
23                  no staircase.

24                  MS. DICKSON: I just want to say  
25                  that it's too bad because I think a lot

1 of stuff got lost in translation, and  
2 it's a shame.

3  
4 CHAIRMAN McMAHON: I agree. I  
5 don't disagree. I think this could  
6 have been handled much better than it  
7 was.

8 MS. DICKSON: Thank you.

9 MR. TASKER: Can I be heard?

10 CHAIRMAN McMAHON: Yes.

11 MR. TASKER: The findings and  
12 determinations seem to be cast in  
13 confusion.

14 I think you still need to have  
15 brought your attention, there was an  
16 error in the findings relative to the  
17 North Fork Smoked Fish.

18 CHAIRMAN McMAHON: We are not --  
19 That's actually --

20 MR. TASKER: Are you not at that  
21 one yet?

22 MR. JAQUET: No.

23 CHAIRMAN McMAHON: We're not at  
24 that one yet.

25 MR. TASKER: I beg your pardon. I

1                    July 30, 2015 Work Session                    95  
2                    didn't hear the introduction.

3                    CHAIRMAN McMAHON: On here it said  
4                    to under approve findings and  
5                    determinations, we're actually, the  
6                    motion is to approve that one. We are  
7                    accepting for review are the other four  
8                    items, those will not be going on  
9                    until -- we're accepting to look at  
10                   them, they will be voted on at the next  
11                   meeting.

12                   If you have comments on that, you  
13                   can share them in a minute.

14                   MR. TASKER: Thank you. Sorry.

15                   CHAIRMAN McMAHON: That's okay.

16                   For the moment, we're just going  
17                   to stay with this one application.

18                   Any other comments or question  
19                   with regard to this? Anyone? Okay.  
20                   Okay.

21                   I'm going to make a motion that we  
22                   approve the findings and determinations  
23                   for the application of Tom Spurge for  
24                   construction of a new house at 216  
25                   North Street.

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Do I have a second?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. BURNS: Aye.

CHAIRMAN McMAHON: Aye.

MS. MUNDUS: I'm not going to vote on it because I wasn't here for any of the discussions and comments. I would like to abstain. I wasn't here for all --

MR. PROKOP: You can abstain.

CHAIRMAN McMAHON: Then the vote or the motion won't pass.

MR. PROKOP: We need three votes to pass.

MR. JAUQUET: I want it passed with the screens. That's the only thing I want is the screens, it's the only thing they really --

MR. PROKOP: The problem is, the plans --

MR. JAQUET: I'll vote for it with the screen condition.

I don't think they are. What is



1 written in the verbiage.

2  
3 CHAIRMAN McMAHON: They were --  
4 they were originally on there. I don't  
5 know if they were removed or not, but I  
6 think there was discussion and then --

7 MR. JAUQUET: It's such a little  
8 thing. I mean, I'll gladly vote for it  
9 with the condition that the screens are  
10 put on either end.

11 MR. PROKOP: I don't believe that  
12 --

13 CHAIRMAN McMAHON: Yeah, I --

14 MR. PROKOP: The motion has to be  
15 in accordance with the plans.

16 MS. WINGATE: I believe they are  
17 on the plans.

18 CHAIRMAN McMAHON: I don't feel we  
19 can make any changes now. I think  
20 whatever was there --

21 MR. PROKOP: It was in the plans.

22 MS. WINGATE: The plans -- the  
23 changes were made 3/17/15, plan dated  
24 3/17/15.

25 AUDIENCE MEMBER: And the size of

1                   July 30, 2015 Work Session                   98  
2                   the balcony has changed also because  
3                   it's not eight feet any longer?

4                   CHAIRMAN McMAHON: Yes. It was  
5                   specifically noted that it was five  
6                   feet.

7                   I'm going to make a motion that we  
8                   approve the findings and determinations  
9                   in accordance with the plans submitted.

10                  Do I have a second on that?

11                  MR. BURNS: Second.

12                  CHAIRMAN McMAHON: All in favor?

13                  MR. JAQUET: Aye.

14                  MR. BURNS: Aye.

15                  CHAIRMAN McMAHON: Motion carries.

16                  Continuing with item number five  
17                  to accept the finding and determination  
18                  for North Fork Smoked Fish, Lido  
19                  Boutique, Deep Water Bar and Grill and  
20                  Gallery Lounge, these will be reviewed  
21                  and voted on at the next meeting.

22                  This gentleman would like to speak  
23                  about one of the items.

24                  MR. TASKER: Sorry for my earlier  
25                  interruption.

1 Arthur Tasker (phonetic). I live  
2 at 17 Beech Street in Greenport.

3 I think a fundamental  
4 misapprehension has arisen in this  
5 application. This horse has been  
6 around the track a couple times and  
7 it's picked up several riders along the  
8 way.

9 Now they're not only going to  
10 manufacture smoked fish and retail it  
11 there, they're going to be selling  
12 fresh fish. They've applied for a  
13 liquor license and they are going to be  
14 selling food, so the scope of the  
15 operation is totally different than  
16 from what was originally proposed.

17 More specifically, however, one of  
18 the finding that you point to is the  
19 that the variance came out in April 22,  
20 yes April 22 of this year and where it  
21 states the variance obtained did allow  
22 the manufacturing of seafood on-site,  
23 which is not a permitted use in the CR  
24 district.

1 Well, the applicants were sent  
2 back to the Zoning Board to get a  
3 variance for a use variance for both  
4 the manufacture of seafood products and  
5 the sale of seafood, neither of which  
6 is a permitted use in the CR District.  
7 They are permitted uses in the R Zoned  
8 Commercial District which is where they  
9 belong, so we got a good horse, but  
10 he's in the wrong stall.  
11

12 At the meeting at which the ZBA  
13 considered the variance application,  
14 Chairman Moore ultimately stood up and  
15 said, I just want to give you a brief  
16 status on where we are with the budget.

17 Originally the situation is this  
18 property was open prior to the Planning  
19 Board review. It was subsequently  
20 submitted to Planning Board and then  
21 the Planning Board referred it to the  
22 Zoning Board of Appeals because of the  
23 non-permitted use.

24 There was also a request for  
25 interpretation and a request for use

1                   July 30, 2015 Work Session                   101  
2                   variance to operate in a nonconforming  
3                   use. That was subsequently withdrawn.

4                   We now have before us an  
5                   application for an area variance for  
6                   allowable manufacturing space. I would  
7                   note that the applicant's proposal is  
8                   for retail sale in manufacturing on the  
9                   site, and the representative of the  
10                  applicant said, we reached out to the  
11                  Planning Board for an interpretation  
12                  and then we were sent to the Zoning for  
13                  an area variance.

14                  At no point has the Zoning Board  
15                  of Appeals or any other Board  
16                  considered a use variance for the  
17                  operation of the North Fork Smoked Fish  
18                  operation.

19                  They got a variance to have more  
20                  manufacturing space relative to their  
21                  retail space, but that is all the  
22                  exception they have to zoning  
23                  regulations.

24                  If they're going to manufacture  
25                  fish products, they're going to sell

1 fish at retail, they need to get the  
2 variance to do it in the Retail  
3 Commercial District.  
4

5 The variance that was issued, the  
6 resolution that was passed in April  
7 concluded that the Zoning Board of  
8 Appeals in the Village grants the area  
9 variance to allow an additional five  
10 hundred nineteen square feet of  
11 manufacturing processing space, for a  
12 total of six hundred forty-three square  
13 feet of manufacturing and processing  
14 space and six hundred nineteen square  
15 feet of retail space.

16 There is no mention of  
17 manufacturing or selling seafood in  
18 that variance.

19 Thank you.

20 CHAIRMAN McMAHON: Thank you.

21 Just to clarify, you're saying  
22 that the, your position is that the  
23 variance that was granted was only an  
24 area variance and was not actually a  
25 use variance?

1  
2 MR. TASKER: It was only area  
3 variance, yes. It's quite clear.

4 And there are several people in  
5 this room, in fact, who were at both  
6 the Zoning Board of Appeals hearing  
7 that this was heard and also at the  
8 Planning Board meeting and we all heard  
9 the same thing with respect to what  
10 kind of variance was issued.

11 Your fundamental premise of  
12 permitting this is not valid. All they  
13 have is an area variance of  
14 questionable validity.

15 CHAIRMAN McMAHON: Thank you for  
16 your comments.

17 Again, these will be reviewed and  
18 we will speak about these at the next  
19 meeting.

20 Did we actually make a motion to  
21 accept this for review?

22 MR. JAQUET: No, not yet.

23 MS. BERRY: Wait, before you  
24 accept them, I just want to go through  
25 a couple of things.

1 CHAIRMAN McMAHON: Sure.

2 MS. BERRY: We'll go in order.

3 North Fork Smoked Fish, they  
4 haven't done the storm-water drainage  
5 but they're open, so we need to put a  
6 time constraint. We didn't ask for a  
7 time constraint, we assumed it would be  
8 done before. It still isn't done, so  
9 since we're not changing the resolution  
10 from what it says, maybe we can have  
11 the Building Department to ask for a  
12 time limit for compliance with the  
13 resolution.

14 MS. WINGATE: I think that should  
15 be a condition of your approval.

16 MS. MUNDUS: As far as I know, we  
17 have been talking about that as being a  
18 condition of approval for whatever it's  
19 been now, eight months, and the other  
20 condition of approval is the fencing on  
21 the patio and the dumpster area in  
22 back, and the landowner still has a  
23 giant mountain, it's a big pile of gear  
24 which also should not be there since



1                    July 30, 2015 Work Session                    105  
2                    it's commercial retail, it's not  
3                    Waterfront Commercial District for a  
4                    pile of fishing gear, garbage and  
5                    ladders and trash that are kept on that  
6                    lot.

7                    I feel the same way now that I  
8                    felt eight months ago.

9                    Also I question, there is a  
10                   barbecue grill on the deck also, and I  
11                   wonder what that is all about. I mean,  
12                   that's not part of, you know, any  
13                   conditional anything.

14                   There are a lot of lingering  
15                   issues on this property, and I know the  
16                   Planning Board has been getting press  
17                   for holding up process, but, in fact,  
18                   there is a lot of noncompliance issues  
19                   there that are holding it up.

20                   MS. BERRY: Also the steps in  
21                   terrace going down, we need to get  
22                   that --

23                   MS. MUNDUS: Right. That's a  
24                   safety issue that is not up to code  
25                   either.

1  
2 So whatever we do here, I mean, a  
3 serious conditional clause needs to be  
4 built into it. So far everything on  
5 that list, none of those things have  
6 been done.

7 The pavement, the parking lot has  
8 been fixed, the pot holes have been  
9 fixed, but the curb part is not hundred  
10 percent. None of the things we  
11 discussed over the last eight months  
12 are hundred percent, so a conditional  
13 approval and it needs pretty serious.

14 MS. BERRY: How do we deal with  
15 that?

16 CHAIRMAN McMAHON: Well, at the  
17 moment, we are just accepting this for  
18 review.

19 MR. PROKOP: I think the concern  
20 that is being raised not particular to  
21 this application at is this point in  
22 the discussion, but perhaps if the  
23 Planning Board included in all our  
24 decisions that everything has to be  
25 brought to code.

1  
2 We've been through this many  
3 times, it has to be -- we have to rely  
4 on other departments to make sure the  
5 premise are up to code.

6 It should be -- I mean, we should  
7 just put that language in all -- if  
8 every time that this comes up now, if  
9 it doesn't come up -- this is one of  
10 the things that I talked with the Board  
11 about cautioning quick approval. You  
12 know, because what's happening a lot of  
13 times is we get information after the  
14 first meeting on these things, so if  
15 this is information now that is coming  
16 to us, it's hard to deal with it.

17 Maybe if he had a language, you  
18 know, phrase in all our decisions that  
19 deal with this, we could deal with it  
20 that way.

21 Glenis, do you agree?

22 MS. BERRY: Yes.

23 MS. MUNDUS: Which information is  
24 coming to us new?

25 MR. PROKOP: Somebody is claiming

1                   July 30, 2015 Work Session                   108  
2                   that this premises has code issues.

3                   MS. MUNDUS: That was the very  
4                   first thing we said, that it was a  
5                   commercial retailer. They were stating  
6                   it's a retail and there was no retail  
7                   component of that business when they  
8                   opened up.

9                   CHAIRMAN McMAHON: I think what he  
10                  is suggesting that is even though it  
11                  went to Zoning Board, even though it  
12                  got a variance from the Zoning Board,  
13                  it's still not in compliant.

14                  Is that what you said?

15                  MR. TASKER: Yes.

16                  You sent it to the Zoning Board  
17                  and it came back with the wrong answer.

18                  MS. MUNDUS: But I thought the  
19                  Zoning Board modified the use of the  
20                  space to include retail, I thought that  
21                  was what --

22                  MR. PROKOP: Let me just clarify  
23                  what we're talking about.

24                  The code -- it's not accurate that  
25                  manufacturing is prohibited in

1 Commercial Retail, manufacturing is a  
2 permitted use in Commercial Retail  
3 under certain conditions.  
4

5 One of conditions is that you  
6 can't, the manufacturing area cannot  
7 exceed twenty percent of the retail  
8 area.

9 Another condition is that whatever  
10 is manufactured has to sold on the  
11 premises.

12 Certain condition that are in the  
13 code. As long as you meet those  
14 conditions, you only need a use  
15 variance and that's back when this --  
16 what -- they -- initial use did need a  
17 use variance because it was just  
18 outright manufacturing, no retail  
19 component. That was modified, so then  
20 as long as it meets the other  
21 conditions of manufacturing use, it can  
22 continue subject to this area ratio.

23 MR. TASKER: Mr. Prokop, I have to  
24 disagree with you.

25 CHAIRMAN McMAHON: Sir, can you

1                   July 30, 2015 Work Session                   110  
2                   please take the podium.

3                   MR. TASKER: I think you're  
4                   contorting exactly what the Zoning  
5                   Board has done.

6                   The Zoning Board gave them an area  
7                   variance because the retail  
8                   manufacturing mix was not met.

9                   What is manufactured makes a  
10                  difference because in the Waterfront  
11                  Commercial District, number ten of the  
12                  items that are permitted, retail and  
13                  wholesale manufacturing of seafood  
14                  products are permitted. That is not --  
15                  those products are not permitted to be  
16                  manufactured in any other district in  
17                  the Village.

18                  Now, simply broadly saying, well,  
19                  fish manufacturing is just plain old  
20                  manufacturing is wrong, flat incorrect.

21                  Now, I brought this up at this  
22                  Board Meeting in --

23                  MR. BURNS: Pardon me.

24                  Please explain that.

25                  MR. TASKER: I'm sorry?

1                   July 30, 2015 Work Session                   111  
2                   MR. BURNS: Please explain what  
3 you just said.

4                   You said manufacturing is not  
5 manufacturing.

6                   MR. TASKER: No. Calling it --  
7 fish manufacturing is permitted only in  
8 the Waterfront Commercial District,  
9 broadening the definition, which is  
10 what these people are doing in calling  
11 it simply manufacturing, does not let  
12 it fall under the purview of the Retail  
13 Commercial District which does not  
14 permit fish products, it does not  
15 permit the sale of fish.

16                   Now, when I brought this subject  
17 up of permitted use in the Retail  
18 Commercial District at your meeting on  
19 May 28, on the minutes on page  
20 fifty-seven, I brought up those two  
21 points as the what was being done in  
22 that operation, it was not permitted to  
23 be done in Retail Commercial and the  
24 answers were as follows: "CHAIRMAN  
25 McMAHON: I believe that's why it was

1  
2 rejected in the first place and went to  
3 the ZBA."

4 He is very correct as far as he  
5 went because they didn't come back for  
6 the variance they were supposed to get.

7 Mr. Prokop said, "We'll take a  
8 look at that.

9 Thank you."

10 How you could have looked at the  
11 variance that emanated from the Zoning  
12 Board of Appeals a month before that  
13 and seen that in the variance that say,  
14 despite what it said in section one  
15 fifty eleven, I think it is, about  
16 where you can manufacture fish  
17 products, it's okay because they got a  
18 manufacturing area variance. In other  
19 words, they got more space to  
20 manufacture.

21 That doesn't permit manufacturing  
22 fish products. I don't care how you  
23 stretch it.

24 MS. MUNDUS: The way I read the  
25 law and I'm not an expert, but I read



1                   July 30, 2015 Work Session                   113  
2                   the law that it is appropriate if there  
3                   is a retail component.

4                   MR. TASKER: Manufacturing is  
5                   appropriate, but not everything may be  
6                   manufactured in a Retail Commercial  
7                   District. That why seafood processing  
8                   and Seafood sales are in the Waterfront  
9                   Commercial District.

10                  I'm not sure if you recall or if  
11                  you were involved in at time, but about  
12                  twenty years ago, this Village went  
13                  through a major event in coming up with  
14                  the waterfront review commission and  
15                  the whole waterfront permitting process  
16                  that was designed to protect the  
17                  waterfront, keep waterfront-related  
18                  activity on the waterfront where they  
19                  belong and not permit non-waterfront  
20                  activities to take space away from  
21                  waterfront-related activity. In other  
22                  words, to preserve the waterfront for  
23                  those kinds of activities.

24                  It was not set up to allow  
25                  waterfront related activities to be

1 done willy-nilly wherever people  
2 thought they might like to do business  
3 in the Village. There's never -- there  
4 hasn't been a fish market --

5 MS. MUNDUS: So you're saying you  
6 do not approve of a fish market in the  
7 Retail District?  
8

9 PODIUM SPEAKER: That's correct.

10 MS. MUNDUS: Okay.

11 Thank you.

12 MR. TASKER: That's correct.

13 There wasn't hasn't been a fish  
14 market in the Village for more than  
15 fifty years.

16 MS. MUNDUS: What does that mean?  
17 What does --

18 MR. TASKER: Because it is  
19 inappropriate as far as the code is  
20 concerned, If --

21 MS. MUNDUS: Well, we have people  
22 selling --

23 MR. TASKER: If you --

24 MS. MUNDUS: We have people  
25 selling raw --

1  
2 CHAIRMAN McMAHON: You can't talk  
3 over each other.

4 MS. MUNDUS: Excuse me. I'm  
5 sorry.

6 I just don't really understand --

7 MR. TASKER: That's retail in a  
8 restaurant environment, selling  
9 oysters, they're not selling oysters by  
10 the bag. That is a retail seafood  
11 operation.

12 MS. MUNDUS: Thank you for your  
13 comment.

14 MR. TASKER: Thank you.

15 CHAIRMAN McMAHON: Mr. Moore, do  
16 you want to make a comment.

17 MR. MOORE: Yes.

18 MS. MUNDUS: Please come to the  
19 podium.

20 MR. MOORE: Doug Moore, 145  
21 Sterling Street. I'm the chair of the  
22 Zoning Board of Appeals.

23 I'd like to respond to  
24 Mr. Tasker's comment because he is  
25 correct in saying that the area

1  
2 variance was necessary because the  
3 manufacturing space which disallowed it  
4 in Retail Commercial exceeded the  
5 allowable percentage.

6 He continues to maintain that  
7 because seafood sales and production in  
8 the Waterfront Commercial District, he  
9 claims it to be exclusive to that  
10 District.

11 The first allowable or permitted  
12 use in the Retail Commercial District  
13 are retail stores and banks. It does  
14 not say what kind of retail sales. It  
15 does not exclude seafood sale. Any  
16 sale of retail merchandise is permitted  
17 in the Retail Commercial District.

18 The issue we dealt with was area  
19 variance to allow the manufacturing  
20 space to exceed what was allowed in the  
21 code, and it was in the environment of  
22 a retail sales.

23 I think the confusion that  
24 occurred is that the applicant  
25 originally applied for a use variance

1  
2 to manufacture and wholesale goods in  
3 the absence of retail environment.

4 I would maintain that the proper  
5 decisions were made, and I would  
6 disagree that the Retail Commercial  
7 District does not allow seafood sales.  
8 I think the IGA market would be very  
9 surprised if someone came and told them  
10 that they could not sell fish in their  
11 retail environment.

12 Thank you.

13 CHAIRMAN McMAHON: Thank you.

14 Any other comments?

15 If there is nothing else, I'm  
16 going make a motion that we accept  
17 these for review.

18 MS. BERRY: Sorry.

19 The other thing is it's an osprey  
20 zone. In the minutes there was no  
21 SEQRA determination, but I did include  
22 that --

23 MR. PROKOP: We can do that in the  
24 decision. For an osprey zone, the  
25 SEQRA language will be part of the

1 decision, unless somebody had a  
2 question, but it was denied -- the  
3 osprey zone was denied because we never  
4 really got to that discussion because  
5 it does not conform, didn't comply with  
6 code. We have to follow the code.  
7

8 MS. BERRY: Right.

9 So I guess my question is, do we  
10 include the resolution, the SEQRA  
11 resolution in the --

12 MR. PROKOP: I think it's a good  
13 question, I think we should.

14 CHAIRMAN McMAHON: Any other  
15 items?

16 I'm going to make a motion that we  
17 accept these finding and determinations  
18 for review.

19 They will come up again at Regular  
20 Session next week.

21 Do I have the second on that?

22 MS. MUNDUS: Second.

23 CHAIRMAN McMAHON: All in Favor?

24 (All Said Aye.)

25 CHAIRMAN McMAHON: Motion carried.

1  
2 Item number six, discussion of the  
3 Bed and Breakfast Code of the Village  
4 of Greenport, regarding the number of  
5 permitted rooms and number of lodgers.  
6 Section 150-76 (7c) limits the renting  
7 of rooms to three rooms for lodging and  
8 serving of breakfast.

9 Section 150-7B (7d) limits the  
10 number of occupants to not more than  
11 two individuals, for a maximum total of  
12 six casual and transient roomers.

13 The Village Board of Trustees  
14 asked this Board to review that section  
15 of the code and make a recommendation  
16 within forty-five days from our last  
17 meeting.

18 Essentially, the issue before us  
19 is they want to raise -- a number of  
20 bed and breakfast owners in the Village  
21 have requested that the Village amend  
22 the code to increase the number of  
23 allowed room from three the five and  
24 number of transient guest to a total of  
25 ten.

1                    July 30, 2015 Work Session                    120  
2                    That would be in accordance with  
3                    State regulations on bed and breakfast  
4                    and the County as well. Our code is a  
5                    little bit more restrictive.

6                    We did ask at the last meeting if  
7                    anyone had any reasons why the code  
8                    should be more restrictive than the  
9                    State code. I haven't heard anything  
10                   to counteract. I don't think there's  
11                   any support for that.

12                   Personally, I see no problem why  
13                   we shouldn't have a code that is in  
14                   line with the State. The code being  
15                   more restrictive than what's approved  
16                   by the state wouldn't stand up to the  
17                   challenge.

18                   So my personal feeling is we make  
19                   a recommendation that the Village code  
20                   be in line with the State so far as the  
21                   number of rooms being raised to five  
22                   and the number of transient guest be  
23                   raised to ten.

24                   I would note that if any bed and  
25                   breakfast wanted to change the number



1 of rooms from three to five, they would  
2 need to change the site plan. If they  
3 did that, they would have to come for a  
4 site plan review. They would have to  
5 show there is appropriate levels of  
6 parking, appropriate egress, fire  
7 safety, all of the requirements you  
8 would have if you were to come in the  
9 first time so that it would be a new  
10 site plan.  
11

12 Does anyone have any comments or  
13 anyone would like to share the  
14 thoughts?

15 MR. BURNS: Sounds good to me.

16 MS. BERRY: So I guess to me the  
17 only change would be in our code  
18 changing the limits of the room from  
19 five and the total number of  
20 individuals to ten?

21 CHAIRMAN McMAHON: Yes because  
22 there are --

23 MS. BERRY: I wouldn't replace  
24 what they already have, but that has --

25 CHAIRMAN McMAHON: Yes. Limited

1  
2 to that aspect.

3 MS. BERRY: Then obviously the  
4 State codes apply to whether or not you  
5 to reference that or not.

6 MS. WINGATE: I believe it's  
7 already referenced in your our code  
8 that it has to comply with the State.

9 MR. PROKOP: That the law, Glenis,  
10 so it doesn't matter.

11 I thought there was a reason why  
12 it was waived, I can't -- it comes up  
13 every couple years, but everything has  
14 to be in compliance the State.

15 CHAIRMAN McMAHON: Is there any  
16 comments from anyone here?

17 Identify yourself for her.

18 MS. GRUBER: Donna Gruber, from  
19 Ruby's Cove on Bed and Breakfast.

20 CHAIRMAN McMAHON: Speak in the  
21 microphone.

22 MS. GRUBER: First of all, thank  
23 you so much, that really will make a  
24 big difference to all of us.

25 I just wanted to also confirm that

1                   July 30, 2015 Work Session                   123  
2                   there would be no changes in the  
3                   requirements that we are now required.

4                   MS. WINGATE:   Where are we going,  
5                   Donna?

6                   MS. GRUBER:   Where are we going?

7                   No, I just -- there has been other  
8                   requirements brought up at these  
9                   meetings in the past, so I wanted to  
10                  understand clearly that it's just the  
11                  same requirements for parking and  
12                  number of guests and that it's just  
13                  being raised for the number of rooms.

14                  CHAIRMAN McMAHON:  I believe so.  
15                  I believe there would be --

16                  The recommendation that I'm  
17                  promoting would be simply limited to  
18                  changing in the cap from three the five  
19                  and six to ten for transient guests.

20                  MR. JAQUET:   And that anybody that  
21                  does the changes --

22                  CHAIRMAN McMAHON:  Yes.

23                  Going from three the five is  
24                  change of site, change of use, site  
25                  plan change.

1 MS. GRUBER: Right. So you need a  
2 site plan review.  
3

4 CHAIRMAN McMAHON: You need a site  
5 plan -- for anybody could go from three  
6 to five, they would have to submit a  
7 sight plan application showing the  
8 increased number of rooms and the  
9 corresponding appropriate number of  
10 parking spaces, the appropriate egress  
11 on all of those, all of that still  
12 applies, all of would apply, it's  
13 simply raising the cap from three rooms  
14 to be what it is at the State level of  
15 five.

16 MS. GRUBER: Thank you very much.

17 CHAIRMAN McMAHON: Mr. Moore.

18 MR. MOORE: Yes.

19 Doug Moore, 145 Sterling Street.  
20 I'm speaking as a resident of Sterling  
21 Street.

22 I think there is little more to it  
23 then just six to ten and three to five,  
24 I would expect there's parking  
25 requirements that would have the match.

1  
2 CHAIRMAN McMAHON: Yes. That's  
3 section of the code remains the same,  
4 that will not change.

5 MR. MOORE: Because right now,  
6 it's only the required parking for the  
7 three rooms. If you don't change that  
8 then --

9 CHAIRMAN McMAHON: I believe it  
10 says, like I said earlier, I believe it  
11 says one per room, one parking space  
12 per room.

13 MR. MOORE: That would certainly  
14 be apropos, and the other problem I had  
15 is there is currently, I believe, a  
16 limit or requirement for  
17 ten-thousand-foot lot for current  
18 legislation. I would hope that when  
19 the Village Board reviews it, they  
20 might consider lot size as a factor in  
21 increasing.

22 I can't imagine a bed and  
23 breakfast with that capacity on a tiny  
24 lot. I'm just suggesting or saying  
25 that when the time comes for public

1 comment, you're going to propose a code  
2 change, that certainly may come up, and  
3 that might be some advantage to saying,  
4 well, now it's going to be five hundred  
5 or whatever larger capacity.  
6

7 CHAIRMAN McMAHON: These are only  
8 this Board's recommendation to the  
9 Village Board.

10 The Village Board is the one who  
11 will ultimately be making the decision  
12 on what, if any, changes are made.

13 MR. MOORE: Sounds good.

14 MS. MUNDUS: I would like to see  
15 Greenport B&Bs be economically in line  
16 with the Town of Southhold which is  
17 five rooms.

18 I mean, the place is three mile  
19 away, it shouldn't have an advantage.

20 MS. GRUBER: If I'm correct, we  
21 are not addressing lot size at this  
22 meeting because --

23 MS. MUNDUS: We're just making a  
24 recommendation to Village Board.

25 MS. GRUBER: Because if

1 Harborfront had to have lot size to be,  
2 they would not be, I believe -- lot  
3 size --  
4

5 CHAIRMAN McMAHON: Anyone who  
6 wants to increase from three to five  
7 would have to submit a new site plan  
8 that would be subject to all of the  
9 requirements that bed and breakfasts  
10 are currently subject to and any other  
11 building, general building requirements  
12 and limitation in the Village.

13 MS. GRUBER: Okay.

14 Thank you.

15 MS. WINGATE: Harborfront is a  
16 hotel.

17 MS. GRUBER: Right.

18 MS. WINGATE: Harborfront went  
19 through a year of site planning review  
20 and zoning, so you can't throw that out  
21 there, it's not fair. It's not apples  
22 to apples.

23 CHAIRMAN McMAHON: So do we have  
24 any other comments or questions?

25 Do we have a consensus on

1  
2 recommendation that we can then approve  
3 at the next meeting and give to the  
4 Village Board?

5 MR. JAQUET: Yes. I think those  
6 points, what Doug Moore, you know,  
7 looking at lot size.

8 CHAIRMAN McMAHON: We can make a  
9 recommendation to the Village Board to  
10 consider that.

11 We will review that at the next  
12 meeting and vote on it and make a  
13 recommendation of the Board.

14 MS. MUNDUS: That's the one that  
15 was sent by e-mail, right?

16 CHAIRMAN McMAHON: Yes. If there  
17 are no other comments, I make a motion  
18 that we close out item number six and  
19 move on.

20 MR. JAQUET: Second.

21 CHAIRMAN McMAHON: All in favor?

22 (All Said Aye.)

23 CHAIRMAN McMAHON: Motion carries.

24 Item number seven Motion to  
25 schedule the August regular meeting for



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July 30, 2015 Work Session

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August 6, the August work session meeting for August 27, 2015 and the September regular session meeting for September 3, 20 15.

Do I have a second?

MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in favor?

(All Said Aye.)

CHAIRMAN McMAHON: Motion carries.

Item number eight motion to adjourn.

Do I have a second?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

(All said Aye.)

CHAIRMAN McMAHON: Motion carried.

Thank you very much.

Adjourned.

(Time noted: 7:30 p.m.)

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C E R T I F I C A T I O N

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

THAT the witness whose testimony is herein  
before set forth, was duly sworn by me; and.

THAT the within transcript is a true record  
of the testimony given by said witness.

I further certify that I am not related,  
either by blood or marriage, to any of the  
parties to this action; and

THAT I am in no way interested in the  
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 30th day of July, 2015.

\_\_\_\_\_  
STEPHANIE O'KEEFFE