VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK 
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PLANNING BOARD  
WORK SESSION  
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Third Street Firehouse  
Greenport, New York  

July 30, 2015  
5:12 p.m.  

BEFORE:  
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  

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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
other business regarding this item.

Motion to accept the EIF.

Do I have a second for that?

MR. BURNS:  Second.

CHAIRMAN McMAHON:  All in favor?

(All Said Aye.)

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

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

The property is located at 746 Main Street. The proposed one-family house is a permitted use in the R-1 One Family Residential District. It is also located within the Historic District.
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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
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Action for purposes of SEQRA, there will not be a significant negative impact on the environment and that we were, therefore, adopting a negative declaration for purposes of SEQRA?

CHAIRMAN McMAHON: Yes.

MR. PROKOP: Okay.

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

MR. PROKOP: No. This is just SEQRA.

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

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

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

CHAIRMAN McMAHON: For the --
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MR. PROKOP: For the final vote.

To tie it up, yes.

MS. BERRY: Okay.

CHAIRMAN McMAHON: Okay.

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

CHAIRMAN McMAHON: Yes. All right.

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

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

Suffolk County Tax map 1001-4-7-1.
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Just some background on the application:

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

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

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

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

Issues: Nonconformance. The proposal is to subdivide the existing lot into two lots. The existing lot is one hundred feet by one hundred thirty-six point two five feet. The total parcel size is Thirteen thousand
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six hundred and twenty-seven square feet.

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

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

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

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

One side yard needs to be a minimum of ten feet. If the lot were to be subdivided, the side yard at the dividing lot line would be
nonconforming. The corner lot has the further requirement of maintaining two front yard setbacks, impacting spatial limitations for this lot.

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

Impact on historic character: This subdivision cannot occur without requiring significant destruction to the existing historic house, which straddles the proposed new parcel boundary.

Financial hardship: Rejection of this proposal does not impose a financial hardship on the owner, as the property may be used as a two-family residence.

Additional issue nonconforming lot size vs. two-family dwelling.
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I think as indicated on the application, there is an understanding that this, since this is a pre-submission conference, this would likely have to go, start with the Planning Board, be denied because of the reasons of non-conformance that we just discussed, go to the ZBA, they would either approve or deny. If they approve it, it would come back and then be reviewed again by the Planning Board.

Also, it's in the Historic District, so the Historic Preservation Committee would also have to review the application.

Mr. Moore.

MR. MOORE: Yes.

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

PODIUM SPEAKER: Sure. Thank you.

CHAIRMAN McMAHON: -- or if there is any comment from the Board prior to that.
If you -- Anyone who would like to speak, please go up to the podium and introduce yourself to the stenographer.

MR. MOORE: Thank you.

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

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

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

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

Ideally, somebody coming in with a
nice amount of cash -- this property,
this house is a really beautiful house.
He has replaced the roof with special
slate that is conforming to the
historic character. He has replaced
the electrical system, the copper
plumbing, the new sewer lines to the
main line. He has done -- he rebuilt
the chimney. He rebuilt a whole wall.

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

Unfortunately now the house needs
another infusion of cash, and the only
choice he has is either subdividing the
property in order to keep part of this
property for himself and to be able to
stay in the Village of Greenport where
he has been here for decades, I guess.
I don't want to age him. And with the
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possibility of being able the sell this
house to somebody, and like many of the
other beautiful homes, the Victorian
homes and the homes that are all
throughout the Village, what we are
seeing is investment coming from
outside the Village to be able to put
that kind of money in that these houses
deserve.

He merely wants to be able to keep
the property, and his choice really is
at this point sell the whole thing,
which is really, would break his heart,
or subdivide, and we do understand the
need to go to the Zoning Board and ask
the Zoning Board to allow this
subdivision to take place.

There are ways that we could
modify the porch which is in need if
significant repair anyway. Part of the
porch is already delapidated, the
portion that is overlapping the
property line. So with very little
effort, we could keep the house where
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it is with a slight modification of the porch, possibly, if the Historic Preservation preferred, being able to build the porch on the opposite side, therefore, keeping the whole character.

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

If you come back and say we absolutely would never support such a thing, well, the message has been sent and really, the only choice he has is selling the property. So be it, we lose another local homeowner and somebody I'm sure would, I would hope, do justice to this house and preserve it but you would lose Mr. Urban from this community. I hope that's not the case.
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That's why we're here with you and we hope that the Zoning Board will ultimately consider, you know, we understand economic hardship is not a criteria for the Zoning Board; however, we think that we can maintain the character of the property. If he had the ability to sell this house, his goal would be to build a brick house like the Maunsel (phonetic) house, a beautiful house like that or another brick house similar, but a small one on parcel two.

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

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

That's -- we're certainly, you
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know, here to listen and, you know,
we'll take your recommendations and do
whatever he has to do.

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

MR. MOORE: Yes.

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

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

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

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

MR. URBAN: I mean, there would
be, you know, quite a few options that
would be in play, but if it came down
to a sale on one in order to afford the
other, yes, then I would probably
consider, you know, selling off the
existing one after improvements and
everything else were made, okay, and
then having a smaller structure next
door for my own personal use.

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

MR. MOORE: We actually --
What she is saying is this, we
actually considered that as an option.
We, I think you were amenable actually,
when we sat and we thought about moving
to line here (indicating) or somehow so
that the house would be completely on
one parcel and then leaving enough room

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and possibly the carriage house on another parcel, so carriage house plus small house.

You were amenable to that.

MR. URBAN: Yes.

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

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

I can't, you know, afford to dump in, you know, a million dollars, when all of a sudden, if you look at the market today, you know, you're at risk. I mean, it's a severe risk ever since 2007. I mean, that's why there's been
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pretty much a slow down on what I've been putting into the house since that point. I mean, hopefully there is going to be a turn around. I don't know, but it still kind of iffy, you know, from what I'm hearing, and if I've got to go out the limb to do something, I need to be able to sit there and say, "Hey, listen, I got a little bit more potential here and one plus one now is equaling two in my mind.

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

MR. URBAN: Basically storage.

MS. MUNDUS: Just storage.

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

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

MR. MOORE: No.

There was actually no plan to
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demolish anything. If anything, he has
the historic preservation blood in him.

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

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

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

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

MR. MOORE: It is.

It is gorgeous. I had a tour of
the inside, and I just marveled and
admired every aspect of it and, boy, if
I had a million dollars, that would be
the first -- two million. Well, I'm
guessing a million, but --

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

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

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

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

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

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

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

MS. MUNDUS: Right.

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

MS. MUNDUS: Well, maybe not.

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

MS. MUNDUS: That tree --
MR. URBAN: I would have to have to take a look at that.

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

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

CHAIRMAN McMAHON: I'll say, my initial thoughts, I have grown up in a house that is actually very similar to this, built around the same time,
similarly two parcels that were put together.

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

MR. MOORE: Right.

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

MR. MOORE: Exactly.

MR. JAQUET: -- and if it can be done in a way that is consistent with the neighborhood and is in the character of the neighborhood, it's something I personally would be -- I would defer to largely the Historic Preservation Committee and Planning Board --
MR. MOORE: That's fine.

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

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

MR. MOORE: Right.

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

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

My little house is on a
non-conforming lot by a big bunch. I can't reach out and touch the neighbor when no one looks, and that's Greenport, but again my initial feeling is to deny it.

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

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

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

Those are the two things. You know, if you look at -- you know, I thought, you know, what would happen with that is that everything would be torn down and you would build a new two-family home, a good-looking new two-family in that zone.
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MR. MOORE: Well, that's not what he would want, so --

MR. JAQUET: I know. I'm just saying --

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

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

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

MR. MOORE: Okay.

MR. JAQUET: If it were subdivided, I think before you can get -- and the intention was to save 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
opposed to letting a builder come in
and build whatever, one of those tiny
little, you know, the old frame
farmhouses that the village may have
enough of.

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

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

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

Basically, it was originally back
in the 1800s, you know, two lots, fifty
by a hundred thirty. I don't think
that's a teeny lot but, I mean, that's
just, you know -- I'm not looking to
make that smaller. I'm basically
looking to just subdivide that in half
and whatever we do from there, that how
we would proceed.
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MR. JAQUET: If you were to get the subdivision and do, you know, some sort of acceptable rebuild on the interior lot on the side street, would the -- and then you would sell the, the idea is to sell the big house to someone with means to fix it.

MR. URBAN: Right.

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

How would that work?

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

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

MR. MOORE: Well, I mean, given that the infrastructure, the mechanicals, the bones of the house are a significant investment he has already
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made, I would think that anybody 
looking at this house, you don't buy a 
house like this without wanting to 
preserve it. It would be -- 

MR. JAQUET: But anybody's mind 
can change. 

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

MR. JAQUET: It's an idea. 

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

MR. JAQUET: It's just an idea to 
protect it, the idea that is actually
MR. MOORE: Oh, yeah. Yeah.

MR. JAQUET: -- for the
preservation.

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

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

MR. MOORE: What I might suggest,
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addressing that issue --

MR. JAQUET: I think it would --

MR. MOORE: Pardon me.

MR. JAQUET: Sorry.

MR. MOORE: Is locating where

exactly the beech trees are because you

had a very good suggestion which is,

maybe the lines where they're being

proposed may make more sense if they

were cut a little bit differently so

that the beech tree is preserved over

here.

There are so many ways to grade

the lines here. We gave it to our

surveyor, and this is the suggestion we

gave them, it's certainly not the last

and only option. So part of the

discussion either with you or the

Zoning Board, anybody who wants to talk

with us and give us input, I think

we're all amenable.

MR. URBAN: At this point and

stage, I don't know where that one

beech tree, where that one beech tree

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would fall on the interior lot. It may
even fall within the set back
requirement. I have no idea at this
point. I mean, I could probably
investigate it.

MR. MOORE: We could measure it.

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

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

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

MR. MOORE: I think as far as lot
coverage goes, you could actually,
there's quite a lot of room. The
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carriage house is not, the footprint is not that big. I guess, again an architect would know better, but my vision is always incorporate, if you could, retain the carriage house and incorporate it into part of the structure that is, you know, looks historic and looks like it works together, so possibly depending on where the lines are drawn.

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

MS. MUNDUS: Well, the roots of the beech tree will radiate out as far as the dripline of the tree, so that
also limits, you know, the proximity of
the foundation of the beech tree
without harming it also.

MR. MOORE: Right.

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

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

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

MS. BERRY: Yeah. I actually have
four.

First of all, I appreciate that
you're trying to preserve the historic
nature of it, but I think the proposal
actually is quite destructive of the
historical nature of the building, and
it's not just the building, but it's
the site and the relationship of space
to the building and, you know, the sort
of scale of the building to the yard
and the fact that the porch is opening
up to the yard and then you are going
to put another building that just kind
of blocks it, so it's going to be quite
destructive, and even the relationship
of the carriage house to main house,
you know, it has -- proportion is part
of historicism, so I actually think the
proposal is rather destructive. I know
you don't mean it to be that way, but
just the nature of trying to do that, I
think is that way.

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

MR. JAUQUET: Can I interrupt you?

MS. BERRY: Yes.

MR. JAUQUET: The two-family idea,
one family in the carriage house and
one in the big house?

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

MR. JAQUET: Two in the big house
plus the third.

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

MR. JAQUET: Can it be done?

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

MR. JAQUET: Yeah.

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

PODIUM SPEAKER: Well --

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

MR. MOORE: It would not be him
though, that's the problem. He is not
going to run a B & B and --
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MS. BERRY: But it could be a two family and it could --

You know, there are ways of dealing with it.

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

Now, if you believe that is the way to go, I'm fine with that; but what you're doing is setting up every lot that could be subdivided, so before you say yes to something like that, I think what you have to do is have a moratorium, count how many lots are in the zone that could be subdivided and then, you know, see what that impact is because if he does it, then everybody else that has a bigger lot can come back and ask for a subdivision. So I think you need to asses the impact on the existing community of doing that before you say yes.
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The other thing is, there is this weird loophole in your code. In the schedule, there is a note that allows if you have an existing one-family dwelling, you can make it a two-family, so basically if you subdivided this, this could potentially be four units.

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

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

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

MR. MOORE: Okay.

MR. PROKOP: Typically, there would be a covenant that both houses would remain one family so we don't end up can with four families if this was ever to come to be.
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MR. URBAN: I, myself, am not willing or looking to convert the main house into a two-family. To me the interior, historically is just as beautiful as exterior other than, obviously, due to a lack of paint or whatever else from an esthetic point of view that comes to everybody's eyeball attention, so that's my viewpoint.

MR. PROKOP: My only comment to the Board is typically on a subdivision, there are considerations that are, the considerations on a subdivision are the impact, potential for impacts on the environment and also the quality of life and the charismatics of the neighborhood and there really hasn't been any testimony from the applicant or submission having anything to do with that, you know, those are considerations, really, that we have to go through on a subdivision application. The only thing that has been offered is that, basically, there
will be money to save the ownership of
one of the properties, I don't know
which one it is now, but for us to
consider the application, really, we
would have to have that kind of
testimony and documentation before the
Board.

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

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

Obviously, you can only, at this
point, you can only make a
recommendation, it's up to the Zoning
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Board because they would have to approve the size and the dimensions of the property that has been proposed to be created.

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

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

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

MS. BERRY: Can I add one more thing?

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

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

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

MR. MOORE: That would stay. The other house is to remain.
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MS. BERRY: But it's going to be destroyed by the active division. You have to take down part the house.

MR. MOORE: No.

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

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

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

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

MS. BERRY: It's my recommendation that if it did move forward, you consider proper elevations of what's
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going to finally be proposed.

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

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

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

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

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

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

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

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

MS. MUNDUS: Can you tell us the history, a little brief summary and
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history of the house?

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

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

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

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

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to around that time that I believe
that's when that porch was modified. I
guess it was more the grandiose look to
the house by doing that to the porch,
but that was not the original porch.

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

MR. MOORE: It's in the library.

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

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

MR. MOORE: You have your own
pictures.

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

MS. MUNDUS: Because history
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belongs to those who write it, so
you're version of what the house is may
be different than an engineer's or
architectural historian's. It would be
really nice to just have an objective
report on what the house is and --

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

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

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

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

MR. PROKOP: The Historic
District.

MS. WINGATE: The whole district
is.

MR. PROKOP: For preservation.

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

MR. MOORE: Would it be helpful to
come back with a -- it would be --

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

CHAIRMAN McMAHON: I would like to
just --

You can't speak to them.

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

CHAIRMAN McMAHON: No. Direct --
MR. MOORE: No. It's input --
CHAIRMAN McMAHON: You can speak
with the --
MR. MOORE: We were, you know --
I'm sorry.

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

We know that whatever
recommendations you have are purely
just recommendations, they're not
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binding until the Board acts, but rather than come back to you with how about this and how about that on four different variations of it, it's always more helpful, there may be a suggestion that would be something we never would have thought.

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

MR. MOORE: Okay.

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

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

Speak with them because I would be deferring to them with regards whether or not the plans will maintain the character of the neighborhood and whether or not it's in the best
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interest of the area.

That's my recommendation.

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

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

MR. MOORE: All the comments tonight?

MR. PROKOP: Yes.

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

That would be my suggestion to where to go next.

MR. MOORE: Okay. Thank you.

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

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

Do I have a second for that?
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MR. JAUQUET:  Second.
CHAIRMAN McMAHON:  All in favor.
(All Said Aye.)
CHAIRMAN McMAHON:  Item number four:  Continued discussion and possible action on 300-308 Main Street.

The Sterling Square Project was reviewed by the Historic Preservation Commission on July 6, 2015. The Historic Preservation Commission approved the siding, windows and trim. The outside bar was approved for HardiePlank construction with a granite countertop, and the cedar pergola was approved as submitted. All proposed signage was approved. The HPC has not approved a fence for along Bay Avenue, pending the drawing to be submitted for review.

MR. PROKOP:  This matter is before us because we have to initiate a coordinated review for purposes of SEQRA. It ended up being Type I Action and we need to --
My recommendation to the Board is that we initiate a coordinated review to enter that period and then we could finish that at the next meeting.

CHAIRMAN McMAHON: At the --

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

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

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

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

CHAIRMAN McMAHON: Okay.

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

MR. PROKOP: I think it would be determined it was unlisted, but it
ended up it was in the Historic District, which means it's a Type I.

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

I'm sorry. What was that?

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

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

An unlisted action could have an uncoordinated review where we make the determination if another commission has jurisdiction. In this case, the
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Historic Preservation Commission would
make the determination.

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

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

I believe that's correct.

MR. PROKOP: I believe that's
correct.

CHAIRMAN McMAHON: I'm not really
certain what else to say. When this
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was initially before the Board, we approved the plans, having, I think, all of your concerns were addressed at that time. I'm not really certain where --

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

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

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

MR. PROKOP: No.

CHAIRMAN McMAHON: No there wasn't.

We approved it with the understanding that it would go before the Historic Preservation Committee.

Any agency that has jurisdiction can
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initiate a SEQRA review.

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

MS. BERRY: Personally, you can correct me, because this isn't a legal opinion, I agree that I would have called this a Type I Action, but since you already decided it was unlisted and he has gone through the process and the historical preservation Commission has approved it, what I would do is, I would sit down with the Planning Board and the Historic Preservation Board because under SEQRA, you can determine what you think is a Type II and a Type I action and make that determination and then from that point forward, that...
is your guideline for dealing with the historic projects and maybe even vet that with the State to make sure that they're okay with that.

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

What do you think, Joe?

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

It ends up that the Board can determine what actions -- the Board can determine a list, and any Board can determine a list of what it considers to be Type I and Type II Actions, so you can make additional actions in
addition to the State list, Type II
Actions and, you know, I think one of
the things that we might consider in
the future is decisions that are
use-only evaluations that are interior
and are the same use, basically the
same use, although under the State law
now, that would be an unlisted action,
or my thinking is that would be
unlisted, I think that we can call that
a Type II Action in the future.

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

I don't think -- the only thing
is, I don't that you can do that
retroactively, and the second thing is
that this particular actions was a
fairly significant action, you know,
renovation of a building and it did
involve exterior work, so it wasn't
just an interior impact.
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MS. BERRY: But you already classified it, so --

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

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

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

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

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

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We have been before the Historic Preservation Board. We have been approved by the Historic Preservation Board. We installed a sprinkler system, we have been inspected by the Health Department, our plumber, our electrical, ancillary inspection are all complete. All we have furniture in. We got the microsystem up. We're supposed to be open.

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

We ask that the Board or I'd ask

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that the Board keep this as an unlisted action, it allows us to move forward so that we could get our final inspections completed and open.

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

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

One more month of delay would be a 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. JAQUET: What about working with a temporary C of O and then --

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

MR. JAQUET: 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.

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The historic preservation review was only done a few weeks ago.

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

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

At our initial meeting, we said that we would approve a building permit for the investigation of a beam to see what needed to be replaced in, I think, the upstairs of the building, if I'm not mistaken, or in the restaurant area, and I wanted to ask what appears as item number four on our agenda, the items that say that, it says that it was approved as submitted, are those things that the Historic Preservation
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Committee approved or are those things that this Board approved or do you know.

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

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

MR. PROKOP: Okay.

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

MS. MUNDUS: I'm sorry that I wasn't here during this first submission or for the other times you
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were here before this Board, but I
guess my question, in order for me to
catch up on this is why are we only now
discovering that we're struggling with
which SEQRA determination has to be
made when they're ready to pen the
restaurant. Fifty percent of the
season is already gone. I'm confused.
And how can we help him? I mean, if we
do the coordinated review with the
Historic Review Board and call it
unlisted or Type II, can we give them a
temporary CO and let them get started
while this is going in?

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

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

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which we didn't know before, it's in
the Historic District, that, by
definition converts it to a Type I
Action.

When Glenis and I were talking
before about, not this action, this is
not the kind of action we're talking
about, but on a, you know retail store
for retail store being a Type II, that
keeps it at a Type II. Once something
is an unlisted action, if it's in the
Historic District, it steps it up, the
law steps it up and you can't take that
away. It's then a Type I action, so
that that's what the -- the
significance, I mean, we're in
agreement that it's at least an
unlisted action because it's in the
Historic District, that notches it up
to a Type I Action, so the only thing I
can ask you is that we complete the
SEQRA review. Whatever you want to do
in the meantime is, I mean, you have --

My suggestion would be that if
anything is going to happen, that it be limited to the inside and that the applicant has to know that it's at their risk, you know, because we don't know what's going to come out of the SEQRA. Once we open this up and there's testimony about SEQRA, you know, there are other thing that could come out of it.

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

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

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

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

MR. PROKOP: What is a cedar pergola?

I'm sorry, could you just for my benefit. I mean, I thought that was
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the planking itself.

MR. BROWN: Rob Brown, architect.

The cedar pergola is the open

joist covered area over the patio.

MR. PELTON: I'd be happy to show

you a picture.

MR. PROKOP: Sure.

MR. PELTON: (Handing.)

MR. BROWN: Where the awning used
to be.

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

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

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

MR. PROKOP: Right.
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Well, the SEQRA, we're also going to have to look at the parking. I know the building is exempt from parking, but the you there was the change of use of the second floor, so parking is one of the things that's also going to have to be looked at, that we should be concerned about, but yes, that would be -- right, one of the things, if we get significant testimony about the negative impact, that's one of the things that --

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

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

MS. BERRY: But the code does allow change of use, but is says if the building was old, you're still exempt, so if you approve the use, they're still exempt.

MR. PROKOP: Okay.

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.
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process, correct?

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

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

MS. MUNDUS: That would include the rooms upstairs.

MR. PELTON: Yeah.

MS. MUNDUS: Which are completed.

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

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

MR. PROKOP: That the introduction of the use on the second floor has significant negative impact on the on the environment, whatever the change is on outside has a negative impact.
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MR. JAUQUET: Who makes that determination.

MR. PROKOP: You do.

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

MS. MUNDUS: Right.

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

MS. BERRY: Right.

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

MS. BERRY: Well --

MS. MUNDUS: What I'm confused at is, I mean, we have an incredible asset to Greenport, beautiful esthetic, beautiful taste and why would we put up any walls to prevent these fellows from opening this beautiful place if we can.
get him fired up and running and do
SEQRA review.

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

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

MR. JAQUET: Yeah.

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

I can't recommend anything else.

I'm sorry.

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

MR. PROKOP: I don't believe so,
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but that's -- I would have to review that.

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

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

CHAIRMAN McMAHON: No.

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

MS. MUNDUS: Okay.

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

MS. MUNDUS: That makes perfect sense.

MS. BERRY: Can we do that?

MS. WINGATE: Until Wayne Turret and Glenis came onboard and did the site-plan review for Wayne Turret, we
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never had a Type I issue in a Historic
District before, so this is really very
much a first; so to go backwards, we
really have to determine how far
backwards too.

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

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

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

MR. JAQUET: That is how I feel.

MS. MUNDUS: That's how I fee.

MR. BURNS: Yeah.

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

MR. PROKOP: How you handle it is
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up to you, but I just want to clarify sign interpretations, you know the problem is that we just got the information. This wasn't referred to Historic Preservation Committee either before the work started, that was the problem.

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

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

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

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

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moving along, the motion would be to
tentatively adopt lead agency status,
determine, make a initial determination
that this is a Type I action and;
initiate a coordinated review, and then
any other portion of this that you
would like the review, you could do
that tentatively.

MR. JAUQUET:  Start a SEQRA --

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

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

I'm sorry.

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

MR. PELTON:  What is the process
of a coordinated review.
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CHAIRMAN McMAHON: Coordinated review essentially would be, we would send a letter to other agencies who have jurisdiction, we would ask them -- it would be the Historic Preservation Committee, State Historic -- Is that.

MS. WINGATE: SHPO.

CHAIRMAN McMAHON: Would the Village Board get it also.

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

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

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

After that point, if there was no positive declaration from any other
involved agencies, the original negative declaration will stand, and application will move forward.

MR. PROKOP: Can I make a recommendation.

CHAIRMAN McMAHON: Yes.

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

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

MR. JAQUET: Right. That's right.

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

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

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Board to get that?

MS. WINGATE: No.

MS. BERRY: I thought you just said that.

MS. WINGATE: No.

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

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

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

I didn't know -- the only suggestion I would have right now is to initiate the SEQRA coordinated review and then have this on the agenda for next week to see if there is something
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that we can come up with in the meantime, or if you went, we could, since we haven't discussed this as a Board, and you obviously would like, I think you would like advise of counsel, we could break for a minute and get advise of counsel. We're allowed to do that, go into a closed session for advise of counsel or we could just proceed, it’s up to you.

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

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

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

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

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pergola.

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

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

Is that agreeable?

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

CHAIRMAN McMAHON: Yes.

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

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

You would have to talk to the

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Building Department?

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

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

The inn is a change of use, therefore it's a Type I Action, a coordinated review is required and that includes a thirty-day waiting period and a public hearing which would take 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
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approve, the first one is the application of Tom Spurge for construction of a new house at 216 North Street.

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

Are there any comments?

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

CHAIRMAN McMAHON: Okay.

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

When we receive an application, we have a sixty-two-day window to take some action on that application. You can either approve it, approve the conditions, deny it, or you can get, with approval of the applicant, you can extend that time period.
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This was voted on by the Board at the end of March, and the period for discussion and action was closed out.

The finding and determinations are merely a summery of what has already been decided. It is not something that we can then make modifications to or add additional conditions or make any existing conditions more restrictive than they already are.

In my opinion, doing so would be just not something that I believe we have the capacity to go back and now change.

I think attempting to add more conditions or attempting to make any of those conditions more restrictive at this point would open us up to saying that we didn't handle this in a timely manner and when that happens, there are a host of other problems that can come up including the original application being approved by default potentially. I don't really want to comment on it,
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it's not my area of expertise, but
think trying to add additional
conditions for this now is not
something we can do and I think it
would actually end up having a more
negative effect on the problem because
I think it would actually end up
opening up to a lot of other condition,
a lot of things. I think then every
condition on the application could then
be questioned and could then be
challenged. I don't feel that we have
the ability to go back and make any
additional changes.

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

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

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AUDIENCE MEMBER: Are you talking about from March or from the last time, what we had discussed the last time?

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

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

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

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

MS. MUNDUS: Can you come up and use the microphone and identify yourself?
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MS. DICKSON: Julie Dickson

(phonetic).

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

CHAIRMAN McMAHON: I believe so,

yes.

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

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

MS. DICKSON: And no staircase?

CHAIRMAN McMAHON: Yes. There is
no staircase.

MS. DICKSON: I just want to say
that it's too bad because I think a lot
of stuff got lost in translation, and it's a shame.

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

MS. DICKSON: Thank you.

MR. TASKER: Can I be heard?

CHAIRMAN McMAHON: Yes.

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

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

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

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

MR. JAQUET: No.

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

MR. TASKER: I beg your pardon. I
didn't hear the introduction.

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

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

MR. TASKER: Thank you. Sorry.

CHAIRMAN McMAHON: That's okay.

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

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

I'm going to make a motion that we approve the findings and determinations for the application of Tom Spurge for construction of a new house at 216 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. JAQUET: 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
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written in the verbiage.

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

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

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

CHAIRMAN McMAHON: Yeah, I --

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

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

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

MR. PROKOP: It was in the plans.

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

AUDIENCE MEMBER: And the size of
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the balcony has changed also because it's not eight feet any longer?

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

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

Do I have a second on that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

MR. JAQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Motion carries.

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

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

MR. TASKER: Sorry for my earlier interruption.

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

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

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

More specifically, however, one of the finding that you point to is the that the variance came out in April 22, yes April 22 of this year and where it states the variance obtained did allow the manufacturing of seafood on-site, which is not a permitted use in the CR district.
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Well, the applicants were sent back to the Zoning Board to get a variance for a use variance for both the manufacture of seafood products and the sale of seafood, neither of which is a permitted use in the CR District. They are permitted uses in the R Zoned Commercial District which is where they belong, so we got a good horse, but he's in the wrong stall.

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

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

There was also a request for interpretation and a request for use.
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variance to operate in a nonconforming use. That was subsequently withdrawn.

We now have before us an application for an area variance for allowable manufacturing space. I would note that the applicant’s proposal is for retail sale in manufacturing on the site, and the representative of the applicant said, we reached out to the Planning Board for an interpretation and then we were sent to the Zoning for an area variance.

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

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

If they’re going to manufacture fish products, they’re going to sell
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fish at retail, they need to get the variance to do it in the Retail Commercial District.

The variance that was issued, the resolution that was passed in April concluded that the Zoning Board of Appeals in the Village grants the area variance to allow an additional five hundred nineteen square feet of manufacturing processing space, for a total of six hundred forty-three square feet of manufacturing and processing space and six hundred nineteen square feet of retail space.

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

Thank you.

CHAIRMAN McMAHON: Thank you.

Just to clarify, you're saying that the, your position is that the variance that was granted was only an area variance and was not actually a use variance?
MR. TASKER: It was only area variance, yes. It's quite clear.

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

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

CHAIRMAN McMAHON: Thank you for your comments.

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

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

MR. JAQUET: No, not yet.

MS. BERRY: Wait, before you accept them, I just want to go through a couple of things.
CHAIRMAN McMAHON: Sure.

MS. BERRY: We'll go in order.

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

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

MS. MUNDUS: As far as I know, we have been talking about that as being a condition of approval for whatever it's been now, eight months, and the other condition of approval is the fencing on the patio and the dumpster area in back, and the landowner still has a giant mountain, it's a big pile of gear which also should not be there since
it's commercial retail, it's not
Waterfront Commercial District for a
pile of fishing gear, garbage and
ladders and trash that are kept on that
lot.

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

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

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

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

MS. MUNDUS: Right. That's a
safety issue that is not up to code
either.
So whatever we do here, I mean, a serious conditional clause needs to be built into it. So far everything on that list, none of those things have been done.

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

MS. BERRY: How do we deal with that?

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

MR. PROKOP: I think the concern that is being raised not particular to this application at is this point in the discussion, but perhaps if the Planning Board included in all our decisions that everything has to be brought to code.
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We've been through this many times, it has to be -- we have to rely on other departments to make sure the premise are up to code.

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

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

Glenis, do you agree?

MS. BERRY: Yes.

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

MR. PROKOP: Somebody is claiming
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that this premises has code issues.

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

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

Is that what you said?

MR. TASKER: Yes.

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

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

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

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

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Commercial Retail, manufacturing is a permitted use in Commercial Retail under certain conditions.

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

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

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

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

CHAIRMAN McMAHON: Sir, can you
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please take the podium.

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

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

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

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

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

MR. BURNS: Pardon me.

Please explain that.

MR. TASKER: I'm sorry?
MR. BURNS: Please explain what you just said.

You said manufacturing is not manufacturing.

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

Now, when I brought this subject up of permitted use in the Retail Commercial District at your meeting on May 28, on the minutes on page fifty-seven, I brought up those two points as the what was being done in that operation, it was not permitted to be done in Retail Commercial and the answers were as follows: "CHAIRMAN McMAHON: I believe that's why it was
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rejected in the first place and went to
the ZBA."

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

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

Thank you."

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

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

MS. MUNDUS: The way I read the
law and I'm not an expert, but I read
the law that it is appropriate if there
is a retail component.

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

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

It was not set up to allow

waterfront related activities to be
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done willy-nilly wherever people thought they might like to do business in the Village. There's never -- there hasn't been a fish market --

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

PODIUM SPEAKER: That's correct.

MS. MUNDUS: Okay.

Thank you.

MR. TASKER: That's correct.

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

MS. MUNDUS: What does that mean?

What does --

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

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

MR. TASKER: If you --

MS. MUNDUS: We have people selling raw --
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CHAIRMAN McMAHON: You can't talk over each other.

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

I just don't really understand --

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

MS. MUNDUS: Thank you for your comment.

MR. TASKER: Thank you.

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

MR. MOORE: Yes.

MS. MUNDUS: Please come to the podium.

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

I'd like to respond to Mr. Tasker's comment because he is correct in saying that the area
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variance was necessary because the manufacturing space which disallowed it in Retail Commercial exceeded the allowable percentage.

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

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

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

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

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

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

Thank you.

CHAIRMAN McMAHON: Thank you.

Any other comments?

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

MS. BERRY: Sorry.

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

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

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

MS. BERRY: Right.

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

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

CHAIRMAN McMAHON: Any other
items?

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

They will come up again at Regular
Session next week.

Do I have the second on that?

MS. MUNDUS: Second.

CHAIRMAN McMAHON: All in Favor?

(All Said Aye.)

CHAIRMAN McMAHON: Motion carried.
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Item number six, discussion of the Bed and Breakfast Code of the Village of Greenport, regarding the number of permitted rooms and number of lodgers. Section 150-76 (7c) limits the renting of rooms to three rooms for lodging and serving of breakfast.

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

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

Essentially, the issue before us is they want to raise -- a number of bed and breakfast owners in the Village have requested that the Village amend the code to increase the number of allowed room from three the five and number of transient guest to a total of ten.
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That would be in accordance with State regulations on bed and breakfast and the County as well. Our code is a little bit more restrictive.

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

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

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

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

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

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

MR. BURNS: Sounds good to me.

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

CHAIRMAN McMAHON: Yes because there are --

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

CHAIRMAN McMAHON: Yes. Limited
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to that aspect.

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

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

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

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

CHAIRMAN McMAHON: Is there any comments from anyone here?

Identify yourself for her.

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

CHAIRMAN McMAHON: Speak in the microphone.

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

I just wanted to also confirm that
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there would be no changes in the requirements that we are now required.

MS. WINGATE: Where are we going, Donna?

MS. GRUBER: Where are we going?

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

CHAIRMAN McMAHON: I believe so.

I believe there would be --

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

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

CHAIRMAN McMAHON: Yes.

Going from three the five is change of site, change of use, site plan change.
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MS. GRUBER: Right. So you need a site plan review.

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

MS. GRUBER: Thank you very much.

CHAIRMAN McMAHON: Mr. Moore.

MR. MOORE: Yes.

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

I think there is little more to it then just six to ten and three to five, I would expect there's parking requirements that would have the match.
CHAIRMAN McMAHON: Yes. That's section of the code remains the same, that will not change.

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

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

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

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

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

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

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

MR. MOORE: Sounds good.

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

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

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

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

MS. GRUBER: Because if
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Harborfront had to have lot size to be, they would not be, I believe -- lot size --

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

MS. GRUBER: Okay.

Thank you.

MS. WINGATE: Harborfront is a hotel.

MS. GRUBER: Right.

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

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

Do we have a consensus on
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recommendation that we can then approve at the next meeting and give to the Village Board?

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

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

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

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

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

MR. JAQUET: Second.

CHAIRMAN McMAHON: All in favor?

(All Said Aye.)

CHAIRMAN McMAHON: Motion carries.

Item number seven Motion to schedule the August regular meeting for

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

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.)
CERTIFICATION

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