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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD

WORK SESSION

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Third Street Firehouse
Greenport, New York

August 27, 2015
5:06 p.m.

B E F O R E :

DEVIN McMAHON - CHAIRMAN

BRADLEY BURNS - MEMBER

PETER JAUQUET - MEMBER

JOSEPH PROKOP - VILLAGE ATTORNEY

GLYNIS BERRY - PLANNING BOARD COORDINATOR

EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

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CHAIRMAN McMAHON: This is the Village of Greenport Planning Board Work Session of August 27, 2015.

First item on the agenda is a public hearing.

Public hearing for the site plan application for Sterling Square LLC, Brent Pelton, owner. The Planning Board has determined that for purposes of SEQRA this is a Type I action requiring a public hearing.

The property is located at 300-308 Main Street. It is located within the Historic District and in the Commercial Retail District.

Suffolk County Tax Map number 1001-4-7-29.1.

AUDIENCE MEMBER: Excuse me, is your mic on? The microphone is not on.

CHAIRMAN McMAHON: Is that better?

AUDIENCE MEMBER: Yes. Thank you.

CHAIRMAN McMAHON: Are there any -- I don't have any initial comments. Do we have anything from the Board before we open it up

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to public comments?
MR. PROKOP: I just have one, a
procedural comment.
We circulated a coordinated review
notice. The coordinated review is a
thirty-day notice that was sent out on
August either 4th or 6th, one of those two
dates, I'm sorry, so the thirty days would
be from August 6th until September 5th, so
we may still be getting comments.

CHAIRMAN McMAHON: Thank you.

MR. PROKOP: I know that the Board of
Trustees wanted to communicate that the
Board did want to comment and asked that we
keep the comment period open for the Board
to comment, the Board of Trustees.

CHAIRMAN McMAHON: Okay. Thank you.

AUDIENCE MEMBER: Could you establish
whether it was the 4th or the 6th and not in
between?

CHAIRMAN McMAHON: Yes.
Any comments from the public?

MR. BROWN: Robert Brown, architect for
Mr. Pelton.

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Mr. Pelton regrets that he is stuck in traffic on the expressway behind some big accident. He probably will not make it in time for the meeting.

AUDIENCE MEMBER: Can you talk a little louder?

MR. BROWN: Yes.

Mr. Pelton is stuck on the expressway behind some big accident and probably won't be here in time for the meeting, but he is on his way.

I'm here to answer any questions that you might have.

CHAIRMAN McMAHON: Okay.

I don't have any at this time, but I imagine some may come up.

If anyone would like to make any comments, please come up to the podium and identify yourself for the reporter and proceed.

MR. SWISKEY: William Swiskey, 184 5th Street, Greenport, New York.

Has there been any parking review on this application because this -- the only

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2 thing existing there is a restaurant, that
3 gets the free pass; but the inn upstairs is
4 new, that shouldn't get a free pass. We
5 need to work out the parking problem.

6 Have you ever been down there on a
7 weekend, it's a nightmare.

8 CHAIRMAN McMAHON: Yes. I live down
9 there.

10 MR. SWISKEY: And are you going to take
11 parking into consideration or not?

12 CHAIRMAN McMAHON: Parking was
13 considered, and it was determined that it
14 was grandfathered in.

15 MR. SWISKEY: It was grandfathered in
16 for the restaurant, I don't know who told
17 you it was grandfathered.

18 This didn't exist, how can it be
19 grandfathered? There was no inn upstairs.
20 I don't understand how you came to that
21 conclusion.

22 Was that on advice of counsel?

23 CHAIRMAN McMAHON: This is from the
24 Village.

25 Off-street parking requirements.

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2 Off-street parking spaces, open or enclosed,
3 are permitted accessory to any use, subject
4 to the following provisions:

5 (1) Schedule of parking requirements.

6 Accessory off-street parking spaces, open or
7 enclosed, shall be provided for any use as
8 specified below, for land which is
9 unimproved within the CR and WC Districts,
10 and for all other land in all other
11 districts, improved or unimproved. Land
12 within the CR and WC Districts which is
13 improved as of January 1, 1991, shall be
14 entirely exempt from off-street parking
15 requirements and from payments in lieu
16 thereof.

17 MR. SWISKEY: I think you're
18 misinterpreting. That has to do with the
19 restaurant. The hotel across the street, if
20 you're --

21 CHAIRMAN McMAHON: This was in place
22 before 1991.

23 MR. SWISKEY: Not the hotel across the
24 street. That was Diamonds, there was a
25 complex and there were apartments upstairs.

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2 When that guy applied for that hotel, they
3 not only made him put parking, new parking
4 in the back, they made him use parking
5 across the street at a building he bought
6 for a restaurant, and I asked the building
7 inspector about it and her answer was
8 different times, different boards, except
9 the code applies to everybody equally. I
10 don't see how you're getting around it.
11 This is a completely new use, this board is
12 misinterpreting.

13 Did you ask legal opinion on this?

14 CHAIRMAN McMAHON: This was discussed
15 at the meeting --

16 MR. PROKOP: It was discussed at the
17 meeting.

18 I'd like to, since we have this written
19 record of the meeting, I'd just like it to
20 reflect that what he was read was given to
21 him by the Planning Department, it didn't
22 come from me. I don't want the written
23 record to reflect in any way that that came
24 from me although it was reading from the
25 code.

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2 The parking can be reviewed in terms of
3 SEQRA, there is still the SEQRA review that
4 is taking place with regards to this use,
5 and that's one of the comments that can be
6 made.

7 MR. SWISKEY: Why didn't the Planning
8 Board go to legal counsel and ask his
9 opinion because that's what you usually do
10 on a tough one, you don't ask somebody to
11 just read the book because if you're buying
12 this that you don't need parking, then
13 nobody in the Village will ever need parking
14 to do anything with an existing commercial
15 building even if they put five stories above
16 it.

17 CHAIRMAN McMAHON: The code does note
18 that certain properties are going to be
19 exempt from parking for existing --

20 MR. SWISKEY: If they're existing,
21 existing, the existing use was a restaurant.
22 Upstairs was nothing. Now we have an inn
23 upstairs basically. That was not part of
24 the restaurant, so that's a new application.
25 I don't understand your logic.

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2 CHAIRMAN McMAHON: The section of code
3 I'm looking at says "Land within the CR and
4 WC Districts which is improved as of January
5 1, 1991 shall be entirely exempt from
6 off-street parking requirements and from
7 payments in lieu thereof."

8 It does not say, does not specify a
9 difference in use as far as I understand.

10 MR. SWISKEY: As far as you -- well,
11 did you ask the attorney, did you ask legal
12 opinion since I'm not a lawyer, you're not a
13 lawyer?

14 MR. PROKOP: The Board can still accept
15 comments regarding parking. It's really
16 not -- you know, the whole thing is under
17 review, it's really not --

18 MR. SWISKEY: Basically, you said this
19 is the public comment period. In other
20 words, he's saying, oh, it's okay, but why
21 wasn't it okay for the hotel?

22 Now, you were here for the hotel, Joe,
23 you know what happened there.

24 MR. PROKOP: Yes, there was a
25 requirement for parking.

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2 MR. SWISKEY: So now there is no
3 requirement. Just because the Board
4 changes, doesn't mean the rules change.

5 I mean something is really weird in
6 this Village. You need to get back under
7 control, and you need to ask your legal
8 counsel for opinion.

9 MR. PROKOP: I think the Board is
10 looking for comments about the application.

11 MR. SWISKEY: Well, the -- you want my
12 opinion, the application needs parking, that
13 excuse that he's got there does not exempt
14 them from parking.

15 CHAIRMAN McMAHON: It's not an excuse.
16 You asked for reason behind the --

17 MR. SWISKEY: Why did you accept the
18 reasoning?

19 CHAIRMAN McMAHON: Because it seemed
20 reasonable to me.

21 MR. SWISKEY: Did you ask the attorney
22 if it seemed reasonable?

23 CHAIRMAN McMAHON: I'm not sure what
24 you're expecting me to say.

25 MR. PROKOP: The whole thing is under

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2 review.

3 MR. SWISKEY: I'm expecting you to
4 follow the same --

5 CHAIRMAN McMAHON: We're accepting
6 comments on --

7 MR. SWISKEY: -- that you put the hotel
8 through.

9 CHAIRMAN McMAHON: I was not here for
10 that. I can't speak for that.

11 MR. SWISKEY: Yeah, but that does
12 change, it's historic precedent and that's
13 why you would ask the attorney.

14 CHAIRMAN McMAHON: Thank you.

15 MR. SWISKEY: I mean, you don't just --
16 I'm the board member and you're not --
17 that's why you have the attorney.

18 I really don't understand how she can
19 say -- no. Once a rule is set, it's there
20 no matter how many different boards it is,
21 it doesn't change unless the Village changes
22 the code, and this is not -- the existing
23 building was the restaurant, not the inn.
24 The inn is the second floor, it's a
25 completely different --

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2 CHAIRMAN McMAHON: It's the same
3 building.

4 MR. SWISKEY: That's the silliest thing
5 I've ever heard, it's the same -- no, it's a
6 different use.

7 If you're in over your head, ask your
8 attorney.

9 CHAIRMAN McMAHON: Thank you for your
10 comments.

11 MR. HILLERBRANT: My name is John
12 Hillerbrant (phonetic). I live at 160
13 Sterling Street in Greenport. I am one of
14 the previous owners of the property you're
15 talking about in Sterling Square together
16 with my partner for almost forty-five years,
17 so if anyone is familiar with the parking
18 situation, unfortunately, I am.

19 This year is a totally different
20 situation. We have had parking next to our
21 store on Saturdays and Sundays, two or three
22 spots available, which has never happened in
23 the past. So in order to answer Mr.
24 Swiskey's comment, have you ever been there?
25 I've been down there every weekend. Have I

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2 seen parking spots? More than I ever
3 expected, so let's not make a big deal out
4 of this.

5 The parking and the amount of visitors
6 that we have, that arrive in Greenport is
7 less than we had in the past. I've been
8 here since 1971 as you know, so --

9 CHAIRMAN McMAHON: Thank you.

10 MR. PALISTINA: Frank Palistina
11 (phonetic).

12 One comment is, I think that the whole
13 building is a huge asset to the community.
14 It's been taken from something ready to
15 collapse to something very viable to the
16 community.

17 I have had previous conversations with
18 Brent Pelton, we discussed the parking and
19 he was concerned about it and was
20 encouraging people, after all, it's only
21 five rooms, it's not like you're going to
22 have huge groups of people up there, that
23 he's been encouraging people to use mass
24 transit and was supplying bicycles for all
25 the people that were staying there to use

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that versus using vehicles.

CHAIRMAN McMAHON: Thank you.

MR. CORWIN: My name is David Corwin,
C-O-R-W-I-N.

I believe Mr. Swiskey is right about
the parking. That's an addition or an
intensification of the use and it should
have to get parking.

At your last meeting, from what it
looked like in the audience maybe I should
say, the consultant offered legal advice.
It appears that at this meeting too the
consultant is offering legal advice. I take
exception to that. Mr. Prokop is getting
paid to interpret these things, and I don't
think that the consultant should be
interpreting.

Again, I think that intensified use
requires parking.

Thank you.

CHAIRMAN McMAHON: Thank you.

I will note that Ms. Berry handed me a
section of the code without any opinion or
legal interpretation.

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2 AUDIENCE MEMBER: This is not an
3 executive session.

4 MR. PROKOP: Are there any more
5 comments?

6 CHAIRMAN McMAHON: Mr. Salidino, he
7 asked which hotel we were referring to,
8 that's what he was asking.

9 MR. JAUQUET: The one across the street
10 from the pizza place.

11 MR. PROKOP: I would just adjourn and
12 -- I would even make it open until the next
13 meeting which is on the --

14 CHAIRMAN McMAHON: I'm sorry.

15 MR. PROKOP: What we need to do is to
16 adjourn the public hearing --

17 CHAIRMAN McMAHON: Yes, we have more
18 comments coming in.

19 MR. PROKOP: -- to get more comments.

20 CHAIRMAN McMAHON: All right. Do you
21 have any comment?

22 MR. BROWN: On an entirely separate
23 issue, I just wanted -- Mr. Pelton asked me
24 to relay the fact that a stone has been
25 ordered to provide a solid path from Bay

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Avenue on what is now the gravel path to
enhance the handicap accessibility.

MR. PROKOP: How does that affect the
handicap accessibility?

MR. BROWN: You need a solid surface
for wheelchairs to roll on.

MR. PROKOP: Where is it going to be
coming from?

MR. BROWN: From the sidewalk at Bay
Avenue into the property and onto the
entrance to the restaurant.

He just asked me to relay that
information.

CHAIRMAN McMAHON: Thank you.

Are there any other comments?

Okay. I'm going to make a motion that
we -- do we adjourn this?

MR. PROKOP: Adjourn but keep it open
until we get more comments.

CHAIRMAN McMAHON: All right.

I'm going to make a motion that we
adjourn this until our next meeting.

Do I have a second on that?

MR. JAUQUET: Second.

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2 CHAIRMAN McMAHON: All in favor?

3 (All said aye.)

4 CHAIRMAN McMAHON: Motion carries.

5 The first item on the agenda: Item
6 number one, continued review of the use
7 evaluation conditionally granted for Brian
8 Carrick.

9 Shakka Flyboard rental facility is
10 located on the Preston's dock. The property
11 is located at 102 Main Street, in the WC
12 Waterfront Commercial District.

13 Suffolk County Tax Map 1001-5-4-12.1.

14 I don't believe there is any new
15 business on this.

16 I will make a motion to move on to the
17 next item.

18 Do I have a second?

19 MR. BURNS: Second.

20 CHAIRMAN McMAHON: All in favor?

21 (All said aye.)

22 CHAIRMAN McMAHON: Motion carries.

23 Item number two: Motion to complete
24 the review of SEQRA -- item number two is
25 not going to be completed because the public

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comment period has not expired, so I'm going
to make a motion to move on to item number
three.

Do I have a second?

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor?

(All said aye.)

CHAIRMAN McMAHON: Motion carries.

Item number three: Pre-submission
conference and discussion for 412 Third
Street Greenport Inc.

The property owner, Jim Olinkiewicz,
has proposed a subdivision of an existing
10,348-square-foot lot. The existing lot
contains two houses, one two-family and a
one-family house. Both houses are
nonconforming.

The property is located at 408-410
Third Street, and in the R-2 One- and
Two-Family District.

Suffolk County Tax Map number
1001-4-2-4.6.

MR. OLINKIEWICZ: James Olinkiewicz,
412 Third Street Greenport Inc.

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2 Can I drop off a -- it's a little extra
3 work that I did; can I hand that to you or
4 do I have to hand it in to the --

5 CHAIRMAN McMAHON: Well, since it's --
6 it's not actually -- we don't have an
7 application for you. Generally we need it
8 for review but we're not considering
9 anything.

10 MR. OLINKIEWICZ: No, I understand. I
11 just got some more information (handing).

12 So my application is before the
13 Planning Board to subdivide this 408-410
14 Third Street Greenport Inc.

15 It's a flag lot right now that's next
16 to the basketball courts on Third Street.
17 It goes back to two existing homes that have
18 been there since around 1900.

19 I brought the tax cards from the
20 Village books to show that these buildings
21 were here prior to 1970.

22 What I did is, I also took the map of
23 the Village and I highlighted and put a
24 legend at the bottom so everybody can review
25 it. That shows lots that are less than

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2 5,000 square feet, lots that are 5,000,
3 6,000 square feet and lots that are 6,000
4 and 7500 square feet.

5 So I took most of the R-2 District and
6 I highlighted all of the substandard lots
7 considered, the pre-existing substandard
8 lots which the code will not allow to be
9 subdivided or built on now.

10 So it winds up that it's about forty or
11 forty-five percent of the Village in the R-2
12 District has lots that are less than 7500
13 square feet, and if you look at the legend
14 of zero to 5,000, which is blue, there is a
15 tremendous amount of lots that are less than
16 5,000 square feet.

17 So the lot that I'm asking to
18 subdivide, and there is a couple of reasons
19 why I'm asking for it, but the lot that I'm
20 asking to subdivide is 10,348 square feet,
21 so there will be one lot, the northern lot,
22 number one, which would be 5,773 square
23 feet, and then the southern lot would be
24 4,575.

25 These are two pre-existing buildings

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2 that have been on a larger than
3 7500-square-foot lot, but on two distinctive
4 lots that must have been merged in the past
5 or somehow cut up in a weird way.

6 I'm not asking to expand usage. I'll
7 put covenants on the property on usage or so
8 that one can't become another two-family, if
9 that's what people -- there's just two
10 existing houses on one lot.

11 When it gets to the point that I would
12 like to start selling some of these off, it
13 would be nice that we can sell a one-family
14 to somebody who wants a one-family and maybe
15 help a family in the Village to afford a
16 one-family house, where two houses and three
17 apartments makes it never difficult for
18 somebody to be able to afford that, okay, at
19 a further time.

20 It will help the Greenport tax load
21 because there will be a second lot, so if
22 the taxes which are somewhere in the
23 neighborhood of 5,000 now, there will be two
24 lots which will each probably have between
25 3500 and 4500 in taxes on each one, so that

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2 the revenue will be better for the Village
3 tax-wise.

4 We have no problem with parking there
5 now. We have -- the apartments are full,
6 they have been full for twenty-five years,
7 and when I first bought them back in '94 or
8 '95, I did a renovation on them, which you
9 could actually see. I owned them once
10 before, you can see on the sheets from the
11 Village in the back it talks about the
12 renovation back in 1998 which was when I
13 owned them the first time.

14 So, you know, whether the Board agrees
15 or not, I'm just looking to possibly make it
16 easier for somebody to purchase in the
17 future as well as I'm not changing the
18 character of the neighborhood. I'm not
19 adding more buildings. I'm not -- what's
20 there is there. It already has its own
21 water, its own sewers, its own electric,
22 everything. It was two houses that were
23 somehow merged or put on this mis-configured
24 lot, so I'm asking to just subdivide it and
25 keep everything stipulated as it is and

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2 status quo.

3 CHAIRMAN McMAHON: Thank you.

4 Joe, I know there was a letter that
5 went out, has that been resolved?

6 MR. PROKOP: Well, a letter was -- over
7 several months a number of buildings were
8 identified in the Village as having
9 structures that have been noncompliant with
10 the code that were being used for occupancy,
11 and this was one of the ones that was on the
12 list.

13 A letter went out in January 2014
14 asking the owner to come into the Village
15 and go over the nonconformance and apply for
16 the approvals that were required, and I
17 don't know if there was ever a response.

18 MR. OLINKIEWICZ: I don't even know
19 that I ever got that.

20 Every time I was asked for any
21 information, it's filled out and sent in.
22 I'm the only landlord that I know that's
23 filled out all the applications for rental
24 apartments, and they're all handed in and
25 followed up with whatever is asked for, so

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if that was a question, I would come in and deal with it. No problem.

I mean, these things have been pre-existing in rentals for the last fifty, sixty, seventy years, at least. So I don't know how you could say that it's not conducive or it wasn't a rental or anything, so, I mean, it's a tough question to answer.

CHAIRMAN McMAHON: Okay.

MR. OLINKIEWICZ: Please get me that form, I'll gladly fill it out and come to another meeting.

MR. PROKOP: What is your mailing address?

MR. OLINKIEWICZ: James Olinkiewicz, P.O. Box 591, Shelter Island Heights, New York 11965.

MR. PROKOP: Thank you.

CHAIRMAN McMAHON: Okay.

MR. OLINKIEWICZ: Thank you.

CHAIRMAN McMAHON: Thank you.

I'm going to go over a few items here with regards to this application. I believe if this did come before the Board we would

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2 need to deny it straight away because of the
3 nonconformance it would introduce. It would
4 have to go to the ZBA.

5 Let me read through some of the notes
6 here.

7 The proposal is to subdivide the
8 existing lot into two lots. The existing
9 lot is irregularly shaped and totals 10,348
10 square feet. The existing lot is conforming
11 to the minimum lot size of 7500 square feet
12 required for a single- or two-family
13 building, as per chapter 150, Zoning Code of
14 the Village of Greenport, Article V,
15 District Bulk and Parking Regulations, the
16 schedule of regulations 150.12.

17 There are two separate dwelling
18 structures on one lot, one of which is a
19 two-family unit. This lot is thus acting as
20 a multi-family parcel. It is not compliant
21 with the minimum of 15,000 square feet for a
22 parcel supporting multi-family use as a
23 conditional use.

24 The existing lot size is noncompliant
25 relative to the following: The irregular

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2 shape does not allow for a consistent
3 sixty-foot width or 100-foot depth, parts
4 are compliant. There are nonconforming
5 setbacks for side setbacks for both
6 structures and one for a rear setback.

7 If the lot were subdivided, both homes
8 would be on nonconforming lots. This would
9 create nonconformance where there was none
10 relative to lot size. Based on this, the
11 proposal would need to be referred to the
12 Zoning Board of Appeals.

13 Relevant section of the code is 150-21,
14 nonconforming buildings with conforming
15 uses.

16 Section A, nothing in this article
17 shall be deemed to prevent normal
18 maintenance and repair, structural
19 alteration, moving, reconstruction or
20 enlargement of a nonconforming building,
21 provided that such action does not increase
22 the degree of or create any new
23 noncompliance with regards to the
24 regulations pertaining to such buildings.

25 As an added issue, the subdivision will

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2 cause nonconformance to have a two-family
3 residence. Currently the code supports a
4 single-family home on nonconforming lots.

5 The section of code 150.13, subsection
6 E, existing small lots. A lot owned
7 individually and separately and separated in
8 ownership from any adjoining tracts of land
9 which has a total lot area for lot width
10 less than prescribed in this chapter may be
11 used for a one-family residence provided
12 that such lot shall be developed in
13 conformity with all applicable district
14 regulations.

15 Subsection one, total dimensions of
16 both side yards for principal building shall
17 be computed on the basis of four-tenths of
18 the lot width; however, no side yard
19 dimension shall be less than four-tenths of
20 the total dimensions of both side yards
21 computed as forsaide and no side yard
22 dimensions shall be less than ten feet.

23 The total of rear yard dimension for a
24 principal building shall be computed on the
25 basis of three-tenths of the lot depth;

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2 however, no dimension for the rear yard of
3 the principal building shall be less than
4 thirty feet.

5 The conditions of one and two would not
6 be met with this subdivision, but if
7 subdivided the lot sizes could be allowed to
8 have two-family dwellings on both due to a
9 note on the schedule.

10 The note for the schedule reads: If
11 the owner of existing one-family dwelling
12 R-2 District which is legally non-conformant
13 with respect to any of these bulk
14 requirements seeks to convert the existing
15 dwelling to a two-family dwelling, then in
16 that event the area of requirements set
17 forth herein except for the requirement
18 titled off-street parking for dwelling unit
19 shall not apply to the newly added dwelling
20 unit.

21 Thus, conceivably there could be an
22 increase in the number of dwelling units if
23 the subdivision is allowed unless stipulated
24 otherwise as conditional approval.

25 I believe Mr. Olinkiewicz would be

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2 willing to stipulate that.

3 Support of this subdivision creates
4 precedence for allowing smaller lot sizes
5 thus undermining the existing zoning code.
6 In the event the Board wants to support
7 higher density, it should consider
8 moratorium on subdivisions creating
9 noncompliant conditions to evaluate the
10 Village.

11 Due to the lot being a double-flag lot
12 with narrow setbacks due to adjacent
13 properties, access for firefighters could be
14 an issue. Ask the Fire Department to weigh
15 in on any criteria the Department want to be
16 considered with this proposal.

17 I'd like to note, with this proposal,
18 it certainly would have, I believe, very
19 likely to have a public hearing, there will
20 be input from all of the neighbors and other
21 interested parties.

22 I believe a lot of people would want to
23 have something to say about that given we
24 don't actually have an application before
25 us. The purpose of a pre-submission

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2 conference is to get general thoughts and
3 opinions of the Board and raise any issues
4 we might be aware of at that time. There
5 are many others that may come up down the
6 road as well.

7 My initial thoughts are that initially
8 we would have to just -- it would have to be
9 denied due to the issues the Zoning Board of
10 Appeals would initially take. They would be
11 the first ones to press this issue.

12 I don't know if we would begin a SEQRA
13 determination at that time or if the Zoning
14 Board of Appeals would --

15 MR. PROKOP: We would get the
16 application first and we would then start a
17 coordinated review and it would be decided
18 among the Boards who wants to.

19 CHAIRMAN McMAHON: Who would decide who
20 takes lead-agency status?

21 MR. PROKOP: The Boards would decide.
22 We would put out a notice and Glynis can get
23 input from the other Boards as to who would
24 be lead agency.

25 CHAIRMAN McMAHON: Any comments or

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2 questions at this point?

3 MR. BURNS: No questions.

4 MR. PROKOP: I just have one question.

5 Mr. Olinkiewicz, this looks really --
6 the map, just for verification of the
7 accuracy of the map that you provided us,
8 where did this come from?

9 MR. OLINKIEWICZ: So the map that I
10 gave you is a -- I went to the County and
11 got a copy of the Greenport Town Map for the
12 County.

13 From that then, I sat down and
14 painstakingly did all the calculations on a
15 calculator for each and every lot and did
16 the highlighting myself. Then I went over
17 to East End Graphic, Inkspot came and they
18 reduced it.

19 I have actually large maps, if anybody
20 wants them, which is what I originally did,
21 but then Inkspot reduced this and did this
22 for me, and I'll be happy to bring in large
23 maps if everybody wants large maps.

24 MR. PROKOP: Okay. Great.

25 The picture that you gave us of the --

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2 is that the stairway -- is this the one with
3 two-families?

4 MR. OLINKIEWICZ: The one that has the
5 staircase to the second floor is
6 two-families, yes.

7 MR. PROKOP: That's the stairway to the
8 second apartment.

9 MR. OLINKIEWICZ: Exactly, but when I
10 renovated in 1998, it was applied for and I
11 was allowed to put the staircase on the
12 opposite side, so we took the staircase out
13 the -- on the right-hand side of the
14 property. At one time it was on the
15 right-hand side of the deck, it got moved to
16 the left-hand side.

17 MR. PROKOP: Where it is now, that's
18 the left.

19 MR. OLINKIEWICZ: If you face it, it's
20 on the left-hand side of the house right
21 now.

22 CHAIRMAN McMAHON: So the other side of
23 where it's shown in the picture?

24 MR. OLINKIEWICZ: Correct. You can go
25 to page 3, it will show the renovation where

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2 it's on the other side.

3 When we changed all the windows,
4 rewired the whole place and everything else.

5 MR. PROKOP: And then the -- I just
6 have a comment.

7 I don't know that a note to code is
8 binding, I think that is something you need
9 to ask me for an opinion on.

10 CHAIRMAN McMAHON: Okay.

11 Like I said, initially, I believe that
12 this would be denied by the Board because it
13 would introduce a nonconformance and require
14 the involvement of the ZBA.

15 At that point, there would be any
16 number of issues that arise throughout
17 discovery and go from board to board.

18 MS. BERRY: I just wanted to say, one,
19 thank you for this, this is a nice piece of
20 work.

21 MR. OLINKIEWICZ: If you want a full
22 size, I'll bring one in for you and you can
23 put it on the wall.

24 MS. BERRY: At the same time this is a
25 difficult proposal because it is introducing

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2 nonconformance that is not there, there is
3 an opportunity not to increase the physical
4 noncompliance. Now if somebody buys it,
5 that can change, but as it exists, that's
6 one good thing about it.

7 The other is the affordability and the
8 use of this property if it is sold, whether
9 the benefit outweighs any restriction, this
10 is an issue. If it were year-round and
11 somehow guaranteed to be affordable housing
12 with some kind of restriction on that, then
13 you would gain three affordable units for
14 the Village, so I don't know legally if that
15 is an option or not, but that is the one
16 opportunity I see with this, but at the same
17 time, it goes against the codes, but I don't
18 know if there is a way to manipulate it.

19 What do you think, Joe?

20 MR. PROKOP: I wouldn't -- I don't
21 know. I don't have any response, I'm sorry.

22 I think that that's probably a
23 Trustee's consideration, but at this time
24 I'm still evaluating the application.

25 Can I ask you, only because I keep

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looking at the staircase, I apologize.

This was built to code, of course this was built to code, you got a C of O for the stairway?

MR. OLINKIEWICZ: Yes. In 1998, I bought application to renovate both buildings.

MR. PROKOP: Okay.

MR. OLINKIEWICZ: The building inspector at that time, which I don't remember who it was, I called him, the old man would come down and -- Mr. Munce (phonetic). No.

MR. PROKOP: Mr. Avatilli (phonetic)?

MR. OLINKIEWICZ: No. It wasn't Mr. Avatilli.

CHAIRMAN McMAHON: Olson.

MS. WINGATE: Lisard.

MR. OLINKIEWICZ: Lisard.

So he was privy to all the plans, all the inspections, everything else and in the CO we discussed the staircase at length and I was informed there was no problem and so we took care of it and he gave me the COs on

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2 the building.

3 MR. PROKOP: I'm not saying that there
4 isn't. It's pretty obvious in the picture,
5 I just wanted to make sure that got
6 reviewed.

7 MR. OLINKIEWICZ: Yep, it was all taken
8 care of back then.

9 MR. PROKOP: Thanks.

10 CHAIRMAN McMAHON: Thank you.

11 I don't have any other questions or
12 comments; does the Board?

13 I would ask Joe if you could give us an
14 interpretation on --

15 MR. PROKOP: Yes, I will.

16 CHAIRMAN McMAHON: Thank you.

17 If there's nothing else, I'd make a
18 motion to move on to the next item.

19 Do I have a second?

20 MR. JAUQUET: Second.

21 CHAIRMAN McMAHON: All in favor?

22 (All said aye.)

23 CHAIRMAN McMAHON: Motion carried.

24 Item number four: Motion to accept the
25 use evaluation application from Carla

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Oberlander.

The applicant proposes to open a gallery at 8 Front Street. The property is located in the CR Commercial Retail District and the use as a gallery is a permitted use.

Suffolk County Tax Map number 1001-4-2-4.6.

MS. OBERLANDER: Hi.

CHAIRMAN McMAHON: Are you Ms. Oberlander?

MS. OBERLANDER: Yes, Carla Oberlander.

CHAIRMAN McMAHON: SEQRA recommendation is Type II, same use.

Recent use: The property is currently vacant, but was formerly used for retail, Kessie's Clothing and Accessories.

Proposed use is Olive Studio, a gallery for art, murals and hand-painted furniture, as well as design consultation.

No physical changes are being made to the space.

Retail is a permitted use in Zone CR.

The applicant intends to store garbage in the back alley.

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The applicant has submitted an application for a sign permit. The proposed sign is five inches high by twenty-four inches high, twenty-four inches wide, I believe that should say.

Note, the application does not indicate where the sign will be hung. This should be clarified at the meeting.

If you could --

MS. OBERLANDER: The sign actually would be painted on the building, just not hanging anything affixed to the building. I would just be painting the actual name where Kessie's sign, right where her name is.

CHAIRMAN McMAHON: Is that on the glass?

MS. OBERLANDER: No. It's on, actually a metal-framed part of the building above the glass, right where hers was. It's actually in the picture, maybe it's not visible.

CHAIRMAN McMAHON: In which picture?

MS. OBERLANDER: I'll show you.

(Ms. Oberlander approaches the dais.)

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CHAIRMAN McMAHON: So this sign application was already submitted.

MS. WINGATE: I forgot. That's the sign application.

CHAIRMAN McMAHON: Thank you.

MS. WINGATE: That's the sign, it's full scale.

CHAIRMAN McMAHON: I believe this -- I'm not sure what other --

MR. PROKOP: I would just put it on the agenda next week.

CHAIRMAN McMAHON: Does anyone have any concerns?

I'm going to make a motion that we accept the use evaluation application, and review it at the next meeting.

Do I have a second on that?

MR. BURNS: Second.

CHAIRMAN McMAHON: All in favor?

(All said aye.)

CHAIRMAN McMAHON: Motion carries.

Item number five: Motion to adjourn.

Do I have a second on that?

MR. BURNS: Second.

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CHAIRMAN McMAHON: All in favor?
(All said aye.)
CHAIRMAN McMAHON: Motion carries.
Thank you very much.
(Time noted: 5:44 p.m.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand to this 27th day of August, 2015.

STEPHANIE O'KEEFFE