VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

PLANNING BOARD
WORK SESSION

Third Street Firehouse
Greenport, New York

November 19, 2015
5:10 p.m.

BEFORE:
DEVIN McMAHON - CHAIRMAN
BRADLEY BURNS - MEMBER
PETER JAUQUET - MEMBER
CHRIS DOWLING - MEMBER

JOSEPH PROKOP - VILLAGE ATTORNEY
GLYNIS BERRY - PLANNING BOARD CONSULTANT
PAUL PALLAS - VILLAGE ADMINISTRATOR

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CHAIRMAN McMAHON: We're going to begin the meeting. This is the Village of Greenport Planning Board Work Session for November 19, 2015.

The first item on the agenda, item number 1, continued discussion on pre-submission conference for Dan Pennessi. Dan Pennessi represents owner Maryland Shannon, LLC and is before the Board to discuss proposed uses and development of the site located at the corner of Front and Third Streets. The pre-submission package contains a preliminary site plan and evaluations of the proposed building. The project as proposed will require variances and the proposed uses are not approved for the WC Waterfront Commercial District, but are listed as conditional uses.

This is Suffolk County Tax Map number 1001-5-4-5.

I'm not sure if the applicants are even here this evening. The reason...
it's on the agenda is because there was some discussion. There are variances that will be required, and I just want to make sure that we are all, myself and the other members of the Board and the Building Department, Village attorney and consultant are all on the same page with regards to how the process should work.

If the application comes here first, there is a denial and it goes to the Zoning Board of Appeals. I just want to make sure that we know exactly what information they'll need from us.

Joe, I don't know if you can shed some light on that.

I just want to be clear on that, so we don't have to go back. I'd like to do it correctly the first time through. We should make some improvements on past performance here.

I would start off with saying that the question that was bought to me was that, if there is an underlying --
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excuse me, if the hearing is required, there must be an underlying conditional -- excuse me, there must be an underlying permitted use.

I think that would be the restaurant use, correct, that it would be --

MR. PALLAS: Yes.

CHAIRMAN McMAHON: Then it would be a variance on that use; or is it a variance on the entire use? How would it --

MR. PALLAS: I don't know if it's a use -- I'm not sure if it's a use -- I didn't -- I'm not if -- I'm not sure if it's a use variance or not, if it's going to be setback variances and things like that, use variance.

MS. BERRY: The use is conditional, so that is in your jurisdiction, but the three-story, the parking, and another issue is if they use the roof for other than limitation to their guests, that changes the whole
occupancy amount too because they're already at their max, so I think those are the three issues.

CHAIRMAN McMAHON: So would the Zoning Board have a determination as to whether or not the conditional use is appropriate or not, just the setbacks and the parking requirements, those are the things that they would address specifically?

MR. PALLAS: Yes.

CHAIRMAN McMAHON: Okay.

When we -- as I indicated to the applicant, given that the preliminary drawings that were submitted would not fit and it would require variances from them, how in depth do our comments to the Zoning Board need to be? How specific do our recommendations or concerns -- do we allow them to look at it with fresh eyes or do we provide recommendations to them?

MR. PROKOP: My recommendation is, if there are dimensional requirement
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issues, it would have to be denied and then go to the ZBA. My recommendation would be that there would be a denial from the building inspector if he -- so the application for the building -- and please, if you disagree with me or want to add anything, please do. But I believe that if the initial question is dimensional requirements that are not met, setbacks and other things, parking, I think that that would be a denial by the building inspector, that would take it to the ZBA.

CHAIRMAN McMAHON: Prior to coming to us.

MR. PROKOP: Prior to coming here, and then I think what would happen is probably the ZBA would want to make a referral to the Planning Board for comments while the ZBA has it. I believe the ZBA has the ability to do that.

CHAIRMAN McMAHON: Okay.

So then the ZBA would be the first
ones to take action on this. Would they be the one to initiate SEQRA review?

MR. PROKOP: They would be the first agency, right, so they could do the SEQRA review.

CHAIRMAN McMAHON: If they chose to.

MR. PROKOP: If they chose to, right.

What they would do is, they would do, if they believe that it's an Unlisted action with the potential for an impact on the environment, then it would require a coordinated review.

CHAIRMAN McMAHON: Okay.

MR. PROKOP: So once they initiate a coordinated review, if that's what happens, this board would then have the opportunity to become lead agency because we would be an involved agency because at some point we would be making the decision on that, so we would have, basically we would have a
discussion with the ZBA to see who
wants to be the lead agency between the
two boards because we would both have
the option.

CHAIRMAN McMAHON: Okay.

MR. PROKOP: Does that sound -- do you agree?

MS. BERRY: Yes.

CHAIRMAN McMAHON: Okay.

So it would be first a denial by
the Building Department based on the
setbacks and the parking requirements,
et cetera and then it would go to the
ZBA and then come back to us.

Okay.

So it will not be before us again
until it's had a ZBA review unless they request another pre-submission conference?

MR. PROKOP: I wasn't at the last meeting when this was discussed, but conceptually, I think that's correct.

How do you feel about that?

MS. BERRY: It sounds reasonable.
It does need a coordinated review.

MR. SALADINO: Can I --

CHAIRMAN McMAHON: Sure.

If anyone is going to come up and speak, if you can just write down your name. There is a piece of paper there, so the reporter can have it.

MR. SALADINO: John Saladino.

It was my understanding the only time you can have a conditional review and it would go before the Planning Board before the Zoning Board is if there is a permitted use on the property in Waterfront Commercial, so wouldn't it go to the Planning Board first?

CHAIRMAN McMAHON: Well, I think what they're saying is that if the site plan has setback issues to begin with, before it would even -- when they would submit to the Building Department, come into the Building Department with the application, the first trigger would be the setbacks; is that correct? And
that's what would bring it to the ZBA before even discussing the use?

MR. PALLAS: That's my understanding.

MR. SALADINO: I would ask the attorney. I thought it's moot. It's a conditional use, but only if there is a permitted use on the property.

The site plan, before they go for building permit, wouldn't they have to come to the Planning Board with a site plan review, and wouldn't that have to have the uses on it so if there is no permitted use, there can be no conditional use?

MR. PROKOP: What we said before was it will probably end before both boards at the same time and reviewing both of those issues. The Building Department, excuse me, the Zoning Board will be reviewing the conditional issue, this board will probably get the use also.

The applicant is not here, so it
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makes it really hard to discuss this because in the end, it's going to be their application, but not speaking to the applicant, I think that is likely the direction that it would go.

MR. SALADINO: I was just curious as to the uses in Waterfront Commercial, the permitted uses in Waterfront Commercial. They're many, but they're limited. I mean to certain businesses. I just -- I didn't hear the applicant last month or last week, whenever it was, you know, he talked about a restaurant, he talked about a hotel which are not permitted uses in Waterfront Commercial, so I was wondering if there was something on his application that would permit conditional use.

MR. PALLAS: There is a retail component shown here on the plans and in the application. I don't know that -- yeah.

MR. SALADINO: So are we going to
assume that he's going to sell
maritime-related stuff?

And also just as a reminder, I'm
sure all you guys know this, just as a
reminder, if that permitted use stops,
if that maritime-relate bookstore
leaves, the whole operation has to
stop.

CHAIRMAN McMAHON: I'm going to
have to take a look at the coding
because I had a different understanding
of, you know, when a conditional use is
allowed and not, so I'll have to look
at the code again.

But my understanding is that there
are a number of other -- there are a
number of restaurants that are just
restaurants that are Waterfront
Commercial, and they were rented as
conditional uses and that's the only
business that's running in there, so,
you know, I'll have to take a look at
that. I thank you for the question,
I'll look at that, but that's my
understanding.

MR. SALADINO: Thank you.

MR. MOORE: I'm Doug Moore, 145 Sterling Street. I also chair the ZBA, so we've been a victim of some of your decisions.

The C under standards for conditional uses says, where a subject property abuts the water, conditional uses shall be permitted when establishing connection with a permitted use, so it's not abutting the water, perhaps that condition doesn't apply. I'm not a final interpreter of the code unless we are requested to, so it will be up to the attorney and the building inspector.

CHAIRMAN McMAHON: Thank you.

MR. PROKOP: Just so we have this in the minutes, what he is referring to is Section 150-11, C1, and that has the limitation.

So there appears to be a limitation or requirement that there is
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a conditional use and permitted where the property abuts the water.

CHAIRMAN McMAHON: Which this property does not.

MR. PROKOP: This property doesn't, but we'll review, you know, it's in the minutes, we'll review this point.

CHAIRMAN McMAHON: Okay.

Are there any other questions or comments or issue from the Board or anyone else with regards to this item?

Okay.

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

Do I have a second for that?

MR. BURNS: Second.

MR. PROKOP: I'm sorry.

Just to clarify, so this was moved to the next work session, or we're not going to put them on next week's meeting, right.

CHAIRMAN McMAHON: No, right.
All in favor of the motion?

MR. JAUQUET: Aye.

MR. BURNS: Aye.

MR. DOWLING: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 2, motion to accept the use evaluation application from Doug Roberts, president of Educational Solutions Consulting. The applicant proposes to open an office at 211 East Front Street. The property is located in the CR Commercial-Retail District and the use as an office is a permitted use.

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

We do have the -- it looks as if everything is in order, I've a cover letter and all the items inside. It seems to be a pretty straightforward application. There will be no signage.

Does anyone have any issues or concerns on this application?
MR. DOWLING: Is this commercial retail, that's commercial retail there, right?

CHAIRMAN McMAHON: I believe once it comes up off Main Street there or South Main Street.

MR. DOWLING: Oh, yeah, there's that row of stores there.

Okay.

MR. PROKOP: What the use now, normally you put that in, but what is --

MR. ROBERTS: It was a florist.

MR. PROKOP: A florist.

CHAIRMAN McMAHON: Does anyone have any concerns or questions?

MR. DOWLING: No. I looked at the whole thing, there is no -- you're not going to have any sign at all, right?

MR. ROBERTS: Not now. If I do, I'll see you again.

CHAIRMAN McMAHON: If there is no other comments.

MR. DOWLING: It's pretty
CHAIRMAN McMAHON: What's that?

MR. DOWLING: It's pretty straightforward.

CHAIRMAN McMAHON: I'm going to make a motion that we accept it. It will be on the agenda for the next, our regular meeting next week.

Do I have a second for that?

MR. JAUQUET: Second.

CHAIRMAN McMAHON: All in favor?

MR. DOWLING: Aye.

MR. JAUQUET: Aye.

MR. BURNS: Aye.

CHAIRMAN McMAHON: Aye.

Motion carries.

Item number 3, discussion of the subdivision of the property located at 408-412 Third Street, owner James Olinkiewicz. The property is located in the R-2 District and is nonconforming.

Suffolk County Tax Map number 1001-4-2-4.6.
So this is an item that we had reviewed previously, but that application, I believe, was withdrawn.

This was -- the subdivision was reviewed, I believe and approved by the Zoning Board back in 1998. There is a question as to whether or not all the paperwork was properly filed on our end and on the applicant's end. We're still doing some research in the history of this application.

I don't know if there is a representative of the -- there is.

MS. RAE: May I speak?

CHAIRMAN McMAHON: Please.

MS. RAE: I am Kimberlea Rae, Westervelt & Rae, Shelter Island for Mr. Olinkiewicz.

Mr. Olinkiewicz bought the property in 1997, and at that time, as today, the property has two dwelling places on it, two houses, two two-story frame houses.

He sought to subdivide it in 1998,
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went through the process. There was --

comments were solicited by then ZBA

chairmen from all the neighbors. No

one had any agreement. It was

generally felt, I believe, as it's

recited in the resolution, and I have

copies of that in case you don't have

them, that this could be a benefit to

the neighborhood because as it stood

then and stands now, the only use for

that property, unless it's subdivided

into two, in other words, each house

has its own lot, means that it will

forever be investor housing and rental

only and what the Planning Board stated

that it thought the subdividing would

at least permit the potential for these

to be owner occupied at some point in

the future. There was no objection

then, and the Planning Board adopted

the resolution.

The only problem was that the

Planning Board did not notify Mr.

Olinkiewicz within ten days as required

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by Village law. It did not file the
resolution and as a result Mr.
Olinkiewicz did not realize that it had
been granted. In fact, he assumed that
it had not. It was the first
application that he had ever filed with
the Village.

So when we discovered this in the
course of his filing pre-application
papers to subdivide it again, he
submitted a Freedom of Information Law
request and found the entire file in
which the property had already been
subdivided or approval for it granted,
so we are seeking now ratification from
this Board to ratify with the prior
sub-division approval by the Zoning
Board of Appeals in 1998.

CHAIRMAN McMAHON: Okay.

MS. RAE: I have copies, if the
Board members do not have copies of the
entire packet.

CHAIRMAN McMAHON: I believe we --
let me see what you have, I believe
it's the --

MS. RAE: It has the resolution, the notice, the underlying information (handing).

MR. PROKOP: If we decide to go ahead with this, there is -- so the question is, why would this Board need to do anything if this was approved in 1998 because there is -- if the Board decided that it was going to take a step and finalize this, if it could be finalized, the Board -- there is a window of time where what's called the plat has to be signed by the chairperson and filed with Suffolk County so that the -- basically what would have to happen is the final plat would have to be reapproved and the chairman would be authorized to sign the plat and then it could be signed and filed with Suffolk County.

MS. RAE: We have resubmitted the plat, as well as draft deeds for the properties.
MR. PROKOP: We, you know, I have been looking at this extensively, obviously, it's something that came up. There's is one last part of this that was a question that I have been asked now, and I need to confirm with what the answer to the question is.

CHAIRMAN McMATHON: Okay. Are there any questions or concerns from any of the Board members?

MR. DOWLING: I haven't had a chance to read through the minutes, the meetings on that, but I think when I do, I think there were always some questions, but essentially by us basically approving this, I mean, were the subdivisions both part of a single-family home? Is it under R-2 or R-1?

MR. PROKOP: There was no limitation that I can see, it was as is, you know, just a subdivision as is. There was no conditions or limitations put in that I can see.
CHAIRMAN McMAHON: Is the area, I mean, is the neighborhood R-1 or R-2?

MS. RAE: R-2.

MR. DOWLING: It's R-2.

MR. JAUQUET: So what do we have to do? We're taking responsibility to ratify this sixteen-year-old decision.

CHAIRMAN McMAHON: I believe that is that request, but --

MR. JAUQUET: Didn't this ratify it already except for the recording of it?

I mean, what's, you know, the final step that they didn't do is what's missing.

MR. PROKOP: The problem is a lot of time, seventeen years has passed, and there's conflicting requirements.

We had a requirement to notify the applicant, the applicant is claiming that he never knew that it got approved. Then on the other hand, the applicant had a limited amount of time to proceed with the subdivision, to
file it with Suffolk County and
actually undertake the subdivision and
that time has also expired.

There may be other time factors
that have to be looked at. That was
the question that was asked today, and
I'll be checking. It will take a very
short amount of time, but I need to
check it.

CHAIRMAN McMAHON: All right.

I don't want to take any action on
this until the Village attorney has had
an opportunity to review the entirety
of the file and make a recommendation
to the Board with regards to what is
appropriate, with the options we have
are.

So, personally, I have no further
comment until the Village attorney is
able to give us some guidance on the
statute of limitations with regard of
the timeframes of the various steps
that were supposed to have taken place,
so personally I have no further
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comment.

MS. RAE: May I just make one addition to the record.

The applicant did not receive notice from the Village. We FOIL'ed the entire Village file and I don't think there is, there is nothing in the file to indicate that the Village did notify him.

Perhaps this was inadvertent, I don't know, but in any case, it was not, and that's why he didn't take further action.

CHAIRMAN McMAHON: Thank you.

MS. RAE: Thank you very much.

MR. PROKOP: I just want to say there's no -- excuse me, Ms. Rae. I just want to respectfully, there is no -- it looks like there is no letter in the file; however, there's different boards for periods of time, and I'm not sure what this board did, if it mailed copies of the minutes, the notification, so it's not clear whether
or not that was done. That's one of the things we're still looking into.

CHAIRMAN McMAHON: So there is more research that needs to be done before we can, before I can discuss this further intelligently.

MS. RAE: Thank you very much.

MS. McENTEE: Good evening. My name is JoAnn McEntee, I'm at 242 5th Avenue.

First of all, I think Mr. Olinkiewicz has many properties in this neighborhood in the Village of Greenport, none outside of this area, he always wants to come to this Village, seventeen years is more than enough time.

Let me start with first, please, if I can, number one, we have a petition going around, it's a petition for an immediate moratorium on subdivisions and flag lots located within the Village of Greenport, New York, Town of Southold, New York. I
would submit that to you, along with it is something I'm going to read today about the privacy, this is pertaining to code 150-1 (handing).

First of all, I'd like to find out, has Mr. Olinkiewicz or the Board, have they accepted the application from Mr. Olinkiewicz as of today?

CHAIRMAN McMAHON: I don't believe there is any application on the agenda. There is no application for the Board to vote on.

MS. McENTEE: So you still have to accept this at a given point.

CHAIRMAN McMAHON: There is a question as to the procedure that I'm waiting on guidance from the Village attorney with regards to the statute of limitations, so there is no application before the Board right now. There was a prior application that was under discussion.

We have not accepted any new application. There was an application
on the agenda two months ago, I'm not certain that --

MS. McENTEE: August 27th, I believe that --

CHAIRMAN McMAHON: Discussing this property, I believe that was withdrawn.

MS. McENTEE: August 27th was withdrawn for this property?

CHAIRMAN McMAHON: I believe so.

MS. McENTEE: I don't see -- did not see that it was withdrawn.

MS. RAE: It was withdrawn on September 24th.

MS. McENTEE: Thank you.

So pertaining to the property, if subdivided -- first of all, Mr. Olinkiewicz is creating his own problems by creating undersized and substandard lots. If subdivided, it would change both lots to nonconforming lots that would no longer meet the size requirements of the Village code 150-12.

R-2 requires 75,000-square-foot

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lot. Proposed is a 7573-square-foot
lot and the other lot would be 45,000
-- excuse me, the first lot is 5773 and
the second lot would be
4575-square-foot lot. If the dynamics
of the property are changing, then both
lots should conform to their
rightful -- including newly created
setbacks which will not be met.

This is not a financial hardship
for Mr. Olinkiewicz to have to
subdivide these lots. It's only to
line his pockets with cash and
overcrowd the homes and neighborhoods.

In the event that the lots are
sold, what happens to the flag lot,
flag lot right of way? Mr. Olinkiewicz
stated on 8/27/2015 Planning Board
meeting that he would put covenants on
the property on usage. This would mean
--

MR. PROKOP: I'm sorry. Can I ask
you a question. May I interrupt you
very politely.

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What is the flag lot you're talking about?

MS. McENTEE: We're talking about the lot here.

MR. PROKOP: You mean from the one he wants to subdivide, there is no third lot with a right of way already?

MS. McENTEE: No.

MR. PROKOP: I'm very sorry I interrupted you. I didn't want to miss that.

MS. McENTEE: That's quite all right.

Mr. Olinkiewicz stated at the 8/27/2015 Planning Board meeting that he would put covenants on the property on usage, that's his verbiage. This would need to be recorded with the Suffolk County clerk's office along with the deeds. My strong suggestion would be to record, have it and received by the Planning Board before the final decision is made on the subdivision. Yet Mr. Olinkiewicz
states at the same meeting, he is leaving the one-family, a one-family, but later it's mentioned by Chairman McMahon pertaining to the schedule that he is allowed to put a two-family dwelling on both properties. Now it is no longer a three-family, it is now a four-family home or four families that will be living on those two properties.

Mr. Olinkiewicz's record reflects a state, reflects a past of making one-family homes into two-families or has created accessory-use apartments. This is not unusual with Mr. Olinkiewicz. This would be adding more vehicles, traffic, sewer, water, excessive garbage and noise to the neighborhood.

Mr. Olinkiewicz's tenants have an excessive amount of overflowing garbage, and I have witnessed it as per the house next to us and other properties. This is another sign of overcrowding, the garbage actually is
another sign of overcrowding in his rental homes.

Then there will be the parking. Along with the double, now double-flagged portion of the lot, which is not wide enough, if they do decide to subdivide, it's not wide enough for fire, for the fire trucks. I'm hoping that that will be taken into consideration. I don't approve of it.

What happens when it snows? You're adding another house there and so therefore, in the absence of the property owner, his tenants have been known to park on the streets. Actually, you can drive down many streets in the middle of the night, and you will find, you know where his properties are, he has about thirty of them currently, or near thirty.

There's too many loud noises, loud cars, vehicles, loud mufflers that already exist in our streets.

People linger around his property
on Third Street, that's not unusual. We have a lot of drug dealings around there. We also have it in the Village as well.

Tom Spurge who owns a lot at 216 North Street proposed putting a two-family home in an R-2 zone. Village Attorney Joe Prokop stated at the March 12, 2015 Planning Board meeting that a two-family home was not allowed under code, so why is Mr. Olinkiewicz allowed to put a two-family on a substandard lot? He is right around the corner, that property is right around the corner from him.

If this property was nonconforming, as stated in a January 2014 letter, then why -- that was sent to Mr. Olinkiewicz and today we find out he says he didn't get it, why are there tenants living in there if it's nonconforming?

Please refer back to the proposed subdivision complaints for 221 Fifth.
Avenue, owner Mr. Olinkiewicz as the same issues and same complaints are very similar to this proposed subdivision.

This is just one subdivision that Mr. Olinkiewicz has submitted to the Planning Board. There are two more on Fifth Avenue, and I'm sure there's more to come.

Why are we crowding our Village even more to make these lots smaller? Southold and the town of Shelter Island would never allow this to happen to these undersized lots. Again, I will reiterate that he only does it in the Village of Greenport, not even on the outskirts of Greenport.

All this has given much less privacy to our surrounding neighbors. Refer to the section of the code 150-1. I will just read briefly what I've just handed you.

That this is really in the interest of protecting and promoting of...
the public health and safety and
welfare which should be deemed
specifically including the following:
Privacy for families, prevention and
reduction of traffic congestion as so
to promote effective and safe
circulation of vehicles and
pedestrians, the maximum protection of
residential areas, the gradual
elimination of nonconforming use and,
lastly, I will read the enhancement of
the appearance of the Village of
Greenport as a whole.

Now, that says it all right there.
You are taking away everything the
Village has put up and put forward and
tried to make true, tried to make these
stick and you are throwing it away.

I seen it last night at another
meeting making R-1 and other --

CHAIRMAN McMAHON: I wasn't at the
meeting last night.

MS. McENTEE: I can't bring that
up. Okay. That's not fair, you're
right.

So with this said, I will let other people speak, and with this said, I strongly disagree with the subdivision and any subdivision that is proposed within the Village of Greenport.

Thank you for listening to me tonight.

CHAIRMAN McMAHON: Thank you.

MR. REEL: Michael Reel (phonetic). I just got a couple questions.

The parameters of that application is one year, correct? It's good for one year for that application?

MR. PROKOP: I'm sorry. I'm sorry.

MR. REEL: For Mr. Olinkiewicz, for the application for his subdivision, it's one year, isn't it?

CHAIRMAN McMAHON: What do you mean? What specifically --

MR. REEL: When you apply for an
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application, is it one year?

CHAIRMAN McMAHON: How long is an approval?

MR. REEL: No, just to have it, and you have to -- every other year you have to go, does it go through or whatever?

MR. PROKOP: That's something else. I think it's longer than one year.

MR. REEL: What is the parameters?

MR. PROKOP: I think it's three years.

MR. REEL: So that was '98, now we're in 2015. If he would have done his due diligence you know, it's done back then.

Number two, times regulations, Zoning Boards have changed, you guys should just go over this and just check, don't go blindly and wildly, take your time. I know everybody, the pros and cons, everybody got, you know, bless you guys up here because it must
suck, you know, both sides, but remember, you're all one opinion, you have to look at an overall picture for the community, the harmony of the community, so I'm just asking you to just look it over and take your time, you know, it's been, what, seventeen years since, and what, did you redo that in '14, you had it redone, the application?

MS. RAE: That application was withdrawn, it's not been applied for, there were pre-application papers put in so we could --

MR. REEL: So that was already withdrawn then?

MS. RAE: Yes. It's been --

MR. REEL: Okay.

Thank you.

So now they have to start the whole process over again because you can't go on an application from 1998.

CHAIRMAN McMAHON: I'm going to defer to the attorney with regards to
whether or not --

MR. PROKOP: They're conflicting. It is conflicting legal points that we're working on now. It's --

MR. REEL: But seventeen years, you know, if you needed it that bad, you would have kept on, kept on, kept on, now, like you said parameters changed, laws changed, regulations have changed. Why do you put a parameter of, what is it 7,500 for a subdivision, you're just pissing, you know, in the wind.

Do what's right, you make laws, stick to them. You guys are appointed, you're not voted in, you're appointed, you're one opinion, each one of you, but you have to look at the overall picture, the quality of life of people, the density in neighborhoods, is it gonna affect anybody, but you put these other parameters in place, that's why you gentlemen are here, and lady. Do the right thing. I've lived here, my
family has been here forever. I've seen a lot of things back in the '70s, urban blight, all right, do the right thing, that's all I'm asking.

Thank you.

CHAIRMAN McMAHON: Thank you.

MR. KIEL: Bob Kiel, 222 Fifth Avenue, Greenport.

Why are we undermining our existing codes? I mean, we make these codes, and now we start subdividing all these, you know, all these lots like this. We're setting a precedent, and I know Mr. Olinkiewicz is trying to set a precedent up because he is trying to do a whole bunch of subdivision. They're all, they're actually undersized lots. He's making them even smaller than the smallest lots we have now in Greenport, and it's all gonna turn around and bite us all on the ass.

He isn't even a resident of Greenport. I mean, it's not like it's a homeowner down here having a hardship
that really needs this done. He's
doing it because if he subdivides it,
like you said before, you can make -- a
one-family can actually be turned into
a two-family, then he sell the lot off
later and he's gonna make more money.
He just keeps sugarcoating it and makes
it like, oh, he's helping out the
Village of Greenport. He's only
helping himself.

I'd like to read something from
the August 27th Planning Board meeting
that has me really concerned, something
Ms. Berry said.

At the same time this is a
difficult proposal because it is
introducing nonconformance that is not
there, there is an opportunity not to
increase the physical noncompliance.
Now, if somebody buys it, that can
change, but as it exists, that's one
good thing about it.

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

Now, I don't know what Ms. Berry's job is here for Village of Greenport, but I'm having a problem with someone talking about how they can manipulate our codes. I mean, most people pull that crap, they'd be fired. I mean, that's in a statement that she put out there. I mean, I don't know what the hell is going on, but this isn't right.

CHAIRMAN McMAHON: I think there are two different issues at play here.

One, the concerns of the community
with regard to subdivisions as a whole, as to whether or not it's appropriate. Another number of people who are here specifically for Mr. Olinkiewicz.

The other issue is what is actually before the Board this evening, and that is whether or not the application that was approved back in '98 is still applicable, whether or not that -- there are two separate issues there.

I hear your concerns, I hear the concerns of everyone else that has spoken, I understand what they are. I don't know that that's actually even really what we're talking about right now. Essentially, this issue is, we're not going to make any decision on it tonight, we're deferring until the Village attorney has an opportunity to review it further and provide a legal opinion as to what the appropriate options are and then the options will be then considered duly, and I
appreciate your concern.

MR. KIEL: Okay. I want you to know that the people out here are upset about this because we see where it's going from here, and we don't know if you're all aware of it. I mean, I'm hoping you all do, but on the outside chance you don't, we want to let you know that.

CHAIRMAN McMAHON: Fair enough.

Thank you.

MR. KIEL: Okay. Thank you very much.

MR. MOORE: Again, Doug Moore, Zoning Board of Appeals.

I just want to comment on the discussion about subdivision. At the time in '98 or '97 when that term was used, there was no subdivision code. Property owners took initiatives, if they had the sufficient property, could divide them by filing with the County and this has now changed. There is a subdivision code that puts the burden
on the Planning Board to do the process, so I am guessing, and you might want to check into it, Ben, the activity of the Zoning Board of Appeals back then may have been to provide a variance for the property that would allow, especially when the properties are vacant, construction of a house, so I'm not sure whose responsibility it was at the time to do the filings for a separate deed for each lot, so that might -- I'm just suggesting you research that because it's unclear to me what happened back then. I have no idea, I wasn't part of it, I never knew what happened.

CHAIRMAN McMAHON: Thank you.

MR. MOORE: Thank you very much.

MR. WEISKOTT: Hello. My name is Jack Weiskott, I live on 229 Fifth Avenue, and I'm sorry to harp on the same topic here but, again, as Bob said, we would just like to make you aware so that you realize you are not
operating in a vacuum, even though each
of these items is a separate individual
cell, it's part of the whole patchwork
of what's going on in the Village, so
I'm just going to read a petition that
we have, another petition that we have
Fifth Avenue and the neighbors around
Fifth Avenue.

CHAIRMAN McMAHON: Okay.

MR. WEISKOTT: There are
thirty-five signatures on this,
separate homeowners who are being
affected by this very topic that we're
discussing now. I'll furnish you a
copy at a later date.

To the Village of Greenport Board
of Trustees, Zoning Board of Appeals
and Planning Board, the undersigned
residents and neighbors of Fifth Avenue
strongly oppose any further
subdivisions on Fifth Avenue. We are
also dismayed at the seemingly endless
overdevelopment in our village.
Single-family homes are increasingly

Flynn Stenography & Transcription Service
(631) 727-1107
being purchased by investors and are frequently converted into overcrowded two-family rentals.

Overcrowded being the most important word there because they are very overcrowded.

It's one thing to talk about housing for people who work in the Village, but if they're living in -- to allow substandard housing or do we want to have some sort of standard so that it's decent housing.

Fifth Avenue in particular is possibly the most densely populated street in the Village with resulting heavy traffic and on-street parking. Essentially Fifth Avenue is now a one-lane road. There is no way that two cars can pass each other on our street during most of the times of the day, during work hours, it's more open, starting 4:00, 5 o'clock at night and early in the morning and on weekends, if you're going north, you have to pull
over if someone is coming south or they
have to pull over for you.

   Anyway, we ask that you consider
carefully the direction of the Village
as a whole and Fifth Avenue in
particular and to refuse to entertain
any further subdivision at this time.

   Thank you for listening.

CHAIRMAN McMAHON: Thank you.

PODIUM SPEAKER: I was reading
something about how Mr. Olinkiewicz was
saying about his map and how he sat
down painstakingly and did the
calculations with a calculator for the
subdivision.

   Is it the same exact subdivision
that he did actually apply for back in
1998 with the same division lines? If
it isn't, then it's out.

CHAIRMAN McMAHON: There is no
application before the Board right now.

There is a --

PODIUM SPEAKER: No, but I mean,
if he puts it in and it doesn't meet
the one that he had in '98, it's not
same one.

MR. PROKOP: The papers that are
before the Board, the papers that are
submitted for the Board to sign, you
know, if that was going to be done,
were verified to be the same layout.

PODIUM SPEAKER: Okay.

MR. PROKOP: That was the first
thing we checked.

PODIUM SPEAKER: All right.

MR. TASKER: Good evening. I'm
Arthur Tasker.

I'm perplexed over the apparent
concerns about who has jurisdiction to
approve this subdivision and whether or
not a Planning Board can do it as they
appeared to have done in 1998 and which
ratification would do the same thing
again or whether or not the Zoning
Board of Appeals needs to approve such
a subdivision because it creates two
nonconforming lots, and I'm recalling
about three or four years ago when Hugh
Presswood (phonetic) and Judy Arrond (phonetic) wanted to subdivide their property that fronted on First Street but ran all the way back to Second Street, they proposed to create two nonconforming lots at the west side of their property back on the Second Street side. That was required to go before the Zoning Board of Appeals to get a variance for each of those lots. While I objected to, the Zoning Board of Appeals did grant the variances to create the substandard lots. I have no recollection at all that the Planning Board had any role in that subdivision whatsoever, so I'm perplexed as to the jurisdictional issues here which need to be addressed very carefully.

Thank you.

CHAIRMAN McMAHON: Thank you.

MS. POLLACK: My name is Karen Pollack, 630 First Street.

I just wanted to comment on the first issue on the table which was an
alleged 1998 approval of the subdivision. If there are time limitations, insofar as finalizing a subdivision, filing with the County, et cetera, I would respectfully request that those time considerations be strictly adhered to in this situation because Greenport isn't the same village today in 2015 as it was in 1998. Our population density in Greenport is at least four times the density of any other hamlet on the North Fork, we're crowded enough already.

As for the merits of this subdivision, I just wanted to point out that this property already enjoys some legal nonconformity in having two residences on a single lot, which is contraindicated in our current code, so they're already -- this property owner already has the benefit of legal nonconformity. To split this current lot and create two even more
nonconforming lots would be contrary to
where it says in our code that our
purpose is to gradually reduce
nonconformity.

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

CHAIRMAN McMAHON: Thank you.

If there are no other comments or
questions --

MS. RAE: There were two comments
made tonight that I just would like to
address with the Board, for
clarification for the Board, and that
is parking.

In 1998, as now, there were five
parking spaces for this property, so
there is adequate off-site parking.

The other issue was the access.
The road is actually standard. It is
twenty feet, I believe; so there is
access for fire vehicles, and finally,
the houses that were there when he
bought the property were there, he has
done some work on them, but this is
unchanged from when he bought it, so I think that's important for the Board to understand.

CHAIRMAN McMAHON: Okay.

MS. RAE: Thank you.

CHAIRMAN McMAHON: Thank you.

MS. McENTEE: But if there are two -- JoAnn McEntee, 242 Fifth Avenue again.

If you are subdividing lots, you're going to have to have two flag lot ways to get into the lots. That's just common sense, so I'm not sure what his attorney is talking about.

Thank you.

MR. PROKOP: The petition you passed around a copy of, there is no signature on, is this --

MS. McENTEE: No, that's just -- it's going around and you'll be getting that. You will be getting that probably before the next meeting.

MR. PROKOP: Thank you.

MS. McENTEE: You're welcome.
CHAIRMAN McMAHON: Thank you.

MS. POLLACK: Karen Pollack again.

I'm sorry, I forgot to say something.

This property owner if in 1998 was granted an approval, whether or not he was notified by the Village in my opinion is a moot point because, one, the property owner could have been present at the meeting when the decision was made. This FOIL request that revealed no notification was sent, that FOIL request could have been done at any time in the past seventeen years.

Clearly some sort of onus of finalizing any seventeen-year-old approval is on, or should have been on the homeowner, so again, I ask that any time constraints for finalization of the subdivision be strictly adhered to.

Thanks again.

CHAIRMAN McMAHON: Thank you.

As we discussed earlier, we cannot take any action on this this evening,
so I'm going to make a motion that we move on to the next item on the agenda.

    Do I have a second for that?

    MR. BURNS:  Second.

    CHAIRMAN McMAHON:  All in favor?

    MR. BURNS:  Aye.

    MR. JAUQUET:  Aye.

    MR. MOORE:  Aye.

    CHAIRMAN McMAHON:  Aye.

    Motion carries.

    Item number 4, motion to schedule the regular meeting for December 3, 2015. I think the meeting was already scheduled for December 3rd, so to confirm that the meeting will take place on December 3rd.

    Do I have a second for that?

    MR. JAUQUET:  Second.

    CHAIRMAN McMAHON:  All in favor?

    MR. BURNS:  Aye.

    MR. JAUQUET:  Aye.

    MR. DOWLING:  Aye.

    CHAIRMAN McMAHON:  Aye.

    Motion carries.
Item number 5, motion to adjourn.
Do I have a second for that?

MR. BURNS: Aye.

CHAIRMAN McMAHON: All in favor?

MR. DOWLING: Aye.

MR. BURNS: Aye.

MR. JAUQUET: Aye.

CHAIRMAN McMAHON: Motion carries.

Thank you very much.

(Time noted: 6:00 p.m.)
CERTIFICATE

STATE OF NEW YORK )
   ) Ss:
COUNTY OF SUFFOLK )

I, STEPHANIE O'KEEFFE, a Reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on November 19, 2015.

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 this 19th day of November, 2015.

___________________________

STEPHANIE O'KEEFFE

STEPRHANIE O'KEEFFE
Village... [1] 55/7
vote [1] 28/13
voted [1] 40/17

Waiting [1] 28/18
want [14] 4/14 4/14 4/18 7/7 7/19 25/12 26/17
26/19 31/11 45/3 45/9 45/17 46/4 48/11
wanted [3] 51/3 51/24 52/17
wants [3] 9/3 27/16 31/7

Was [62]
wasn't [3] 9/21 36/22 46/16

Water [4] 14/10 14/14 15/3 32/17

13/19

Way [6] 30/18 31/8 31/13 43/18 51/5 58/12
ways [1] 54/13

14/20 15/16 16/19 18/7 19/2 21/9 21/16
21/24 22/6 22/3 23/2 24/6 24/20 25/17 26/6
27/6 27/20 28/24 34/3 34/4 34/21 35/11
39/15 41/10 41/11 41/12 41/20 45/5 45/6
45/9 46/24 47/7 47/7 47/22 48/11 49/4 50/11
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we'll [2] 15/7 15/8
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38/16 40/5 41/14 44/17 44/18 44/20 47/14
52/14
we've [1] 14/6
week [2] 12/13 18/9
week's [1] 48/24

Weiskott [1] 46/21
welcome [1] 54/25
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Westervelt [1] 19/18

What [36] 4/15 7/18 8/12 8/19 10/19 11/2
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23/7 24/6 25/16 26/23 30/17 31/2 33/12
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WHEREOF [1] 58/13

Whether [11] 6/7 19/8 26/5 40/2 43/2 44/3
44/8 44/10 50/17 50/21 55/6
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while [2] 7/21 51/12
who [6] 9/2 34/6 44/4 47/13 48/9 50/16
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Wildly [1] 38/22

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Yeah [2] 12/24 17/8
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