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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

November 19, 2015  
5:10 p.m.

B E F O R E:

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 INDEX TO

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1  
2 CHAIRMAN McMAHON: We're going to  
3 begin the meeting. This is the Village  
4 of Greenport Planning Board Work  
5 Session for November 19, 2015.

6 The first item on the agenda, item  
7 number 1, continued discussion on  
8 pre-submission conference for Dan  
9 Pennessi. Dan Pennessi represents  
10 owner Maryland Shannon, LLC and is  
11 before the Board to discuss proposed  
12 uses and development of the site  
13 located at the corner of Front and  
14 Third Streets. The pre-submission  
15 package contains a preliminary site  
16 plan and evaluations of the proposed  
17 building. The project as proposed will  
18 require variances and the proposed uses  
19 are not approved for the WC Waterfront  
20 Commercial District, but are listed as  
21 conditional uses.

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

24 I'm not sure if the applicants  
25 are even here this evening. The reason

1  
2 it's on the agenda is because there was  
3 some discussion. There are variances  
4 that will be required, and I just want  
5 to make sure that we are all, myself  
6 and the other members of the Board and  
7 the Building Department, Village  
8 attorney and consultant are all on the  
9 same page with regards to how the  
10 process should work.

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

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

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

23 I would start off with saying that  
24 the question that was bought to me was  
25 that, if there is an underlying --

1  
2 excuse me, if the hearing is required,  
3 there must be an underlying  
4 conditional -- excuse me, there must be  
5 an underlying permitted use.

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

9 MR. PALLAS: Yes.

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

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

20 MS. BERRY: The use is  
21 conditional, so that is in your  
22 jurisdiction, but the three-story, the  
23 parking, and another issue is if they  
24 use the roof for other than limitation  
25 to their guests, that changes the whole

1  
2 occupancy amount too because they're  
3 already at their max, so I think those  
4 are the three issues.

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

12 MR. PALLAS: Yes.

13 CHAIRMAN McMAHON: Okay.

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

24 MR. PROKOP: My recommendation is,  
25 if there are dimensional requirement

1  
2 issues, it would have to be denied and  
3 then go to the ZBA. My recommendation  
4 would be that there would be a denial  
5 from the building inspector if he -- so  
6 the application for the building -- and  
7 please, if you disagree with me or want  
8 to add anything, please do. But I  
9 believe that if the initial question is  
10 dimensional requirements that are not  
11 met, setbacks and other things,  
12 parking, I think that that would be a  
13 denial by the building inspector, that  
14 would take it to the ZBA.

15 CHAIRMAN McMAHON: Prior to coming  
16 to us.

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

24 CHAIRMAN McMAHON: Okay.

25 So then the ZBA would be the first

1  
2 ones to take action on this. Would  
3 they be the one to initiate SEQRA  
4 review?

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

8 CHAIRMAN McMAHON: If they chose  
9 to.

10 MR. PROKOP: If they chose to,  
11 right.

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

17 CHAIRMAN McMAHON: Okay.

18 MR. PROKOP: So once they initiate  
19 a coordinated review, if that's what  
20 happens, this board would then have the  
21 opportunity to become lead agency  
22 because we would be an involved agency  
23 because at some point we would be  
24 making the decision on that, so we  
25 would have, basically we would have a



1  
2 discussion with the ZBA to see who  
3 wants to be the lead agency between the  
4 two boards because we would both have  
5 the option.

6 CHAIRMAN McMAHON: Okay.

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

9 MS. BERRY: Yes.

10 CHAIRMAN McMAHON: Okay.

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

16 Okay.

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

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

24 How do you feel about that?

25 MS. BERRY: It sounds reasonable.

1  
2 It does need a coordinated review.

3 MR. SALADINO: Can I --

4 CHAIRMAN McMAHON: Sure.

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

9 MR. SALADINO: John Saladino.

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

18 CHAIRMAN McMAHON: Well, I think  
19 what they're saying is that if the site  
20 plan has setback issues to begin with,  
21 before it would even -- when they would  
22 submit to the Building Department, come  
23 into the Building Department with the  
24 application, the first trigger would be  
25 the setbacks; is that correct? And

1  
2 that's what would bring it to the ZBA  
3 before even discussing the use?

4 MR. PALLAS: That's my  
5 understanding.

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

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

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

25 The applicant is not here, so it

1  
2 makes it really hard to discuss this  
3 because in the end, it's going to be  
4 their application, but not speaking to  
5 the applicant, I think that is likely  
6 the direction that it would go.

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

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

25 MR. SALADINO: So are we going to

1  
2 assume that he's going to sell  
3 maritime-related stuff?

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

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

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

1  
2 understanding.

3 MR. SALADINO: Thank you.

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

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

19 CHAIRMAN McMAHON: Thank you.

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

24 So there appears to be a  
25 limitation or requirement that there is

1  
2 a conditional use and permitted where  
3 the property abuts the water.

4 CHAIRMAN McMAHON: Which this  
5 property does not.

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

10 CHAIRMAN McMAHON: Okay.

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

14 Okay.

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

18 Do I have a second for that?

19 MR. BURNS: Second.

20 MR. PROKOP: I'm sorry.

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

25 CHAIRMAN McMAHON: No, right.\

1 All in favor of the motion?

2 MR. JAUQUET: Aye.

3 MR. BURNS: Aye.

4 MR. DOWLING: Aye.

5 CHAIRMAN McMAHON: Aye.

6 Motion carries.

7  
8 Item number 2, motion to accept  
9 the use evaluation application from  
10 Doug Roberts, president of Educational  
11 Solutions Consulting. The applicant  
12 proposes to open an office at 211 East  
13 Front Street. The property is located  
14 in the CR Commercial-Retail District  
15 and the use as an office is a permitted  
16 use.

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

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

24 Does anyone have any issues or  
25 concerns on this application?



1  
2 MR. DOWLING: Is this commercial  
3 retail, that's commercial retail there,  
4 right?

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

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

10 Okay.

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

14 MR. ROBERTS: It was a florist.

15 MR. PROKOP: A florist.

16 CHAIRMAN McMAHON: Does anyone  
17 have any concerns or questions?

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

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

23 CHAIRMAN McMAHON: If there is no  
24 other comments.

25 MR. DOWLING: It's pretty

1  
2 straightforward.

3 CHAIRMAN McMAHON: What's that?

4 MR. DOWLING: It's pretty  
5 straightforward.

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

10 Do I have a second for that?

11 MR. JAUQUET: Second.

12 CHAIRMAN McMAHON: All in favor?

13 MR. DOWLING: Aye.

14 MR. JAUQUET: Aye.

15 MR. BURNS: Aye.

16 CHAIRMAN McMAHON: Aye.

17 Motion carries.

18 Item number 3, discussion of the  
19 subdivision of the property located at  
20 408-412 Third Street, owner James  
21 Olinkiewicz. The property is located  
22 in the R-2 District and is  
23 nonconforming.

24 Suffolk County Tax Map number  
25 1001-4-2-4.6.

1  
2 So this is an item that we had  
3 reviewed previously, but that  
4 application, I believe, was withdrawn.

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

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

15 MS. RAE: May I speak?

16 CHAIRMAN McMAHON: Please.

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

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

25 He sought to subdivide it in 1998,  
Flynn Stenography & Transcription Service  
(631) 727-1107

1  
2 went through the process. There was --  
3 comments were solicited by then ZBA  
4 chairmen from all the neighbors. No  
5 one had any agreement. It was  
6 generally felt, I believe, as it's  
7 recited in the resolution, and I have  
8 copies of that in case you don't have  
9 them, that this could be a benefit to  
10 the neighborhood because as it stood  
11 then and stands now, the only use for  
12 that property, unless it's subdivided  
13 into two, in other words, each house  
14 has its own lot, means that it will  
15 forever be investor housing and rental  
16 only and what the Planning Board stated  
17 that it thought the subdividing would  
18 at least permit the potential for these  
19 to be owner occupied at some point in  
20 the future. There was no objection  
21 then, and the Planning Board adopted  
22 the resolution.

23 The only problem was that the  
24 Planning Board did not notify Mr.  
25 Olinkiewicz within ten days as required

1  
2 by Village law. It did not file the  
3 resolution and as a result Mr.  
4 Olinkiewicz did not realize that it had  
5 been granted. In fact, he assumed that  
6 it had not. It was the first  
7 application that he had ever filed with  
8 the Village.

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

20 CHAIRMAN McMAHON: Okay.

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

24 CHAIRMAN McMAHON: I believe we --  
25 let me see what you have, I believe

1  
2 it's the --

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

6 MR. PROKOP: If we decide to go  
7 ahead with this, there is -- so the  
8 question is, why would this Board need  
9 to do anything if this was approved in  
10 1998 because there is -- if the Board  
11 decided that it was going to take a  
12 step and finalize this, if it could be  
13 finalized, the Board -- there is a  
14 window of time where what's called the  
15 plat has to be signed by the  
16 chairperson and filed with Suffolk  
17 County so that the -- basically what  
18 would have to happen is the final plat  
19 would have to be reapproved and the  
20 chairman would be authorized to sign  
21 the plat and then it could be signed  
22 and filed with Suffolk County.

23 MS. RAE: We have resubmitted the  
24 plat, as well as draft deeds for the  
25 properties.

1  
2 MR. PROKOP: We, you know, I have  
3 been looking at this extensively,  
4 obviously, it's something that came up.  
5 There's is one last part of this that  
6 was a question that I have been asked  
7 now, and I need to confirm with what  
8 the answer to the question is.

9 CHAIRMAN McMAHON: Okay.

10 Are there any questions or  
11 concerns from any of the Board members?

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

21 MR. PROKOP: There was no  
22 limitation that I can see, it was as  
23 is, you know, just a subdivision as is.  
24 There was no conditions or limitations  
25 put in that I can see.

1  
2 CHAIRMAN McMAHON: Is the area, I  
3 mean, is the neighborhood R-1 or R-2?

4 MS. RAE: R-2.

5 MR. DOWLING: It's R-2.

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

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

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

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

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

20 We had a requirement to notify the  
21 applicant, the applicant is claiming  
22 that he never knew that it got  
23 approved. Then on the other hand, the  
24 applicant had a limited amount of time  
25 to proceed with the subdivision, to



1  
2 file it with Suffolk County and  
3 actually undertake the subdivision and  
4 that time has also expired.

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

11 CHAIRMAN McMAHON: All right.

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

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

1  
2 comment.

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

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

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

15 CHAIRMAN McMAHON: Thank you.

16 MS. RAE: Thank you very much.

17 MR. PROKOP: I just want to say  
18 there's no -- excuse me, Ms. Rae. I  
19 just want to respectfully, there is  
20 no -- it looks like there is no letter  
21 in the file; however, there's different  
22 boards for periods of time, and I'm not  
23 sure what this board did, if it mailed  
24 copies of the minutes, the  
25 notification, so it's not clear whether

1  
2 or not that was done. That's one of  
3 the things we're still looking into.

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

8 MS. RAE: Thank you very much.

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

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

19 Let me start with first, please,  
20 if I can, number one, we have a  
21 petition going around, it's a petition  
22 for an immediate moratorium on  
23 subdivisions and flag lots located  
24 within the Village of Greenport, New  
25 York, Town of Southold, New York. I

1  
2 would submit that to you, along with it  
3 is something I'm going to read today  
4 about the privacy, this is pertaining  
5 to code 150-1 (handing).

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

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

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

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

24 We have not accepted any new  
25 application. There was an application

1  
2 on the agenda two months ago, I'm not  
3 certain that --

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

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

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

10 CHAIRMAN McMAHON: I believe so.

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

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

15 MS. McENTEE: Thank you.

16 So pertaining to the property, if  
17 subdivided -- first of all, Mr.  
18 Olinkiewicz is creating his own  
19 problems by creating undersized and  
20 substandard lots. If subdivided, it  
21 would change both lots to nonconforming  
22 lots that would no longer meet the size  
23 requirements of the Village code  
24 150-12.

25 R-2 requires 75,000-square-foot

1 lot. Proposed is a 7573-square-foot  
2 lot and the other lot would be 45,000  
3 -- excuse me, the first lot is 5773 and  
4 the second lot would be  
5 4575-square-foot lot. If the dynamics  
6 of the property are changing, then both  
7 lots should conform to their  
8 rightful -- including newly created  
9 setbacks which will not be met.

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

16 In the event that the lots are  
17 sold, what happens to the flag lot,  
18 flag lot right of way? Mr. Olinkiewicz  
19 stated on 8/27/2015 Planning Board  
20 meeting that he would put covenants on  
21 the property on usage. This would mean  
22 --

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

1  
2                   What is the flag lot you're  
3 talking about?

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

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

9                   MS. McENTEE: No.

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

13                  MS. McENTEE: That's quite all  
14 right.

15                  Mr. Olinkiewicz stated at the  
16 8/27/2015 Planning Board meeting that  
17 he would put covenants on the property  
18 on usage, that's his verbiage. This  
19 would need to be recorded with the  
20 Suffolk County clerk's office along  
21 with the deeds. My strong suggestion  
22 would be to record, have it and  
23 received by the Planning Board before  
24 the final decision is made on the  
25 subdivision. Yet Mr. Olinkiewicz

1 states at the same meeting, he is  
2 leaving the one-family, a one-family,  
3 but later it's mentioned by Chairman  
4 McMahon pertaining to the schedule that  
5 he is allowed to put a two-family  
6 dwelling on both properties. Now it is  
7 no longer a three-family, it is now a  
8 four-family home or four families that  
9 will be living on those two properties.

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

19 Mr. Olinkiewicz's tenants have an  
20 excessive amount of overflowing  
21 garbage, and I have witnessed it as per  
22 the house next to us and other  
23 properties. This is another sign of  
24 overcrowding, the garbage actually is



1  
2 another sign of overcrowding in his  
3 rental homes.

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

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

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

25 People linger around his property

1 on Third Street, that's not unusual.  
2 We have a lot of drug dealings around  
3 there. We also have it in the Village  
4 as well.  
5

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

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

24 Please refer back to the proposed  
25 subdivision complaints for 221 Fifth

1 Avenue, owner Mr. Olinkiewicz as the  
2 same issues and same complaints are  
3 very similar to this proposed  
4 subdivision.

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

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

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

23 That this is really in the  
24 interest of protecting and promoting of

1  
2 the public health and safety and  
3 welfare which should be deemed  
4 specifically including the following:  
5 Privacy for families, prevention and  
6 reduction of traffic congestion as so  
7 to promote effective and safe  
8 circulation of vehicles and  
9 pedestrians, the maximum protection of  
10 residential areas, the gradual  
11 elimination of nonconforming use and,  
12 lastly, I will read the enhancement of  
13 the appearance of the Village of  
14 Greenport as a whole.

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

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

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

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

1  
2 right.

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

9 Thank you for listening to me  
10 tonight.

11 CHAIRMAN McMAHON: Thank you.

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

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

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

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

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

25 MR. REEL: When you apply for an

1 application, is it one year?

2  
3 CHAIRMAN McMAHON: How long is an  
4 approval?

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

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

12 MR. REEL: What is the parameters?

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

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

19 Number two, times regulations,  
20 Zoning Boards have changed, you guys  
21 should just go over this and just  
22 check, don't go blindly and wildly,  
23 take your time. I know everybody, the  
24 pros and cons, everybody got, you know,  
25 bless you guys up here because it must

1  
2 suck, you know, both sides, but  
3 remember, you're all one opinion, you  
4 have to look at a overall picture for  
5 the community, the harmony of the  
6 community, so I'm just asking you to  
7 just look it over and take your time,  
8 you know, it's been, what, seventeen  
9 years since, and what, did you redo  
10 that in '14, you had it redone, the  
11 application?

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

16 MR. REEL: So that was already  
17 withdrawn then?

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

19 MR. REEL: Okay.

20 Thank you.

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

24 CHAIRMAN McMAHON: I'm going to  
25 defer to the attorney with regards to

1  
2 whether or not --

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

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

15 Do what's right, you make laws,  
16 stick to them. You guys are appointed,  
17 you're not voted in, you're appointed,  
18 you're one opinion, each one of you,  
19 but you have to look at the overall  
20 picture, the quality of life of people,  
21 the density in neighborhoods, is it  
22 gonna affect anybody, but you put these  
23 other parameters in place, that's why  
24 you gentlemen are here, and lady. Do  
25 the right thing. I've lived here, my



1  
2 family has been here forever. I've  
3 seen a lot of things back in the '70s,  
4 urban blight, all right, do the right  
5 thing, that's all I'm asking.

6 Thank you.

7 CHAIRMAN McMAHON: Thank you.

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

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

23 He isn't even a resident of  
24 Greenport. I mean, it's not like it's  
25 a homeowner down here having a hardship

1  
2 that really needs this done. He's  
3 doing it because if he subdivides it,  
4 like you said before, you can make -- a  
5 one-family can actually be turned into  
6 a two-family, then he sell the lot off  
7 later and he's gonna make more money.  
8 He just keeps sugarcoating it and makes  
9 it like, oh, he's helping out the  
10 Village of Greenport. He's only  
11 helping himself.

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

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

24 The other is the affordability and  
25 the use of this property if it is sold,

1  
2 whether the benefit outweighs any  
3 restriction, this is an issue. If it  
4 were year-round and somehow guaranteed  
5 to be affordable housing with some kind  
6 of restriction on that, then you would  
7 gain three affordable units for the  
8 Village, so I don't know legally if  
9 that is an option or not, but that is  
10 the one opportunity I see with this,  
11 but at the same time, it goes against  
12 the codes, but I don't know if there is  
13 a way to manipulate it.

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

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

25 One, the concerns of the community

1  
2 with regard to subdivisions as a whole,  
3 as to whether or not it's appropriate.  
4 Another number of people who are here  
5 specifically for Mr. Olinkiewicz.

6 The other issue is what is  
7 actually before the Board this evening,  
8 and that is whether or not the  
9 application that was approved back in  
10 '98 is still applicable, whether or not  
11 that -- there are two separate issues  
12 there.

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

1  
2 appreciate your concern.

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

11 CHAIRMAN McMAHON: Fair enough.

12 Thank you.

13 MR. KIEL: Okay. Thank you very  
14 much.

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

17 I just want to comment on the  
18 discussion about subdivision. At the  
19 time in '98 or '97 when that term was  
20 used, there was no subdivision code.  
21 Property owners took initiatives, if  
22 they had the sufficient property, could  
23 divide them by filing with the County  
24 and this has now changed. There is a  
25 subdivision code that puts the burden

1 on the Planning Board to do the  
2 process, so I am guessing, and you  
3 might want to check into it, Ben, the  
4 activity of the Zoning Board of Appeals  
5 back then may have been to provide a  
6 variance for the property that would  
7 allow, especially when the properties  
8 are vacant, construction of a house, so  
9 I'm not sure whose responsibility it  
10 was at the time to do the filings for a  
11 separate deed for each lot, so that  
12 might -- I'm just suggesting you  
13 research that because it's unclear to  
14 me what happened back then. I have no  
15 idea, I wasn't part of it, I never knew  
16 what happened.

18 CHAIRMAN McMAHON: Thank you.

19 MR. MOORE: Thank you very much.

20 MR. WEISKOTT: Hello. My name is  
21 Jack Weiskott, I live on 229 Fifth  
22 Avenue, and I'm sorry to harp on the  
23 same topic here but, again, as Bob  
24 said, we would just like to make you  
25 aware so that you realize you are not

1  
2 operating in a vacuum, even though each  
3 of these items is a separate individual  
4 cell, it's part of the whole patchwork  
5 of what's going on in the Village, so  
6 I'm just going to read a petition that  
7 we have, another petition that we have  
8 Fifth Avenue and the neighbors around  
9 Fifth Avenue.

10 CHAIRMAN McMAHON: Okay.

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

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

1  
2 being purchased by investors and are  
3 frequently converted into overcrowded  
4 two-family rentals.

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

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

14 Fifth Avenue in particular is  
15 possibly the most densely populated  
16 street in the Village with resulting  
17 heavy traffic and on-street parking.  
18 Essentially Fifth Avenue is now a  
19 one-lane road. There is no way that  
20 two cars can pass each other on our  
21 street during most of the times of the  
22 day, during work hours, it's more open,  
23 starting 4:00, 5 o'clock at night and  
24 early in the morning and on weekends,  
25 if you're going north, you have to pull



1  
2 over if someone is coming south or they  
3 have to pull over for you.

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

9 Thank you for listening.

10 CHAIRMAN McMAHON: Thank you.

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

17 Is it the same exact subdivision  
18 that he did actually apply for back in  
19 1998 with the same division lines? If  
20 it isn't, then it's out.

21 CHAIRMAN McMAHON: There is no  
22 application before the Board right now.  
23 There is a --

24 PODIUM SPEAKER: No, but I mean,  
25 if he puts it in and it doesn't meet

1  
2 the one that he had in '98, it's not  
3 same one.

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

9 PODIUM SPEAKER: Okay.

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

12 PODIUM SPEAKER: All right.

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

15 I'm perplexed over the apparent  
16 concerns about who has jurisdiction to  
17 approve this subdivision and whether or  
18 not a Planning Board can do it as they  
19 appeared to have done in 1998 and which  
20 ratification would do the same thing  
21 again or whether or not the Zoning  
22 Board of Appeals needs to approve such  
23 a subdivision because it creates two  
24 nonconforming lots, and I'm recalling  
25 about three or four years ago when Hugh

1  
2 Presswood (phonetic) and Judy Arrond  
3 (phonetic) wanted to subdivide their  
4 property that fronted on First Street  
5 but ran all the way back to Second  
6 Street, they proposed to create two  
7 nonconforming lots at the west side of  
8 their property back on the Second  
9 Street side. That was required to go  
10 before the Zoning Board of Appeals to  
11 get a variance for each of those lots.  
12 While I objected to, the Zoning Board  
13 of Appeals did grant the variances to  
14 create the substandard lots. I have no  
15 recollection at all that the Planning  
16 Board had any role in that subdivision  
17 whatsoever, so I'm perplexed as to the  
18 jurisdictional issues here which need  
19 to be addressed very carefully.

20 Thank you.

21 CHAIRMAN McMAHON: Thank you.

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

24 I just wanted to comment on the  
25 first issue on the table which was an

1  
2 alleged 1998 approval of the  
3 subdivision. If there are time  
4 limitations, insofar as finalizing a  
5 subdivision, filing with the County, et  
6 cetera, I would respectfully request  
7 that those time considerations be  
8 strictly adhered to in this situation  
9 because Greenport isn't the same  
10 village today in 2015 as it was in  
11 1998. Our population density in  
12 Greenport is at least four times the  
13 density of any other hamlet on the  
14 North Fork, we're crowded enough  
15 already.

16 As for the merits of this  
17 subdivision, I just wanted to point out  
18 that this property already enjoys some  
19 legal nonconformity in having two  
20 residences on a single lot, which is  
21 contraindicated in our current code, so  
22 they're already -- this property owner  
23 already has the benefit of legal  
24 nonconformity. To split this current  
25 lot and create two even more

1  
2 nonconforming lots would be contrary to  
3 where it says in our code that our  
4 purpose is to gradually reduce  
5 nonconformity.

6 That's all I have to say to that.

7 Thank you very much.

8 CHAIRMAN McMAHON: Thank you.

9 If there are no other comments or  
10 questions --

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

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

19 The other issue was the access.  
20 The road is actually standard. It is  
21 twenty feet, I believe; so there is  
22 access for fire vehicles, and finally,  
23 the houses that were there when he  
24 bought the property were there, he has  
25 done some work on them, but this is

1  
2 unchanged from when he bought it, so I  
3 think that's important for the Board to  
4 understand.

5 CHAIRMAN McMAHON: Okay.

6 MS. RAE: Thank you.

7 CHAIRMAN McMAHON: Thank you.

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

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

16 Thank you.

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

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

24 MR. PROKOP: Thank you.

25 MS. McENTEE: You're welcome.

1 CHAIRMAN McMAHON: Thank you.

2 MS. POLLACK: Karen Pollack again.

3 I'm sorry, I forgot to say something.

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

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

21 Thanks again.

22 CHAIRMAN McMAHON: Thank you.

23 As we discussed earlier, we cannot  
24 take any action on this this evening,

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

3 Do I have a second for that?

4 MR. BURNS: Second.

5 CHAIRMAN McMAHON: All in favor?

6 MR. BURNS: Aye.

7 MR. JAUQUET: Aye.

8 MR. MOORE: Aye.

9 CHAIRMAN McMAHON: Aye.

10 Motion carries.

11 Item number 4, motion to schedule  
12 the regular meeting for December 3,  
13 2015. I think the meeting was already  
14 scheduled for December 3rd, so to  
15 confirm that the meeting will take  
16 place on December 3rd.

17 Do I have a second for that?

18 MR. JAUQUET: Second.

19 CHAIRMAN McMAHON: All in favor?

20 MR. BURNS: Aye.

21 MR. JAUQUET: Aye.

22 MR. DOWLING: Aye.

23 CHAIRMAN McMAHON: Aye.

24 Motion carries.  
25



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.)



|  |  |  |
|--|--|--|
|  | 7573-square-foot [1] 30/2  | anything [2] 7/8 22/9  |
| '14 [1] 39/10  | <b>8</b>   | Anyway [1] 49/4  |
| '70s [1] 41/3  | 8/27/2015 [2] 30/19 31/16  | apartments [1] 32/14   |
| '97 [1] 45/19  | <b>A</b>   | apparent [1] 50/15   |
| '98 [4] 38/15 44/10 45/19 50/2   | ability [1] 7/22   | Appeals [8] 4/13 21/19 45/16 46/5 47/18 50/22 51/10 51/13  |
| -  | able [1] 25/21   | appearance [1] 36/13   |
| -- to [1] 48/10  | about [18] 9/24 12/15 12/15 28/4 31/3 31/4 33/20 42/23 43/17 44/17 45/5 45/18 48/8 49/12 49/13 50/16 50/25 54/15   | appeared [1] 50/19   |
| -----x [2]   | absence [1] 33/14  | appears [1] 14/24  |
| 1/3 1/6  | abuts [2] 14/10 15/3   | applicable [1] 44/10   |
| <b>1</b>   | abutting [1] 14/13   | applicant [10] 2/3 6/15 11/25 12/5 12/13 16/11 24/21 24/21 24/24 26/5  |
| 1001-4-2-4.6 [1] 18/25   | accept [3] 16/8 18/7 28/15   | applicant's [1] 19/10  |
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